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BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL

MINUTES

BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL

MINUTES

VOLUME: 95

(JUNE 27, 2017 – MARCH 16, 2018)
(PAGES: INDEX – 452)

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FRONT

Tuesday – June 27, 2017 - 3:00 p.m.

Worksession - Draft Living Asheville Comprehensive Plan

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Cecil Bothwell; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilman W. Keith Young; Acting City Manager Cathy Ball; and City Clerk Magdalen Burleson

Absent: Councilman Gordon D. Smith

Director of Planning & Urban Design Todd Okolichany said that the purpose of this work session and presentation is for informal purposes and is to share the Draft Comprehensive Plan with City Council.

He said that the Comprehensive Plan is a tool that the City uses to establish a high-level vision to guide city policy decisions over a 10-15 year period. The update to the Comprehensive Plan, titled, *Living Asheville: a Comprehensive Plan for our Future,* will provide a visionary framework to help guide Asheville's long term development and provide an essential tool that will be used across the City's many departments to guide future decision making. It presents a vision for the future, with long-range goals and objectives for all activities that affect the local government. Asheville's first Comprehensive Plan was the City Development Plan 2025, which was completed in 2003.

He explained staff would appreciate Council input on the Comprehensive Plan "Big Ideas," the Principles, the Growth Strategies, and potential neighborhood planning strategies. He then highlighted the various methods of community engagement.

Mr. Roger Weber, representing Skidmore Owens and Merrill, talked about what is in the plan. The following 12 ideas reflect the boldest concepts heard throughout the planning process, and have been used as a framework for informing the plan's themes, principles, goals, and strategies: (1) strengthen urban transit corridors; (2) integrate a car-free green network; (3) connect our urban centers; (4) make housing accessible and affordable; (5) support placemaking by artists; (6) innovate beyond conservation; (7) beautify our City; (8) grow a thriving urban environment; (9) foster resilient neighborhoods; (9) design with nature in mind; (10) expand equitable, upward mobility; and (12) invest in the future of Asheville. From those 12 ideas, the following six themes were identified: (1) livable built environment; (2) resilient economy; (3) harmony with natural environment; (4) interwoven equity; (5) health community; and (6) responsible regionalism. Out of those six themes, goals were established.

Mr. Okolichany said five growth areas were identified, along with objectives: (1) downtown; (2) transit-supportive corridors; (3) community places; (4) form-based code districts; and (5) innovation districts.

Staff would also like to hear Councils' thoughts on the following Plan implementation (1) Plan will be updated once every five years; (2) an annual report on progress to City Council; (and (3) a dashboard will be created to monitor one outcome and performance measure per goal.

Mr. Weber provided Council with a summary of public comments received to date. Plan strengths include (1) most respondents from the public feel the Plan does accurately incorporate their input; (2) most respondents feel the Plan is clear and easy to read; and (3) most respondents feel the Plan's strategies are feasible. Outstanding concerns include (1) ensuring the Plan is a resource for both policymakers and the public; and (2) ensuring progress on the Plan is measurable and verifiable.

2

The Draft Plan will be open for comment on Open City Hall through July 6th, but there will be additional opportunity to collect Council comments through July 21st before Skidmore Owings and Merrill begins compiling all the comments in preparation for development of the Final Draft of the Plan.

Mr. Okolichany then provided Council with the Living Asheville Comprehensive Plan Schedule as follows:

June 6 -July 6	Draft Plan posted for public review
June 27	Council work session (overview and discussion)
June 28	Public workshop with the consultant team led by Skidmore Owings Merrill
June 29	Meetings w/ Advisory and Technical Committees
July/August	Planning and Zoning Commission review and comment
September/October	Final presentation to Planning and Zoning Commission for recommendation
October	Final presentation to City Council/anticipated adoption

Mr. Weber, along with Mr. Okolichany and Mr. Don Bryson, responded to various questions/comments from Council, some being, but are not limited to: has this Plan taking into account the expected drop of the number of vehicles by 2030; City Council will eventually need to adopt the different strategies in the Plan because financial resources are unknown at this time and there might be agencies that the City can partner with to achieve the strategy; how will this Plan going to inform Council's decisions differently that the current Plan informs Council now; when will the outcomes be prioritized in the Plan; and was there any discussion or support on a prepared food beverage tax.

Councilwoman Mayfield asked if there was anything specific in the Plan education. Mr. Okolichany said that they struggled with that; however, they tried to think about what the City has control over. They looked at it from an institutions approach, along with a multimodal approach, e.g., sidewalks.

Vice-Mayor Wisler suggested the Plan be reviewed to see where our boards and commissions fit in. They can really help us advance and prioritize some of the goals.

Vice-Mayor Wisler adjourned the worksession at 4:03 p.m.

Tuesday – June 27, 2017 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Cecil Bothwell; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilman W. Keith Young; Acting City Manager Cathy Ball; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: Councilman Gordon D. Smith

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

Mayor Manheimer said that City Manager Gary Jackson provided the following written statement to City Clerk Burleson on June 23, 2017: "I will be out of the office from June 24, 2017 until June 30, 2017. By this email, for the time that I am absent, I am designating Assistant City Manager, Cathy Ball, to serve as Acting City Manager, and during that time, Cathy Ball is authorized by me to exercise my powers, and to perform any and all of my duties as City Manager, and I hereby delegate the same to her. This designation will terminate upon my return on July 1, 2017. Gary" Pursuant to N. C. Gen. Stat. sec. 160A-149, " By letter filed with the city clerk, the manager may designate, subject to the approval of the council, a qualified person to exercise the powers and perform the duties of manager during his temporary absence or disability. During this absence or disability, the council may revoke that designation at any time and appoint another to serve until the manager returns or his disability ceases." She said that City Council will need to approve this designation, and asked that this be considered as Consent Agenda Item "O".

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 13, 2017

B. RESOLUTION NO. 17-126 - RESOLUTION AUTHORIZING THE PARKS AND RECREATION DIRECTOR AND CHIEF FINANCIAL OFFICER TO SIGN A PARTNERSHIP AGREEMENT WITH JUST FOLKS FOR TRIANGLE PARK FOR FISCAL YEAR 2017-18

Summary: The consideration of a resolution authorizing the Parks and Recreation Director and the Chief Financial Officer to sign a partnership agreement with Just Folks for Triangle Park for Fiscal Year 2017-2018.

Just Folks is a local non-profit organization whose primary purpose is to support community-building activities in the Eagle/Market Street area known as "The Block". Beginning in 2012, City Council has annually approved a resolution authorizing the partnership agreement with Just Folks that includes a waiver of permit fees at the reduced rate provided for local non-profits.

The waiver makes it possible for Just Folks to produce events that utilize Triangle Park by providing a variety of positive activities including music festivals, community cookouts and other community-building events in the park. These events contribute to more positive use of the area and result in the park being used by a more diverse group of city residents and visitors.

Just Folks is requesting renewal of its partnership agreement with the City for FY 2017-2018 with a waiver of fees in the amount of $3,321 for building, operational and inspection permits.

In return for the fee waiver, Just Folks commits to daily litter collection in Triangle Park valued at $6,276. The value is calculated at 260 volunteer hours per year at $24.14 per hour. The volunteer hourly rate is set each year by Independent Sector, the leading professional in industry standards in the non-profit, charitable and volunteer sector in the United States.

Pros:

- Strategic partnerships allow the City to leverage programming and events to reach a wider and more diverse audience.
- Provides additional quality cultural programming and diversity in a park that is generally not used for this type of event.
- Reduces staff time in processing fee and permitting waiver requests related to this group's events.
- Consistent with other partnerships for park programming in key community development areas.
- Creates a sense of place in an historic area of the city.

Con:

- The waiver of permit fees result in lost revenue for the City; however, the City has not budgeted for this revenue.

The value of the waived permit fees is $3,321. This revenue is not included in the City's FY 2017-2018 General Fund budget.

Staff recommends City Council adopt a resolution authorizing the Parks and Recreation Director and the Chief Financial Officer to sign the partnership agreement with Just Folks including a permit fee waiver of $3,321 associated with programming in Triangle Park.

When Councilwoman Mayfield asked if the City owns Triangle Park, Real Estate Manager Nikki Reid said that the City leases it from Asheville Oil Company. She said the City has leased the property over 30 years and they will begin the process of renewing the lease well ahead of the termination date so they can continue that relationship.

RESOLUTION BOOK NO. 39 - PAGE 1

C. RESOLUTION NO. 17-127 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXERCISE THE SECOND-YEAR OPTION TO RENEW THE CONTRACT WITH US SECURITY FOR SECURITY SERVICES IN VARIOUS PARKS, GREENWAYS AND FACILITIES IN THE CITY'S PARK SYSTEM; AND RENEW THE CONTRACT FOR ONE ADDITIONAL YEAR

Summary: The consideration of a resolution authorizing the City Manager to: (1) Exercise the second-year option to renew the contract with US Security in the amount of $59,576.65 for security services in various parks, greenways and facilities in the City's parks system in the cumulative amount of $110,333.65; and (2) Exercise the option to renew the contract for one additional twelve-month period based on the contractor's satisfactory performance and available budget.

The Parks and Recreation Department (Department) contracts for security services to secure park gates and restrooms on a daily basis in various parks, greenways and facilities. The City entered into a one-year contract with US Security in FY 2016-2017 in the amount of $50,757.00 for security services in various parks, greenways and facilities in the City's park system with the option to renew for two twelve-month periods based on contractor performance. By electing to exercise the second year in the amount of $59,576.65 increases the cumulative amount of the contract to $110,333.65, an amount which requires City Council consideration and approval.

Pro: • Supports the efficient delivery of core park maintenance services.

Con: • None

The $59,576.65 funding required to support this security services contract is budgeted in the FY 2017-2018 Department operating budget as part of the Parks Maintenance division budget.

Staff recommends City Council to adopt a resolution authorizing the City Manager to: (1) Exercise the second-year option to renew the contract with US Security in the amount of $59,576.65 for security services in various parks, greenways and facilities in the City's park system in the cumulative amount of $110,333.65; and (2) Exercise the option to renew the contract for one additional twelve-month period based on the contractor's satisfactory performance and available budget.

RESOLUTION BOOK NO. 39 - PAGE 2

D. RESOLUTION NO. 17-128 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXERCISE THE SECOND-YEAR OPTION TO RENEW THE CONTRACT WITH LANDMARK CAROLINA, INC. FOR GROUNDS MAINTENANCE SERVICES IN VARIOUS PARKS, GREENWAYS AND FACILITIES IN THE CENTRAL AND WEST ONE DISTRICTS; AND REVENUE THE CONTRACT FOR ONE ADDITIONAL YEAR

Summary: The consideration of a resolution authorizing the City Manager to: (1) Exercise the second-year option to renew the contract with Landmark Carolina, Inc. in the amount of $89,070.00 for grounds maintenance services in various parks, greenways and facilities in the central and west one districts in Asheville in the cumulative amount of $178,140.00; and (2) Exercise the option to renew the contract for one additional twelve-month period based on the contractor's satisfactory performance and available budget.

The Parks and Recreation Department (Department) contracts for ground maintenance services in various parks, greenways and facilities in the City's park system. The City entered into a one-year contract with Landmark Carolina, Inc. in FY 2016-17 in the amount of $89,070.00 for ground maintenance service in the central and west one districts with the option to renew for two twelve-month periods based on contractor performance. By electing to exercise the second year in the amount of $89,070.00 increases the cumulative amount of the contract to $178,140.00, an amount which requires City Council consideration and approval.

Pro:
- Supports the efficient delivery of core park maintenance services.

Con:
- None

The $89,070.00 funding required to support this ground maintenance contract is budgeted in the FY 2017-2018 Department operating budget as part of the Parks Maintenance division budget.

Staff recommends City Council to adopt a resolution authorizing the City Manager to: (1) Exercise the second-year option to renew the contract with Landmark Carolina, Inc. in the amount of $89,070.00 for grounds maintenance services in various parks, greenways and facilities in the central and west one districts in Asheville in the cumulative amount of $178,140.00; and (2) Exercise the option to renew the contract for one additional twelve-month period based on the contractor's satisfactory performance and available budget.

RESOLUTION BOOK NO. 39 - PAGE 3

E. RESOLUTION NO. 17-129 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY AN EASEMENT TO DUKE ENERGY PROGRESS INC. OVER A PORTION OF CITY-OWNED PROPERTY ON HIAWASSEE STREET

Summary: The consideration of a resolution authorizing the City Manager to convey an easement to Duke Energy Progress, Inc. over a portion of City-owned property on Hiawassee Street.

The City of Asheville owns real property at PIN # 9649312536 and it is a small vacant parcel consisting of .03 acres, located between Hiawassee Street and Interstate 240. There are no improvements on the site. It is adjacent to a small condominium complex and is across from the side entrance of the U.S. Cellular Center. The manager of the U.S. Cellular Center has been consulted and he has no plans to use this small parcel and does not object to the easement.

Duke Energy is replacing transmission lines between the West Asheville and the Vanderbilt Substation. At this location, the work involves moving an existing pole approximately 8 feet in a westerly direction. Since Duke is relocating an existing pole, no compensation is being offered for this request. These upgrades are being done in order to improve reliability to the Downtown Asheville community.

The easement area being requested covers an area around the new pole for a total square footage of 0.024 acres. This represents a total of 1,045.44 square feet of permanent easement being requested.

Pros:

- Granting of the easement will allow Duke Energy to upgrade power infrastructure to provide improved service to the Downtown Asheville neighborhood.
- Granting of the easement in no way affects existing operations or parking at the US Cellular Center.

Con:

- None Noted.

Duke Energy Progress is offering no compensation for this easement because they are moving an existing power pole less than 10 feet.

City staff recommends City Council approve a resolution authorizing the City Manager to convey a 1,045.44 square foot easement over a portion of City-owned property at Hiawassee Street to Duke Energy Progress, Inc.

RESOLUTION BOOK NO. 39 - PAGE 4

F. RESOLUTION NO. 17-130 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE TERMS OF THE CURRENT AGREEMENT WITH PARK RIDGE HEALTH TO PROVIDE ANNUAL PHYSICAL EXAMINATIONS FOR FIREFIGHTERS IN FISCAL YEAR 2017-18

Summary: The consideration of a resolution authorizing the City Manager to amend the terms of the current agreement with Park Ridge Health to provide annual physical examinations for firefighters in FY 2017 – 2018 in the amount of $77,125.

This agreement allows firefighters to receive required annual physical examinations in accordance with standards set forth by the National Fire Protection Association. The current agreement, executed and amended in FY 2016 – 2017, allows for 275 physical examinations to be performed by Park Ridge Health for a total of $63,750 and ends on June 30, 2017. The new agreement is a renewal that extends the contract of 275 physical examinations for one year to June 30, 2018 and includes x-rays for 130 firefighters. The new agreement amount will be $77,125. Due to the amount of the total contract over its lifetime, $140,875, Council approval is required.

Prior to entering the original contract with Park Ridge Health, similar organizations were solicited to provide estimates of their services. SiteMed, which held the contract previously, did not provide the organizational efficiency needed to examine 275 firefighters throughout the course of the year. The costs of Mission Hospital's services were prohibitive. Thus, the services and costs of Park Ridge Health best fit the mission of Asheville Fire Department's desire to provide its firefighters with the best care to meet and exceed health standards while controlling costs. A review of the costs, operational efficiencies, and satisfaction of the firefighters with the services, factored into making the determination to renew the agreement with Park Ridge Health.

This will be heard at the June 27th Finance Committee meeting. If there is not a unanimous vote this will be brought to the attention of Council at June 27th Council meeting.

Pros:

- Meets best practices for the industry by complying with consensus standards of NFPA 1582 that will reduce risks and provide for the health, safety, and effectiveness of firefighters
- Allows for the continued medical monitoring and testing of firefighters to ensure they are fit for the challenges of emergency response
- Allows the City to begin the practice of providing initial baseline x-rays and subsequently repeated every five years to help control preventable risks to the City's firefighters

Con:

- None Identified.

All funds for the physicals and x-rays have been assigned in the adopted FY 2017 – 2018 budget, thus there are no additional impacts.

Staff recommends City Council adopt a resolution authorizing the City Manager to amend the terms of the contract with Park Ridge Health to provide annual physical examinations for firefighters in FY 2017 – 2018 in the amount of $77,125.

RESOLUTION BOOK NO. 39 - PAGE 5

G. RESOLUTION NO. 17-131 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND IF GRANTED, ACCEPT, COMMUNITY IMPACT GRANT FUNDS FROM THE DUKE ENERGY FOUNDATION FOR THE PURPOSE OF INSTALLING THREE SOLAR TREES ON CITY PROPERTY

Summary: The consideration of a resolution authorizing the City Manager to apply for, and if granted, accept, Community Community Impact grant funds from the Duke Energy Foundation for the purpose of installing three solar trees on City property.

The Office of Sustainability applied for grant funds from Duke Energy Foundation's Community Impact Grant to support the following City resolutions:

- Resolution 11-77, Establishing a 4% CO_2 Reduction Goal
- Resolution 13-228, Supporting Clean Energy Economy – Duke Partnership
- Resolution 15-200, Adopting a Community Clean Energy Policy Framework
- Resolution 16-64, Establishing the Energy Innovation Task Force

The Community Impact Grant is designed to support philanthropic programs and initiatives that provide access to and encourage appreciation of arts and culture. Additionally, the Community Impact Grant supports strategic community initiatives that address specific needs within a region. This grant was by invitation only, and the City received an invite to apply in late May. The grant application deadline was May 31st.

The City applied for the grant with the purpose of receiving funding to install three (3) solar trees. These solar installations are unlike other solar applications in the sense that they are uniquely artistic and provide the opportunity to offer public amenities, such as space creation, shelter from elements, and power outlets to charge electronics. Solar trees will promote City resolutions by creating visible clean energy generation. Electricity generated by the solar trees can be routed back to the grid or can be used to power City facilities, such as the Pack Square Park Pavilion. The City requested $200,000 to fund the purchase of the solar trees and their installation.

This will be heard at the June 27 Finance Committee meeting. If there is not a unanimous vote this will be brought to the attention of Council at the June 27 meeting.

Pros:

- Foster space creation on City property
- Provide public amenities
- Promote Asheville's unique arts-driven culture through creative and functional installations
- Support City resolutions to reduce carbon emissions and promote clean energy while leveraging Duke Energy Foundation funding
- Advance sustainable tourism and renewable energy education through visible solar energy applications

Con:

- None identified at this time.

As noted above, the total cost of the project is estimated to be $200,000 with the grant covering 100% of the cost. The final grant award cannot be determined at this time.

City staff recommends City Council authorize the City Manager to apply for and if granted, accept, all grant funds awarded from the Duke Energy Foundation for the purpose of installing three solar trees on City property.

RESOLUTION BOOK NO. 39 - PAGE 6

H. ORDINANCE NO. 4591 - BUDGET AMENDMENT TO INVEST IN ENERGY EFFICIENCY IMPROVEMENTS TO THE CIVIC CENTER PARKING DECK

Summary: The consideration of a budget amendment in the Parking Services Capital Fund in the amount of $155,663 to invest in energy efficiency improvements to the Civic Center Parking Deck.

The City of Asheville's Office of Sustainability and Parking Services staff examined the opportunity to work with the City's utility provider, Duke Energy Progress (DEP), to explore opportunities to utilize DEP's Small Business Energy Saver Program around energy efficiency. The scope of work includes upgrading the Civic Center Parking Deck to LED lighting; prebuilt with daylight sensors.

Additionally, the upgrade will yield an estimated $27,413 in annual energy savings and eliminate annual maintenance in the amount of $8,000.00. In terms of carbon reductions, the project will yield 277 MTCO2e – 1% of the annual 4% carbon reduction goal the City has adopted.

Pros:

- Supports Resolution No. 11-77, reducing the City's municipal carbon footprint
- Improves visibility and safety within the parking deck
- Reduces external lighting impact, increasing compliance with the City's outdoor lighting standards
- Decreases lighting impact on residential occupancies
- Leverages a DEP incentive which contributes to 34% of the total project cost

Con:

- None identified.

As noted above the total cost of the project is $155,663, with funding utilized from the Green Revolving Fund in the amount of $100,000 and Parking Services Operating Fund in the amount of $55,663. Once complete, the upgrade will produce an estimated $27,413 savings on energy per year and an $8,000 savings on maintenance.

Staff recommends City Council adopt a budget amendment allowing for the Civic Center Parking Deck energy efficiency improvements.

When Councilwoman Mayfield asked if we are looking at making energy efficiency improvements to any of the other parking decks, Transportation Director Ken Putnam said that the others have already been improved.

ORDINANCE BOOK NO. 31 - PAGE 240

I. **RESOLUTION NO. 17-132 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE INGLES INDEPENDENCE CELEBRATION**

RESOLUTION NO. 17-133 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ACSC PLAYOFF GAME

RESOLUTION NO. 17-134 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 14 RIVERSIDE DRIVE OPENING PARTY

RESOLUTION NO. 17-135 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE VEGFEST

RESOLUTION NO. 17-136 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE AIA ASHEVILLE DESIGN AWARDS GALA

Summary: The consideration of resolutions authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Ingles Independence Day Celebration, ACSC Playoff Game, 14 Riverside Drive Opening Party, Asheville VegFest, and the AIA Asheville Design Awards Gala.

- Asheville Downtown Association has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Ingles Independence Day Celebration and allow for consumption at this event.

  The Ingles Independence Day Celebration will be held on Tuesday, July 4, 2017 from 2:00 p.m. to 10:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

- Asheville Brewers Alliance has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the ACSC Playoff Game and allow for consumption at the event.

  The ACSC Playoff Game will be held on Tuesday, July 11, 2017 from 6:00 p.m. – 10:00 p.m. within the boundaries of Memorial Stadium as per the area limits referenced on the accompanying site map.

- Asheville Chamber of Commerce has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the 14 Riverside Drive Opening Party and allow for consumption at this event.

  The 14 Riverside Drive Opening Party will be held on Friday, July 21, 2017 from 3:00 p.m. to 7:00 p.m. within the boundaries of 14 Riverside Drive as per the area limits referenced on the accompanying site map.

- Asheville Vegan Society has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at Asheville VegFest and allow for consumption at this event.

  Asheville VegFest will be held on Sunday, September 3, 2017 from 10:00 a.m. to 6:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

- AIA Asheville has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the AIA Asheville Design Awards Gala and allow for consumption at this event.

  AIA Asheville Design Awards Gala will be held on Thursday, September 7, 2017 from 7:00 p.m. to 9:30 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for the Asheville Downtown Association, Asheville Brewers Alliance, Asheville Chamber of Commerce, Asheville Vegan Society, and AIA Asheville

Con:

- Potential for public safety issues

Staff recommends City Council adopt a resolution authorizing the City Manager to approve resolutions making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Ingles Independence Day Celebration, ACSC Playoff Game, 14 Riverside Drive Opening Party, Asheville VegFest, and the AIA Asheville Design Awards Gala.

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RESOLUTION NO. 17-136 - RESOLUTION BOOK NO. 39- PAGE 19

J. RESOLUTION NO. 17-144 - RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE FOR UPSET BIDS FOR THE SALE OF 0.02 ACRES OF REAL PROPERTY LOCATED AT 11 MARTIN LUTHER KING JR. DRIVE TO ETHELYN MORGAN AND CLARENCE HOLCOMB

Summary: The consideration of a resolution directing the City Clerk to advertise for upset bids for the sale of 0.02 acres (approximately 871.2 square feet) of real property located at 11 Martin Luther King, Jr. Drive to Ethelyn Morgan and Clarence Holcomb.

The City of Asheville owns a remnant parcel of property located at 11 Martin Luther King Jr. Drive (PIN # 964858350400000). The property was transferred from the Housing Authority to the City of Asheville in 1995 as a disposal parcel after the Urban Renewal program concluded.

This lot is unbuildable due to the small size and shape of this parcel, and it would appear that it is a remnant of the right-of-way of Martin Luther King Drive. Behind the remnant is a parcel with a structure whose pin is 964858357300000. This parcel measures .13 acres and it is owned by the heirs of Betty Lou Parker. There was a fire in the residence and it is currently uninhabitable. The original homeowner was unaware that this remnant belonged to the City of Asheville and had been maintaining it. Her heirs only learned that the parcel was landlocked during a title search. The elderly owner has passed away and her heirs are attempting to sell the property. There is currently a driveway that has been in use for many years, and it crosses this remnant owned by the City. The owners of the property approached the City with an offer to buy the land for $300.00. There are few comparables in the area for this type of property. The property is only of value to the owner of the parcel directly behind it at 11 Martin Luther King Drive, in order to insure access.

The Community Development office has been consulted and recommends that this Urban Renewal remnant be designated as surplus and thus eligible to be sold. It has been determined that the best use of this property would be to return it to the heirs of Betty Lou Parker who owned the parcel in 1995. They are recommending that it be sold to them for $300.00.

The method chosen to establish fair market value is the upset bid process set forth in NCGS 160A-269. If City Council approves the following resolution, the City Clerk will be directed to publish an advertisement for upset bids for a period of 10 days, in which any interested party may upset the bid of $300. The statutes require that a qualifying bid must increase the current offer by 10% of the first $1,000 and 5% of the remainder (i.e. $330 or higher). Since the function of the upset bid process is to confirm fair market value, the resolution provides that if no qualifying, competing bid is received, then the City Council agrees to convey the parcel to Ethelyn Morgan and Clarence Holcomb for $300.

Pro:

- Private sale will convert public land into taxable real property and will relieve the City of Asheville of any maintenance responsibility.

Con:

- None noted.

Because this property is associated with Federal Funds via Urban Renewal, the financial proceeds are to benefit the Community Development Block Grant fund.

City staff recommends City Council adopt a resolution directing the City Clerk to advertise for upset bids for a property located at 11 Martin Luther King Drive.

RESOLUTION BOOK NO. 39 - PAGE 31

K. RESOLUTION NO. 17-140 - RESOLUTION AUTHORIZING EXECUTION OF AN INSTALLMENT FINANCING CONTRACT FOR FISCAL YEAR 2017 CAPITAL IMPROVEMENT PROGRAM VEHICLES AND OTHER EQUIPMENT

Summary: The consideration of a resolution authorizing execution of an installment financing contract for Fiscal Year (FY) 2017 Capital Improvement Program (CIP) Vehicles and Other Equipment in an amount not to exceed $4,350,000.

Appropriations for FY 2017 include $4,350,000 for various vehicles, computer equipment and fire department equipment with the capital expenditures financed through debt proceeds.

On May 22, 2017, the City distributed a Request for Proposal ("RFP") seeking competitive bids for the financing to selected financing partners willing to take a UCC filing for the

security of the financing. Five proposals were received, the most favorable of which was submitted by Regions Capital Advantage, Inc (the "Bank") at an interest rate of 1.62% per annum for a term of 48 months (computer equipment) and 1.70% per annum for a term of 59 months (vehicles).

The proposed resolution authorizes an installment financing contract between the City of Asheville and the Bank for the purchase of the vehicles and computer equipment and it authorizes the City Manager, City Attorney, Finance Director and City Clerk to execute and deliver any and all necessary documents. The contract will place a security interest in the vehicles and computer equipment in favor of the Bank in order to secure the City's obligation under the contract. Pursuant to a previously adopted reimbursement resolution, proceeds from this financing contract will allow the City to reimburse itself for the cost of the vehicles and computer equipment which have already been procured.

Pros:

- Provides funding of capital expenditures at a very favorable effective interest rate.
- Financing capital purchases spreads the cost of acquisition over several years of the useful life of the asset.
- Reimbursing this capital purchase with the proceeds of the financing, as opposed to paying for the purchase by using the City's available cash balances, increases currently available funds through restoration of fund balance.
- The financing conforms to the approved Financing Plan for capital expenditures.

Con:

- Financing the purchase increases nominally the lifetime cost of the acquisition due to the payment of interest and closing costs on the amount financed.

The annual debt service payments for this financing range between approximately $949,000 in the first year and approximately $819,000 in the fifth year. Funds are included in the City's FY 2017-18 proposed debt service budget to cover this cost.

City staff recommends that City Council adopt the resolution authorizing the City Manager to execute an installment purchase contract and closing process with Regions Capital Advantage, Inc. for the acquisition of the vehicles and computer equipment.

RESOLUTION BOOK NO. 39 - PAGE 25

L. RESOLUTION NO. 17-141 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH BEVERLY-GRANT/BARNHILL TO USE FOR 314 RIVERSIDE DRIVE AS CONSTRUCTION JOB OFFICES DURING THE CONSTRUCTION OF TIGER VI PROJECTS

Summary: The consideration of a resolution authorizing the City Manager to execute a lease agreement between the City of Asheville (City) and Beverly-Grant/Barnhill Contractors (BGB) for an office/storage/warehouse site located at 314 Riverside Drive (formerly Stewart Plumbing) for the RADTIP Construction offices.

In 2016, the City acquired the property and improvements at 314 Riverside Drive as a part of the River Arts Improvement Project (RADTIP). Although the project will significantly impact access to the property and the area used for vehicle storage, the office and warehouse space will remain intact without demolition. The City sought to find a use that would benefit the City while finding a useful purpose for these improvements in the short term. The City's Capital Projects Department indicated that the construction managers at risk (BGB) would be able to use the site as the RADTIP project headquarters. The property identified as PIN #9638-89-4390, has 0.65 acres of land and two structures. Improvements consist of one, two story structure that has 1,656

square feet and has been used for office space. The warehouse consists of 4,550 square feet and has a loading dock and storage. BGB has indicated that this is suitable space and they are willing to make repairs identified by the Fire Marshall to bring the structures up to code. This includes but is not limited to moving electrical boxes for accessibility, labeling handicapped parking spots, securing rear doors and so forth.

Real Estate has been working with Legal and Capital Projects to craft a workable lease. Capital Projects will monitor lease compliance after it has been executed. The tenant will be responsible for the maintenance of the facility and the City requires the tenant to have adequate insurance. The lease term is 39 months beginning July 1st of 2017 and there will be a lease renewal option for an additional six months. The rental rate is negligible ($5.00 per year) and this in-kind service to BGB will be realized as cost savings within the construction contract for RADTIP.

Pros:

- Lessor will be able to provide office and warehouse space in the project area to BGB at no additional cost to the City.
- Lessee will be responsible for all maintenance of the facility during the lease term.

Con:

- None.

The finalization of this lease will allow the City to provide working space for BGB and their contractors without additional costs that would normally be borne by the City via the construction contract.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a lease agreement with BGB for them to use this site during construction of the RADTIP improvements.

RESOLUTION BOOK NO. 39 - PAGE 27

M. RESOLUTION NO. 17-142 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION TO FUND THE METROPOLITAN PLANNING PROGRAM, SECTION 5303 OF THE FEDERAL TRANSIT ADMINISTRATION

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with the North Carolina Department of Transportation (NCDOT) to fund the Metropolitan Planning Program, Section 5303 of the Federal Transit Administration (FTA).

The FTA Section 5303 Metropolitan Planning Program is part of the annual Unified Planning Work Program (UPWP) of the French Broad River Metropolitan Planning Organization (FBRMPO), which outlines transportation planning tasks to be performed by the FBRMPO. The Metropolitan Planning Program is designated to pay exclusively for transit planning activities, such as grant administration and reporting activities, short range and long range transit planning, transportation improvement program preparation, Title VI and DBE programs, and planning and operational analyses. The funds are used to supplement the Transit Projects Coordinator position (90% of the grant) and a portion of the Transportation Planning Manager position (the remaining 10%) for time spent on transit planning.

This funding makes possible to have dedicated staff developing and engaging in complex processes such as the transit master plan implementation, route changes, and to develop programs required by the Federal Transit Administration for recipient and sub-recipients to ensure compliance with federal regulations.

FY 2017-18 funding totals $75,000. The subject grant will provide 80% of the anticipated funding ($60,000), the North Carolina Department of Transportation will provide 10% ($7,500), and the City will provide the remaining 10% ($7,500). The grant funding and the City's local match in the amount of $7,500 are currently budgeted in the Transportation Department's approved operating budget for the current fiscal year.

Pros:

- Supplements funding for two existing positions.
- Enables the City of Asheville to use $67,500 in Federal and State funds for transit planning activities.

Con:

- A 10% local match in the amount of $7,500 is required.

The total grant funding for Fiscal Year 2017-18 is $75,000. The City is required to provide a 10% local match in the amount of $7,500. The anticipated grant funding and the City's local match in the amount of $7,500 are currently budgeted in the Transportation Department's operating budget.

City staff recommends that City Council adopt a resolution authorizing the City Manager to enter into an agreement with the N.C. Dept. of Transportation to fund the transit planning program, Section 5303 Metropolitan Planning Grant of the Federal Transit Administration for FY 2017-18.

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N. RESOLUTION NO. 17-143 - RESOLUTION IN SUPPORT OF HOUSE BILL 185 AND SENATE BILL 648, AND ENCOURAGING THE NORTH CAROLINA LEGISLATURE TO ENACT LEGISLATION THAT WOULD LEGALIZE THE USE OF CANNABIS FOR MEDICAL PURPOSES

Summary: The City Council hereby encourage the North Carolina State Legislature to take immediate action to approve Comprehensive Medical Cannabis legislation, in order to ensure our City and State residents are receiving the most effective medical therapies possible, which includes the use of medical cannabis.

The following individuals spoke in support of the resolution, with some providing personal stories, for various reasons, noting that it will make it possible for a healthier and brighter future for some:

Todd Stimson
Timothy Sadler
Ms. Bowers
Ms. Williams
Milton Byrd
Aaron Clark
Taylon Breeden
Andrew Fletcher
Joshua Schaffer
Gregory Witts
Lindsay Witts
Jennifer Evans
Terri Boyd
Douglas Jones
Two gentlemen

Councilman Bothwell noted that Dr. Ron Paulus, CEO of Mission Hospitals, has said the only way we are going to cure the opiate epidemic is to replace opiate with cannabis.

Mayor Manheimer thanked Mr. Stimson for bringing this resolution to the attention of City Council. She said there is pending legislation to make this legal. Since cities don't have the authority to legalize medical cannabis, this is the only way for Council to show support for this legislation.

RESOLUTION BOOK NO. 39 - PAGE 39

O. DESIGNATION OF ACTING CITY MANAGER

Mayor Manheimer said that City Manager Gary Jackson provided the following written statement to City Clerk Burleson on June 23, 2017: "I will be out of the office from June 24, 2017 until June 30, 2017. By this email, for the time that I am absent, I am designating Assistant City Manager, Cathy Ball, to serve as Acting City Manager, and during that time, Cathy Ball is authorized by me to exercise my powers, and to perform any and all of my duties as City Manager, and I hereby delegate the same to her. This designation will terminate upon my return on July 1, 2017. Gary" Pursuant to N. C. Gen. Stat. sec. 160A-149, " By letter filed with the city clerk, the manager may designate, subject to the approval of the council, a qualified person to exercise the powers and perform the duties of manager during his temporary absence or disability. During this absence or disability, the council may revoke that designation at any time and appoint another to serve until the manager returns or his disability ceases."

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Young and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. ANNUAL STATE OF THE AIRPORT ADDRESS

Airport Executive Director Lew Bleiweis updated the City of Asheville on the State of the Airport.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 175 LYMAN STREET FROM RIVER DISTRICT TO MIXED USE EXPANSION DISTRICT/CONDITIONAL ZONING FOR THE DEVELOPMENT OF 133 RESIDENTIAL UNITS, COMMERCIAL SPACE, RESTAURANT IN 5 BUILDINGS AND A PARKING STRUCTURE

Councilman Bothwell moved to continue this public hearing until July 25, 2017. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

B. PUBLIC HEARING TO CONSIDER CHANGING THE NAME OF HILLCREST DRIVE TO LUNA LANE

RESOLUTION NO. 17-145 - RESOLUTION TO CHANGE THE NAME OF HILLCREST DRIVE TO LUNA LANE

Mr. Stuart Rohrbaugh, Emergency Address Coordinator, said that this is the consideration of a resolution accepting the street name change from "Hillcrest Drive" to "Luna Lane." This public hearing was advertised on June 17, 2017.

The duplication of street names has the potential for misdirection or miscommunication, which can hinder the response of emergency services. The map shows the street segment with the duplicated name "Hillcrest." The street is currently a City maintained street. Changes to existing public street names shall be approved through a resolution of the City Council following a public hearing.

The Public Safety Committee reviewed the renaming request at their April 24, 2017, meeting and recommended Hillcrest Drive be renamed if the majority of the property owners could agree on a new street name. A super majority of the property owners have agreed and petitioned the City of Asheville to rename the street to "Luna Lane."

Buncombe County Emergency Services Department, Buncombe County Planning Department Director, City of Asheville Traffic Engineering Division, and Asheville and Police Fire Departments have confirmed that Luna Lane will not duplicate another street name elsewhere in Buncombe County or impair the delivery of municipal or emergency services.

Notice of the public hearing has been posted prominently at a minimum of two places on the street and notice was published at least once in a newspaper of general circulation.

Pro:

- Potential emergency response will be enhanced with a unique street name.

Con:

- Cost and labor of replacing two street name signs.

The cost to re-install new street name sign blades to the existing poles are about $100 each and is included in the current operating budget for the Transportation Department.

Staff recommends City Council adopt a resolution accepting a street name change from "Hillcrest Drive" to "Luna Lane."

Mayor Manheimer opened the public hearing at 5:55 p.m., and when no one spoke, she closed the public hearing at 5:55 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of Resolution No. 17-145. This motion was seconded by Councilman Bothwell and carried unanimously.

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C. PUBLIC HEARING TO CONSIDER CHANGING THE SPELLING OF KITCHEN PLACE TO KITCHIN PLACE

RESOLUTION NO. 17-146 - RESOLUTION TO CHANGE THE SPELLING OF KITCHEN PLACE TO KITCHIN PLACE

Mr. Stuart Rohrbaugh, Emergency Address Coordinator, said that this is the consideration of a resolution accepting the street name change spelling from "Kitchen Place" to "Kitchin Place". This public hearing was advertised on June 16, 2017.

Many of the property owners and businesses have spelled the name after the family name "Kitchin." The City's E911 database, the City's currently displayed street name signs show the street segment with the spelling of "Kitchen." The property owners brought the street name spelling to staff's attention and petitioned the City to rename the street to "Kitchin Place." The street is currently a City maintained street. Changes to an existing public street name shall be approved through a resolution of the City Council subsequent to a public hearing.

The Public Safety Committee reviewed the renaming request at their April 24, 2017, meeting and recommended Kitchen Place be renamed with the spelling of "Kitchin Place."

Buncombe County Emergency Services Department, Buncombe County Planning Department Director, City of Asheville Traffic Engineering Division, and Asheville and Police Fire Departments have confirmed that Kitchin Place will not duplicate another street name elsewhere in Buncombe County or impair the delivery of municipal or emergency services.

Notice of the public hearing has been posted prominently at a minimum of two places on the street and notice was published at least once in a newspaper of general circulation.

Pro:

- Potential emergency response will be enhanced with a consistent street spelling.

Con:

- Cost and labor of replacing two street name signs.

The cost to re-install new street name sign blades to the existing poles are about $100 each and is included in the current operating budget for the Transportation Department.

Staff recommends City Council adopt a resolution accepting the street name change spelling from "Kitchen Place" to "Kitchin Place."

Mayor Manheimer opened the public hearing at 5:59 p.m., and when no one spoke, she closed the public hearing at 5:59 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Councilman Bothwell moved for the adoption of Resolution No. 17-146. This motion was seconded by Councilwoman Mayfield and carried unanimously.

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D. PUBLIC HEARING TO CONSIDER AN ECONOMIC DEVELOPMENT GRANT TO RIVERBEND MALT HOUSE

RESOLUTION NO. 17-147 - RESOLUTION GRANTING AN ECONOMIC DEVELOPMENT GRANT TO RIVERBEND MALT HOUSE

Director of Community & Economic Development Sam Powers said that this is the consideration of a resolution to grant an economic development grant to Riverbend Malt House. This public hearing was advertised on June 16, 2017.

City of Asheville has been requested by Asheville-Buncombe EDC for consideration of a performance based incentive grant under the City Economic Development policy to an existing manufacturing company, Riverbend Malt House.

Riverbend Malt House makes high quality, locally sourced craft malt for the craft beer and craft distilling industries. The company has existed since 2010 and based upon customer demand is now poised to expand significantly. Riverbend Malt House has noted in their request for consideration that a critical part of their mission and business model is to source grain (barley, rye, wheat) from local farmers, and to pay substantially higher prices than those farmers are able to get from selling grain for other uses. Further they stated that "purchasing locally sourced malt from Riverbend means that local breweries/distilleries are reducing the amount of malt which needs to be trucked in from thousands of miles away; this reduces transportation related carbon emissions".

The purpose of the City's participation would be to induce Riverbend Malt House to make investments in the City for expenditures to acquire and install machinery/equipment, make facility improvements which increase the tax value as determined by the Buncombe County Tax Department in the amount of $9,500,000, and create 22 quality jobs within four years; at least 5 of these will be hired in 2017. Riverbend is committed as a compensation strategy to always paying above living wage levels.

The City of Asheville is considering offering a performance based grant in an amount not to exceed $95,000. North Carolina state law requires a public hearing be held before an incentive grant can be officially awarded.

Pros:

- Performance driven grant that is distributed after job and investment is achieved or mutually agreed performance bench marks are established;
- Supports job creation and capital investment in Asheville;
- Supports regional and state cooperation in the project.

Con:

- Grant is formulated based on use of a portion of the new incremental increase from property tax revenue generated by the project for a 5 year period.

The project has an overall positive fiscal impact on tax revenues received by the city. Initially (during the grant period), the City will receive 50% of the new incremental property tax revenues, as well as the existing property tax revenues from the project. After the grant period of 5 years, the City will henceforth receive 100% capture of all city taxes.

City staff recommends Council approve a resolution authorizing a performance based economic development incentive grant agreement to support Riverbend Malt House, in an amount not to exceed $95,000 over a five year grant agreement.

Mr. Scott Hickman, CEO of Riverbend Malt House, explained their request and asked City Council for their support of the resolution.

Mayor Manheimer opened the public hearing at 6:06 p.m., and when no one spoke, she closed the public hearing at 6:06 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of Resolution No. 17-147. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 39 – PAGE 36

E. PUBLIC HEARING TO CONSIDER A VOLUNTARY ANNEXATION OF PROPERTY AT 421 AIRPORT ROAD

ORDINANCE NO. 4593 - ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE TO PROPERTY AT 421 AIRPORT ROAD

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to extend the corporate limits of the City of Asheville to property at 421 Airport Road. This public hearing was advertised on June 16, 2017.

The property owner, MPG Kernersville LLC, has petitioned the City of Asheville for the annexation of 1.26 acres located at 421 Airport Road and identified in the Buncombe County tax records as PIN 9643-85-0724. The property is currently under construction for a commercial building, under permits issued by Buncombe County. The property is contiguous to the primary corporate limits and qualifies for annexation by petition as set forth in North Carolina General Statutes (NCGS) 160A-31 and N.C. General Assembly Session Law 2005-139.

Pursuant to NCGS 160A-31, a public hearing must be held prior to adopting an ordinance for voluntary annexation. If City Council decides to proceed with this request, the effective date for the annexation would be June 27, 2017.

Considerations:

- Provides for the orderly growth of the City and the tax base through the acceptance of appropriate areas into the corporate limits where owners desire annexation.
- Complies with the 2025 Comprehensive Plan in that it supports the strategy of promoting voluntary annexations of developing areas.

This request includes the voluntary annexation of 1.26 acres of commercial property into the City which will provide new property tax revenue with only a very small increase to services. There is a commercial restaurant project under construction which, at completion, would generate approximately $6,000-7,000 in city property tax based on comparable commercial properties in the city.

City staff recommends that City Council adopt the ordinance annexing the property at 421 Airport Road.

Mayor Manheimer opened the public hearing at 6:09 p.m., and when no one spoke, she closed the public hearing at 6:09 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Bothwell moved to adopt Ordinance No. 4593. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

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F. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 28 FORSYTHE STREET FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL USE ZONING TO RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL ZONING FOR THE PURPOSE OF ADJUSTING PROPERTY LINES AND OTHER MINOR SITE PLAN CHANGES

ORDINANCE NO. 4594 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT AT 28 FORSYTHE STREET FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL USE ZONING TO RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL ZONING FOR THE PURPOSE OF ADJUSTING PROPERTY LINES AND OTHER MINOR SITE PLAN CHANGES

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to conditionally zone property located at 28 Forsythe Street from RM-16 Residential Multi-Family High Density District/Conditional Use Zoning to RM-16 Residential Multi-Family High Density District/Conditional Zoning for the purpose of adjusting property lines and other minor site plan changes. This public hearing was advertised on June 16 and 23, 2017.

The project consists of a single .32 acre through-lot with frontage on Forsythe St. and West St. in the Five Points neighborhood. The PIN for the property is 9649-24-2315 and the property owner is Ellen and Mary Ellen Bethel.

The property received a Conditional Use Rezoning in July of 2004 (Ord. No. 3138) to allow for the conversion of a small neighborhood church into a four unit, multi-family structure. A multi-family structure would not normally have been allowed in the previous RS-8 zoning designation and, in order to support the adaptive reuse of the existing church structure, the property was rezoned to RM-16 CUZ.

This newest request primarily seeks to recombine a very small portion (approximately 280 square feet) of the subject property with the single family residential property to the north. The properties had, at one time, shared a driveway that no longer serves the multi-family structure and the driveway currently straddles the property line. The adjacent property owner is seeking to acquire the portion of the CUZ property that supports the driveway so that the entire driveway may be located on the property of the single family home. To achieve this recombination, the side property line will move closer to the northern edge of the multi-family structure and create a side setback that measures 4.5 - 5.0 feet along the northern side of the building.

While the slight adjustment to the property line is minor, the 4.5 - 5.0 setback along the building face becomes a nonconformity in the RM16 zoning district where a minimum six foot setback is normally required. As a result, this change could not be approved administratively and will require either an amendment to the original Conditional ***Use*** Zoning or a new Conditional Zoning application. Because the conditional zoning process allows for customizable conditions agreed to by both the property owner and City Council, and is consistent with the current format found in the UDO, it is the preferable way to move forward with this request.

Both the subject property and the adjacent residential property face, and have primary access from, Forsythe St which also has an existing sidewalk. The subject property also has three secondary access points (driveways) on West St. behind the building. No changes to access are proposed.

The original 2004 CUZ referred to seven off-street parking spaces to be improved to accommodate the new multi-family use. According to information supplied by the applicant, off-street parking had been established and was accessed from an existing driveway on West St. The driveway remains in place, however, access has been blocked by the existing bamboo screening. The current tenants do not utilize the off-street parking area and the gravel has become naturally re-vegetated over time.

Open space is provided as originally approved and no changes are proposed. The 2004 CUZ included the addition of some perimeter landscaping intended to help screen the parking area. The open space/parking area is currently screened with a semi-opaque bamboo fence

along with some evergreen and deciduous tree and shrubs and no changes to the landscape are proposed.

This conditional zoning was approved by the Technical Review Committee (TRC) on May 15, 2017 and requires review by the Planning and Zoning Commission, City Council and Final TRC prior to zoning permits being issued.

The Planning & Zoning Commission reviewed this request at their meeting on June 7, 2017, and voted 5-0 in support of the proposed request. One member of the public spoke expressing concern regarding the parking conditions in the neighborhood.

A former owner successfully rezoned the property in 2004 from RS-8 to RM-16 CUZ to allow for the adaptive reuse and conversion of the old church building into four multi-family units. The current CZ application (same underlying zoning designation) is primarily for the purpose of adjusting a property line. Additionally, reconsideration of the off-street parking requirement is also being requested. No new development or site improvements are proposed.

A condition that the subject property be developed in accordance with the submitted site plan and elevations were part of the original order. The only deviation from the original plan is the change to the property line and the abandoned off-street parking. All other conditions appear to have been met. As an alternative to providing off-street parking, a condition that requires that the West. St. driveway be maintained to provide access to up to seven off-street parking spaces is proposed so that parking may be added in the future as desired.

The conditional use zoning for 28 Forsythe St. was approved on July 13, 2004. More recent zoning actions in the area have included the rezoning of a small portion of property located at the intersection of Broadway St. and Magnolia Ave., and the conditional zoning for the Greater Works Church (RS8-CZ) is located across the street at 25 Forsythe St.

The subject property is surrounded by RS8 zoning which is intended to support moderately dense, single family living and other non-residential uses intended to support the residential community (i.e. places of worship, schools, community centers, etc.). The existing structure had once been a small community church and is in keeping with the character of the neighborhood which includes single family homes and the Greater Works Church across the street.

As identified in the previous report, the Asheville City Development Plan 2025 highlights the importance of smart growth and very specifically identifies the need for, and value of, infill housing on vacant or underdeveloped properties and adaptive reuse. The former CUZ request to adaptively reuse an abandoned church structure for housing is re-affirmed in the current CZ application.

Considerations:

- No new development or site improvements are proposed.
- Adjusting the property line will create a setback nonconformity to be addressed as a condition, should the application be approved.
- Adjusting the property line resolves questions over ownership and use of the existing driveway.
- The Five Points neighborhood has a historical development pattern of providing limited off-street parking, resulting in competition for on-street parking spaces.
- The subject property has the ability to provide off-street parking through an existing driveway on West St.

Based on policies stated in the Comprehensive Plan and other plans staff finds this request to be reasonable, and within the best public interest, and recommends support of the proposed conditional zoning as proposed.

Mayor Manheimer opened the public hearing at 6:15 p.m., and when no one spoke, she closed the public hearing at 6:15 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Bothwell moved to approve the Conditional Zoning request from Residential Multi-family, high density Conditional Use Zone (RM16-CUZ) to Residential Multi-family, high density Conditional Zone (RM16-CZ) to allow for a change in the property line and off-street parking requirements, and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: 1) supports residential infill; 2) encourages the adaptive reuse of abandoned structures; and 3) resolves an existing property line issue. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

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G. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE CHARTER TO PROVIDE FOR SIX SINGLE-MEMBER ELECTORAL DISTRICTS GOVERNING THE NOMINATION AND ELECTION OF CITY COUNCIL MEMBERS

Mayor Manheimer said that Council is following a statutory process for the City Council to place on the November ballot a referendum asking voters whether or not they would like to have City Council drawn into six City Council seats. There is a parallel process at the state legislature. The House took a vote on Senator Edwards bill and voted to amend it and then approve it. The legislation requiring Asheville to be drawn into six City Council seats is also making its way through the legislature. There was an objection to the third reading, so they will have to vote on it again. Because they changed the vote in the House, it will have to go back to the Senate for concurrence.

Assistant City Attorney Catherine Hofmann said that this is the consideration of an ordinance amending the Charter to provide for six single-member electoral districts governing the nomination and election of City Council members. This public hearing was advertised on June 16, 2017.

The City of Asheville Charter provides for the composition of the City Council, as well as the method used for electing Councilmembers and the Mayor. Currently, the Charter provides that the Council is comprised of six Councilmembers and a Mayor. All Councilmembers and the Mayor are elected by all qualified voters of the City (commonly referred to as an "at-large" method of election). N.C. Gen. Stat. §160A-102 allows the City Council to change the mode of election by ordinance, and also allows Council to provide that such an ordinance will only become effective "if approved by a vote of the people."

A bill ("SB 285") has been filed in the North Carolina General Assembly, which would require the City to amend the Charter to create six, single-member electoral districts, to govern the nomination and election of Councilmembers. The bill also requires that the qualified voters of each electoral district shall nominate and elect City Council candidates who reside in the district for the seat apportioned to that district. The Mayor would still be elected at-large. At this time, SB 285 provides that the City must create electoral districts to be used beginning with the 2019 municipal election and, if the City fails to create electoral districts within the time set forth in the bill, the General Assembly will establish electoral districts for the City.

The citizens of Asheville, through a poll, indicated that they would like the opportunity to vote on a proposal to change the mode of nominating and electing City Council members. At the

June 13, 2017, Council meeting, City Council began the process to enact such Charter amendments and to submit the same to a vote of the people by referendum at the November 2017 election. As explained at the June 13, 2017, Council meeting, the General Statutes set forth a statutory process that cities must follow when enacting Charter amendments which change the mode of electing City Council members, and to submit the same to a vote of the people by referendum. The statutes require action at a series of three Council meetings. Below is a summary of the steps Council must take at each Council meeting, as well as the date on which each meeting will be held, to allow Council to vote to approve the charter amendments prior to the current proposed deadline for Council to act in SB 285, and to place the ordinance on the ballot in November.

First Council Meeting (Step Completed at June 13, 2017, Council Meeting)	Adopted a resolution of intent to consider an ordinance amending the Charter and called a public hearing on June 27, 2017 on the proposed Charter amendments.
Second Council Meeting (June 27, 2017)	Hold a public hearing on the proposed Charter amendments.
Third Council Meeting (July 25, 2017)	Adopt an ordinance amending the Charter. If Council chooses to make that ordinance effective only upon a vote by the people, at the same meeting, adopt a resolution calling for an election on the referendum.

The action taken at the June 27 Council meeting will be the second step in the statutory process.

Conduct a public hearing to consider an ordinance amending the City of Asheville's Charter to provide for six electoral districts, governing the nomination and election of City Council members.

Mayor Manheimer said that from the floor debate today, several amendments were run. Representative John Ager ran an amendment that would allow the whole City to vote on a representative from each particular district, rather than just the voters for that district - the amendment failed. Representative Susan Fisher ran an amendment requiring that the referendum results be binding - the amendment failed. Representative Brian Turner ran an amendment requiring that an independent commission draw the districts and that City Council adopt the independent commission's results - the amendment passed. But, on the City's parallel track, we are following the statutory process which does not speak to an independent commission at all. In fact, we are not in a position to ask voters, via this referendum, whether they want an independent commission or not. Under the statutory process, City Council will need to make that final decision.

Councilman Bothwell also noted that the reason we are putting the idea of six districts on a ballot is because that is the plan the state is working on. For a referendum we need a specific plan. It doesn't mean that Council wants six districts, but that we want the people of Asheville to decide. We are not advocating for this.

Councilwoman Mayfield said that people should not mistake Council's vote in support of this to be in support of the actual concept of six districts.

Mayor Manheimer opened the public hearing at 6:23 p.m.

Mr. Vijay Kapoor was opposed to having districts. He thanked Council for putting this issue before the voters. He was unsure what the problem is that the state legislature is trying to solve.

Mayor Manheimer closed the public hearing at 6:26 p.m.

Mayor Manheimer said that at the Council's July 25, 2017, Council will consider adoption of an ordinance amending the Charter. If Council chooses to make that ordinance effective only upon a vote by the people, at the same meeting, Council with then need to adopt a resolution calling for an election on the referendum.

V. UNFINISHED BUSINESS:

A. **RESOLUTION NO. 17-137 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH BEVERLY-GRANT/BARNHILL JV FOR CONSTRUCTION OF THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT AND FIVE POINTS ROUNDABOUT PORTION OF THE TIGER VI PROJECTS**

RESOLUTION NO. NO. 17-138 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SEPI ENGINEERING AND CONSTRUCTION FOR CONSTRUCTION INSPECTION AND MATERIAL TESTING SERVICES ON THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT AND FIVE POINTS ROUNDABOUT PORTION OF THE TIGER VI PROJECTS

RESOLUTION NO. 17-139 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH CDM SMITH ENGINEERING CO. FOR CONSTRUCTION ADMINISTRATION AND VALUE ENGINEERING SERVICES FOR THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT AND FIVE POINTS ROUNDABOUT PORTION OF THE TIGER VI PROJECTS

ORDINANCE NO. 4592 - BUDGET AMENDMENT ASSOCIATED WITH THE TIGER VI SUITE OF PROJECTS WHICH INCLUDE BUT ARE NOT LIMITED TO UTILITY RELOCATION AND THE PURCHASE OF PROPERTY

Riverfront Redevelopment Coordinator Stephanie Monson-Dahl said that this is the consideration to adopt resolutions authorizing the City Manager to execute multiple contracts to implement a portion of the TIGER VI suite of projects, including: (a) Construction Manager at Risk (CMAR) contract amendment with Beverly-Grant, Inc./Barnhill a 50/50 Joint Venture for $27,065,150; (b) Inspection and material testing contract with SEPI Engineering and Construction for $854,841; (c) Construction administration and engineering contract amendment with CDM Smith for $928,275; (2) directing staff to work with Norfolk Southern to make changes to the scope of work within the existing construction agreement, to modify the northern railroad crossing to ensure safe bicycle accessibility through the at grade crossing; (3) a budget amendment in the amount of $6.0 million from debt proceeds, grant funding, and Enterprise Fund contributions to fully fund the contracts above and all of the remaining costs associated with the TIGER VI suite of projects which include but are not limited to utility relocation and the purchase of property; and (4) directing staff to commit to planning and community engagement efforts which will: (a) prioritize the future phasing of greenway projects; and (b) evaluate multimodal transportation alternatives associated with the south roadway improvement, including greenway widening.

The Wilma Dykeman Riverway Masterplan was officially adopted by City Council in 2004 and since that time has steadily progressed through the planning, public input and design stages. In June 2016 the project received a considerable boost when the City was obligated $14.6 Million in federal funds through the TIGER VI Discretionary Grant Program (FHWA) to aid in executing a portion of this plan.

Following the construction document design process for each of the six separate TIGER VI project elements, City staff worked with FHWA to develop a construction procurement strategy

that would ensure a solid understanding of construction costs for the entire project, rather than incrementally completing the individual sub-projects one at a time. It was felt that combining projects would produce the most efficiency and present a lower overall project cost. With the rapidly increasing construction cost index, the underlying intent of this strategy was to ensure that the budget was sufficient to complete all aspects of the project.

In December 2016, the City went through a public selection process to hire a Construction Manager at Risk (CMAR) for preconstruction services. Beverly, Grant/Barnhill was selected to help the City through pre-construction work including bidding, disadvantage business outreach, and advertising. Additionally the CMAR helped City staff to evaluate alternatives for bidding the project which would provide the project with the greatest flexibility in determining how to award the work in a difficult bidding environment. The City and CMAR worked to package and bid the entire project package as six separate construction projects in a manner that would allow transparency in construction costs, and to allow for flexibility in awarding portions of the work if construction costs exceeded the project budget.

After the projects were bid in May of 2017, it became apparent that the costs to construct all aspects of the TIGER VI projects were significantly more than the budget would support. Taking advantage of the flexibility that was built into the project bid, City staff was quickly able to propose modifications to the project that allow for the preservation of core vehicular, pedestrian, and bicycle transportation improvements. By focusing on these core project elements Asheville also presented a modification that provided the best potential to preserve Federal funding.

City staff quickly engaged with FHWA to discuss a modified scope of the TIGER VI project in a way that would preserve the $14.6 Million in federal funding, deliver the most critical portions of the program of work, and keep the final Guaranteed Maximum Price (GMP) within the TIGER VI budget proposed by the City Manager (as CIP cash flow) to Council in spring 2017. In June of 2017, FHWA approved a modified project scope and authorized the project with the notice to proceed for construction.

The project consists of 2.2 miles of greenway that provide healthy multimodal transportation options throughout the corridor. We will have 6 acres of open space that is clean and open to the public for free recreation. We will get 25 bicycle racks that help bicycles be conveniently and safety stored. There will be 120 spaces for cars, two new parking lots, and 40 new on-street parking spaces. In the ¼ mile of realigned Riverside Drive, a turn lane and other traffic improvements will help mitigate the most congested part of the River Arts District. Two acres of stormwater gardens and wetlands that improve water quality and provide a place for the community to learn about native habitats. There will be a mile of new underground storm sewer system that will help better drain dangerous roadway ponding. There will be 1.5 miles of sidewalk that will make it safer to get around and promote cleaner. Sixteen hundred, forty eight new trees which will be a net gain of 1,100 trees, plus over 2,500 bear root plantings along the riverbank and thousands of other plants that are used for landscaping. There will be 1.25 mile that has 5-foot wide separated bicycle lanes.

We could not be doing this without partnerships. North Carolina State University in providing the first mountain region experimental stormwater garden. We will partner with Bee City USA and GreenWorks on a pollinator garden. We will also partner with the Public Art & Cultural Commission to work on two projects funded through the City's Public Art Policy. They have worked with partners to develop four new river access points in the City. They are developing a wetland that will be a stormwater BMP including benches and seating areas so people can observe the natural environment of western North Carolina. City-property will be redeveloped with new sidewalks and a community plaza. There will also be a small plaza around the preserved smokestack part of the legacy of the Carolina Power & Light ownership and the City's legacy of buying the old Ice Plant building. Other partners are the EDA, TDA, Buncombe County, RiverLink and many other partners, including New Belgium Brewing. They have been working with Pigeon River Fund, RiverLink, Wildlife Resources Commission and private business

owners to clean the area up and make it safe for the four river access sites. Without working with the Asheville Design Center, and partnering with WECAN, we could never have provided the kind of connectivity to the 13 Bone pedestrian bridge.

She showed the area for a greenway, showing what would become a one-way street, noting they will be coming to Council for a naming process, which front runner name is River Arts Row.

The current adopted budget for the TIGER VI suite of projects is $48.6 million; funded through a combination of federal, state, and local grants and City debt proceeds. To date, approximately $13.5 million has been spent or encumbered on pre-construction activities such as design, land and right of way acquisition, demolition, and utility relocation. The project currently has an available balance of $35.1 million. To fully fund the contracts included in this staff report and all other remaining costs associated with this suite of projects, staff is requesting a budget amendment in the amount of $6.0 million. The total project budget is $54.6 Million.

As noted above, the budget amendment will be funded through a combination of debt proceeds, grant funding, and Enterprise Fund contributions. Debt service on the amended budget has already been built into the General Capital Improvement Program (CIP) five-year cash flows that were presented to City Council during the recent budget process.

The modified scope for the TIGER VI project includes all of the core elements of the RADTIP and Five Points Roundabout. It preserves the key bicycle and pedestrian connectivity throughout the River Arts District, as well as needed roadway intersection and alignment improvements. Portions of the project that are not included in this construction contract and will need to be phased at a future time include: portions of roadway improvements at the North and South ends of the RADTIP project; Town Branch and Bacoate Branch Greenways; French Broad River Greenway West; and the Livingston Street Complete Street. Council will have to consider at another time how to prioritize those projects and to look at other funding options.

Ms. Monson-Dahl then explained one of the modifications involving the removal of a retaining wall having a delayed cost of $2.5 Million. Another modification is looking up Riverside Drive from the old 12 Bones site on the River side they planned a greenway, protected bike lanes, two travel lanes, landscaping and a sidewalk on the east side of the road. The new proposal is asking Council to build out the greenway and delaying the protected bike lanes, two travel lanes, landscaping and sidewalk. That cost savings in delaying is $4.6 Million. The greenway along Lyman Street would also include crosswalks from emerging commercial centers. And, there is a possibility staff can take a look at the width of the greenway but the materials and some other important design features.

If Council approves these actions, the City will be signing a partnership agreement with both the River Arts District Artists and the River Arts District Business Association to help them stay vibrant during the course of construction in the next 3 years. The CVB is a partner and is being funded out of an allocation from the City Manager's Office of $25,000 which will help with additional wayfinding and district signage to help the small, local businesses thrive during this construction.

City staff have met with community stakeholders regarding the future phases of this work and are committed to continuing the discussion about the project development. Additional efforts will include a citizen engagement process that will allow for input into the prioritization of project phasing and evaluation of multimodal transportation alternatives as they relate to the south roadway improvements. It is very important that these efforts are open and inclusive but have a focus on being completed expeditiously. Through this process the community will continue to stay involved and have input into to the continued project development in the River Arts District.

The Asheville Area Riverfront Redevelopment Commission (AARRC) has provided

project review and advisory assistance since the initial public meeting in May 2010. AARRC was most recently involved on May 11, 2017, when they were asked to provide pre-bid review of the project. This review took place in advance of final analysis of bids, modification of agreement with FHWA, and development of a Guaranteed Maximum Price (GMP) for the project. Because there would not be another opportunity to present to the AARRC before the City Council review, staff requested that the AARRC provide general comments about how this project did or did not contribute to the overall revitalization of the riverfront, and comments about what factors might be important for Council to consider when authorizing a final budget and contract award. The AARRC voted unanimously to express continued support for the TIGER VI program of work, while asking Council to consider fiscal responsibility to the citizens of Asheville when funding the program. Opportunities to cut costs from, amend or phase the projects were encouraged.

These actions align with Council's 2036 Vision in the following areas: (1) Transportation and Accessibility: The project addresses this goal by improving road alignment, traffic calming, stormwater management facilities, sidewalks, greenways and bike facilities to create a comprehensive transportation network and much needed connectivity throughout the River Arts District. The project meets the specific Council Strategic Priority Area 22: Complete the appropriate phases of TIGER VI including RADTIP; and (2) A Well Planned and Livable Community: This project addresses this goal by strengthening Riverside Drive and Lyman Street as a corridor that can support a variety of uses and reflects the River Arts District's unique character. The project implements a portion of the community's vision from the Wilma Dykeman RiverWay Masterplan, adopted by City Council in 2004. The project helps address Council Strategic Priority Area 9d: Implement the River Arts District Innovation District.

Pros:

- TIGER VI will help implement several strategic council priority areas
- TIGER VI will fulfill the City's commitment to the community by implementing several masterplans including the Greenways Masterplan, Riverside Drive Redevelopment Plan and the Wilma Dykeman RiverWay Masterplan

Cons:

- Not fully funding the original project scope may lead to community expectations not being fulfilled
- Phasing the unfunded components of the project will extend the time that it takes to construct these improvements.

Staff recommends that City Council adopt resolutions authorizing the City Manager to execute multiple contracts to implement a portion of the TIGER VI suite of projects, including: (a) Construction Manager at Risk (CMAR) contract amendment with Beverly-Grant, Inc./Barnhill a 50/50 Joint Venture for $27,065,150; (b) Inspection and material testing contract with SEPI Engineering and Construction for $854,841; (c) Construction administration and engineering contract amendment with CDM Smith for $928,275; (2) directing staff to work with Norfolk Southern to make changes to the scope of work within the existing construction agreement, to modify the northern railroad crossing to ensure safe bicycle accessibility through the at grade crossing; (3) a budget amendment in the amount of $6.0 million from debt proceeds, grant funding, and Enterprise Fund contributions to fully fund the contracts above and all of the remaining costs associated with the TIGER VI suite of projects which include but are not limited to utility relocation and the purchase of property; and (4) directing staff to commit to planning and community engagement efforts which will: (a) prioritize the future phasing of greenway projects; and (b) evaluate multimodal transportation alternatives associated with the south roadway improvements, including greenway widening.

Vice-Mayor Wisler was pleased that the City will be able to move forward on the River Arts District Transportation Improvement Project with the help of so many partners; however, she was disappointed in the large budget overruns. She felt the public input has been great up to a point but then after the bids came in it seems there was no more public involvement. She felt staff should have let Council and the public know about the sizable overruns and allow the public

to weigh in on the portions of the project that were being delayed and how that selection was made. One of the overriding issues that determined the entire scope of the project was connectivity of some of our underserved communities to economic opportunities and other community facilities. She asked how that overriding equity issue addressed when deciding what stayed and what was delayed. She wondered what the opportunity is to delay this decision in order to receive more public input. If there is no opportunity for delay, she asked what the plan is to make the next steps transparent. How can we make sure that the public has a real voice in the choices to be made going forward? How can we be assured that an equity lens is being applied when completing this project? Also, given the fact that we are getting ready to spend a lot of money on RADTIP and on our bond projects, she wanted to understand how we can stay on top of whether the City is on budget or is overrunning the budget. As Chair of the Finance Committee, she suggested staff very routinely update the Finance Committee on the status of all the projects - RADTIP, bond program, and the rest of the CIP, and keep Council in a loop as to what the current estimates are and what the issues are, so that we allow the public to weigh in on some of the changes if we are off budget.

Acting City Manager Ball said that there was a team approach in making sure people were engaged noting we have several partners. When the City received the bids (5-6 weeks ago), staff's primary concern was how to work the FHWA to be able to maintain the $14.6 Million. The effort on the part of the team to work with the FHWA to (1) make sure we were able to keep the funding; and (2) make sure what scope of work they would fund. This project was funded because of a planning effort that happened as part of the TIGER II funding in the 2010 timeframe. The original scope of work dealt with the issues of connectivity. In the application the City submitted in 2014, it spoke to the core part of this project being the scope before you now. In the process of dealing not only with the state level, FHWA, dealing with the national level and giving the dynamics of a changing world in Washington we were very concerned about being able to move fast and get this funding secured. We valued and used all of the input we received in the previous planning effort to help guide those decisions. They were all guided through the principles that we heard from our community from the many years of planning. She assured Council that staff took into consideration everything that had been done before in order to help us get to this position. Also, at the same time we approached the Tourism Development Authority because we have $2.5 Million of Tourism Development Product money in this project - which is significant in order to make it happen. We immediately approached them and asked them about being able to secure that funding. She was happy to report that the Tourism Development Product Committee has approved that and it will go before the full board. While she understood, and not having access to the information, she understood why people would be concerned about the radio silence. She assured Council that staff worked in every way that they could to guarantee that this community would get the funding for this project. Regarding the issue of serving the underserved community, the TIGER II grant was specifically for this purpose. One of the issues is having a greenway to be able to serve this community from a multimodal standpoint. After touring with Housing Authority Executive Director Gene Bell, he said that greenway would be a tremendous help. We want to make sure the Hillcrest community has access to the riverfront via a sidewalk. In the bond project, there is sidewalk along Hill Street that will allow that community to connect to this. She regretted that we received no bids for the Livingston Street portion of this project. The Livingston Street Complete Street is a high priority in the upcoming budget cycle to look at that street and make sure we are coordinating what the community wants to see happen there. If Council does not act on these actions, she could not guarantee we would be able to keep the $14.6 Million in funding without the approval of funding of the overall contract. The verbal agreement from the FHWA is contingent upon being able to turn dirt on August 1, 2017. Our goal is to always be transparent and we will have a process every budget cycle and when any grant is available to ask our community what they want to see funded. Regarding the bonds, we want the community know that we are able and we will be able to do the work we said we would do with the bonds. She felt going to the Finance Committee on a regular basis is totally appropriate. The transparency piece will include a community dashboard so people can see how much was allocated and how much spent.

In response to Vice-Mayor Wisler, Acting City Manager Ball said that when bids are received, the City has 60 days to either act on the bid or the bid expires.

When Councilman Bothwell wondered how we could have been this surprised by the bids, Acting City Manager Ball said that in November we hired a construction manager and part of their responsibility was to do preliminary estimates. At that time the preliminary estimates indicated that we needed $6 Million (which was appropriated in the Capital Improvement Program for Fiscal Year 2017-18). We were very surprised, six months later, to receive bids that were in the $20 Million range above that. They performed an investigation and noted that they did not, on any part of the project, receive more than 2 bidders. There is a lack of competition in western North Carolina for this kind of work which drives up prices. Also, per state statute, when we receive a bid, we have to receive 3 the first time. If we don't receive 3, we re-bid the project and then we can open it with less than 3. That can be a disadvantage because you can have pricing going up in that instance too. There is a combination of issues that happened that we are prepared to work on including breaking projects down so that small businesses have an opportunity to do more of the work as well. We are trying to find strategies to have more people bid on the projects.

Councilwoman Mayfield has heard that we have chosen the wrong things and we should have focused on building and re-designing the greenways. Acting City Manager Ball said they were not sure they would have kept the FHWA funding if they were only to ask for greenways. When they went back to the FHWA, the guiding principle of the request was the core part of the project. Our initial application said the primary element is the first phase of the Wilma Dykeman Riverway Plan.

In response to Councilwoman Mayfield, Transportation Director Ken Putnam said that we have a plan to make a crosswalk on Depot Street in front of Green's Grocery. The supplemental signs will have lights around the sign itself.

In response to Councilwoman Mayfield, Acting City Manager Ball said that the City will build a lower cost (asphalt) sidewalk on Hill Street for access, knowing that it will be torn up and replaced during the I-26 Connector Project.

When Councilwoman Mayfield asked about the public process going forward about the improvements on the Lyman Street segment and prioritizing the other delayed greenways, Ms. Monson-Dahl said that the Greenway Coordinator will be having a Greenway Master Plan update. That will be the longer-term plan on top of the short-term plan.

Mayor Manheimer acknowledged the hard work of staff and the public engagement process was stellar. The main key stakeholders that actually own property on the River have already had a chance to talk with staff. She was also shocked to hear what the bids came in at and knows staff spent an enormous amount of time to reconfigure the project so we could preserve the FHWA and TDA funding for this project. She was glad that none of the items were dropped off the list, but just moved further down the list. Even though the Livingston Street Complete Street Project did not receive any bids, she felt that is a very important piece of the project and it needs to continue to be a priority. Perhaps we might be able to fit that funding into next year. Regarding the Lyman Street portion between the old 12 Bones and the Amboy Road bridge, the greenway was proposed to be 10-feet wide with a separate protected bike lane. Since the road piece has been delayed, she felt it was important to look for an alternative to widen the greenway to accommodate the volume we anticipate in that section. The alternative suggested was a 16-foot multi-use path and staff assures her that it can be done through a change order process, after engineering and pricing.

Councilwoman Bothwell asked if contractors have to be qualified under federal rules when federal money is involved. Capital Projects Program Manager Dustin Clemens responded that there are additional requirements for Disadvantaged Business Enterprise participation but as

far as being a general contractor, they do not have to be on a certified list. If it is a N.C. Dept. of Transportation (NCDOT) project they have to be certified through the state. But because we are direct recipients from the federal government, contractors were not limited to be on the list of certified NCDOT contractors.

When Councilwoman Mayfield wondered why we didn't get more bids, Mr. Clemens thought that contractors were reluctant to commit to a price further out in the schedule, as the Livingston Street Complete Street project was scheduled 2 years out.

Mr. Marc Hunt and Mr. Matthew Fusco asked Council to widen the portion of greenway on Lyman from 10 to 16 feet with stripes to separate users in lieu of a protected bike lane. Then when we do rebuild the rest of that portion, there would be no need to build the bike lanes. He suggested Council direct staff to expedite due diligence and determine feasibility with a view to adapting the design of the 16-foot multi-use path and execute a change order in order for the work to occur on August 1, 2017.

Mr. Jonathan Wainscott was disappointed with the cost overruns for this project.

A member of the Bike & Ped Task Force urged Council to prioritize bike and pedestrian infrastructure higher than parks and play areas that may not be as critical.

Ms. Kim Roney, member of the Multimodal Transportation Commission, stressed the need for the public to be able to access information.

Mr. Carleton Collins, Chair of the Asheville Area Riverfront Commission, supported staff's work and their next steps of open engagement. He was pleased there would be some dedicated process for discovering how to widen the greenway on Lyman to accommodate bikes.

Mayor Manheimer said that members of Council have been previously furnished with copies of the resolutions and ordinance and they would not be read.

Councilman Bothwell moved to authorize the City Manager to execute multiple contracts to implement a portion of the TIGER VI suite of projects, including: (a) Construction Manager at Risk (CMAR) contract amendment with Beverly-Grant, Inc./Barnhill a 50/50 Joint Venture for $27,065,150; (b) Inspection and material testing contract with SEPI Engineering and Construction for $854,841; and (c) Construction administration and engineering contract amendment with CDM Smith for $928,275. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

RESOLUTION NO. 17-137 - RESOLUTION BOOK NO. 39 - PAGE 22
RESOLUTION NO. 17-138 - RESOLUTION BOOK NO. 39 - PAGE 23
RESOLUTION NO. 17-139 - RESOLUTION BOOK NO. 39 - PAGE 24

Councilman Bothwell moved to direct staff to work with Norfolk Southern to make changes to the scope of work within the existing construction agreement, to modify the northern railroad crossing to ensure safe bicycle accessibility through the at grade crossing. This motion was seconded by Councilwoman Mayfield and carried unanimously.

Councilman Bothwell moved to adopt a budget amendment in the amount of $6.0 million from debt proceeds, grant funding, and Enterprise Fund contributions to fully fund the contracts above and all of the remaining costs associated with the TIGER VI suite of projects which include but are not limited to utility relocation and the purchase of property. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

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Councilman Bothwell moved to direct staff to commit to planning a community

engagement effort which will prioritize the future phasing of greenway projects and prioritize re-engineering the multi-use path between the old 12 Bones and Amboy Road to accommodate an appropriate width to compensate for the loss of the protected bike lane, with said process being completed within 60 days. This motion was seconded by Councilwoman Mayfield and carried unanimously.

In response to Councilwoman Mayfield, Acting City Manager Ball said that staff is supportive of the concept of expanding the 10-foot wide multi-use path to a 16-foot wide multi-use path. However, staff wants to honor the process of going through committees (Multimodal Transportation Commission; Greenway Committee; Bike & Ped Task Force; and Asheville Area Riverfront Redevelopment Commission) to collectively get input. Staff also wants to make sure that they are able to make changes without knowing the cost, the design parameters, whether the FHWA will approve the change, so they are open to doing this, but would like to do more feasibility. She suggested Council allow staff 60 days to perform their feasibility analysis, and there would be no delay to the August 1, 2017, start date.

Ms. Monson-Dahl clarified that the proposal by staff is that there is a process during the month of July, including all the committees, and then staff will report back to the Planning & Economic Development Committee and the Finance Committee on those findings in order for Council to move forward to Council.

VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Ms. Allison Frank spoke to Council about the need for safety for the citizens against bears. Acting City Manager Ball said that she will investigate special trash cans to see if they will be compatible with our automated trash trucks out and what the pricing would be to offer those cans to the citizens.

Mayor Manheimer reported that after investigation from a complaint by Sharon Sumrall regarding clear cutting on Beaucatcher Mountain revealed no violations. Councilman Bothwell said that the Tree Commission is working on educating homeowners on the benefits of tree retention.

Mayor Manheimer reported that after investigation from a complaint by Dewana Little of discrimination at a summer camp location revealed there was a communication error about the grant program.

Mayor Manheimer asked Acting City Manager to investigate a request for a basketball court at West Asheville Park at the end of Vermont Avenue.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:51 p.m.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – July 25, 2017 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Cecil Bothwell; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilman Gordon D. Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson/Deputy City Clerk Sarah Terwilliger

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

Mayor Manheimer announced that Items J.1 and J.2. on the Consent Agenda will be removed for discussion and an individual vote.

Mayor Manheimer announced that a budget amendment, in the amount of $6,000, for the gap analysis for the City's Urban Forest Program, will be added to the Consent Agenda as Item Q.2.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 27, 2017

B. MOTION TO REQUEST THE BUNCOMBE COUNTY BOARD OF ELECTIONS TO ARRANGE FIVE ADDITIONAL EARLY VOTING SITES (ONE EACH IN CENTRAL, NORTH, SOUTH, EAST AND WEST SECTIONS OF ASHEVILLE) THE ONE WEEK (INCLUDING SATURDAY) IMMEDIATELY PRECEDING THE 2017 CITY COUNCIL GENERAL ELECTION

Summary: The Buncombe County Board of Elections has asked if the City of Asheville will be requesting remote additional early voting sites for the General election on November 7, 2017. There are 37 normal polling places for City Council elections - during the primary and the general elections. The City must notify the Board of Elections 30-45 days prior to the election if they would like to have more remote sites, in order for them to submit a plan of implementation to the State Board of Elections for approval. The City can let the Board of Elections know what locations they would like for a remote site; however, the Board of Elections will ultimately have to find a suitable site in that area.

In 2015, City Council approved four additional early voting sites (one each in the North, South, East and West sections of Asheville, preferably at a library or community center) the one week (including Saturday) immediately preceding the City Council general election. The cost for each additional additional site is approximately $5,000. In 2015, 3,832 people voted in the four additional early voting locations and the total cost was approximately $20,000.

In 2015, a request was made to have a downtown location included in the early voting site since the Board of Elections moved from out of downtown. At the time the request was received, it was too late for that to be included. After checking with the Board of Elections, a downtown site would be no problem to add at this time. They will check with Pack Library but are open to other locations as well.

Staff has budgeted funds in the Fiscal Year 2018 budget for the 2017 City Council election.

Due to the deadline for submission to the State Board of Elections, this action will be presented to the Governance Committee at their July 25, 2017, meeting. If there is anything other than full support to move forward to Council, it will be noted at the Council meeting.

C. ORDINANCE NO. 4595 - ORDINANCE AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES PERTAINING TO SALE OF ALCOHOLIC BEVERAGES BEGINNING AT 10:00 A.M. ON SUNDAYS

Summary: The consideration of an amendment to Chapter 11 of the City's Code of Ordinances pertaining to sale of alcoholic beverages beginning at 10:00 a.m. on Sundays.

On June 29, 2017 the North Carolina General Assembly enacted Senate Bill 155, entitled "An Act to Make Various Changes to the Alcoholic Beverage Control Commission Laws." Section 4 of the bill authorizes city and county governments to adopt an ordinance to allow alcohol sales beginning at 10:00 a.m. on Sundays. Previous to the enactment of Senate Bill 155, state law prohibited the sale or consumption of alcoholic beverages on any licensed premises until noon on Sundays across the state. By enacting Senate Bill 155, North Carolina joins 47 other states in allowing alcohol service before noon on Sunday. The new law went into effect on June 30, 2017.

Pro:

- Allows the hospitality community and retail merchants to meet the needs of their customers.
- Benefits the small business community by bringing customers into business districts earlier in the day.

Con:

- None.

City staff recommends City Council consider an amendment to Chapter 11 of the City's Code of Ordinances pertaining to sale of alcoholic beverages beginning at 10:00 a.m. on Sundays.

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D. RESOLUTION NO. 17-148 - RESOLUTION AMENDING THE 2017 CITY COUNCIL MEETING SCHEDULE TO CANCEL THE OCTOBER 10, 2017, CITY COUNCIL FORMAL MEETING

RESOLUTION BOOK NO. 39 - PAGE 37

E. RESOLUTION NO. 17-149 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE LEAF DOWNTOWN AVL

RESOLUTION NO. 17-150 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE OUTDOOR CINEMA

RESOLUTION NO. 17-151 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BLUE RIDGE PRIDE FESTIVAL

Summary: The consideration of resolutions authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the LEAF Downtown AVL, Asheville Outdoor Cinema, and the Blue Ridge Pride Festival.

- LEAF Community Arts has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at LEAF Downtown AVL and allow for consumption at this event.

  LEAF Downtown AVL will be held on Friday, August 4 from 3:00 p.m. to 10:00 p.m. and Saturday, August 5 from 9:00 a.m. to 10:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

- Blue Ridge Pride has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Asheville Outdoor Cinema and allow for consumption at the event.

  Asheville Outdoor Cinema will be held on Saturdays, August 26, September 2, September 9, October 7, and October 14, 2017 from 6:00 p.m. – 11:00 p.m. within the boundaries of Carrier Park as per the area limits referenced on the accompanying site map.

- Blue Ridge Pride has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Blue Ridge Pride Festival and allow for consumption at this event.

  The Blue Ridge Pride Festival will be held on Saturday, September 30, 2017 from 11:00 a.m. to 7:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for LEAF Community Arts and Blue Ridge Pride

Con:

- Potential for public safety issues

Staff recommends City Council adopt resolutions authorizing the City Manager to make provisions for the possession and consumption of malt beverages and/or unfortified wine at LEAF Downtown AVL, Asheville Outdoor Cinema, and the Blue Ridge Pride Festival.

RESOLUTION NO. 17-149 - RESOLUTION BOOK NO. 39 - PAGE 38
RESOLUTION NO. 17-150 - RESOLUTION BOOK NO. 39 - PAGE 41
RESOLUTION NO. 17-151 - RESOLUTION BOOK NO. 39 - PAGE 44

F. RESOLUTION NO. 17-152 - RESOLUTION AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN DUKE ENERGY PROGRESS' SMALL BUSINESS ENERGY SAVERS PROGRAM AND TO ENTER INTO A SOLE SOURCE CONTRACT FOR THE PURPOSE AND INSTALLATION OF ENERGY EFFICIENT LIGHTING IN THE CIVIC CENTER PARKING DECK

Summary: The consideration of a resolution authorizing the City Manager to participate in Duke Energy Progress' Small Business Energy Saver Program and to enter into sole source provider contract for the purchase and installation of energy efficient lighting in the Civic Center Parking Deck.

The electric utility Duke Energy Progress' Small Business Energy Saver (SBES) Program pays for energy efficiency upgrades up front, and covers up to 80% of the total project costs.

The Civic Center Parking Deck provides an opportunity to utilize the SBES program while yielding an estimated $27,413 in annual energy savings and eliminate annual maintenance in the amount of $8,000.00. In terms of carbon reductions, the project will yield 277 MTCO2e – 1% of the annual 4% carbon reduction goal the City has adopted.

Staff has analyzed the potential and costs for the project and determined that the SBES Program is a unique opportunity to leverage a significant up front capital funding from Duke Energy Progress. The total cost to the City for the Civic Center Parking Deck upgrade would be $264,348; however, utilizing Duke Energy Progress' utility incentive program, the project offsets the cost by 34%. The total cost of the project is $155,663 and was recently approved by City Council via budget amendment funding from the Green Revolving Fund in the amount of $100,000 and Parking Services Operating Fund in the amount of $55,663. These costs include parts, labor and project management.

The SBES Program is run through a single authorized contractor, Lime Energy. In order to participate in the SBES Program, the City needs to pursue a single source provider contract with Duke Energy Progress / Lime Energy. See Exhibit A. This is allowable as per N.C.G.S. 143-129(e)(6) which states that "the governing body of a political subdivision of the state shall approve the purchase of apparatus, supplies, material or equipment without formal bidding when (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration."

The total cost of the project was recently approved by City Council via Budget Amendment Ordinance No. 4591.

Pros:

- Supports Resolution 11-77, reducing the City's municipal carbon footprint
- Improves visibility and safety within the parking deck
- Reduces external lighting impact, increasing compliance with the City's outdoor lighting standards
- Decreases lighting impact on residential occupancies
- Leverages a DEP incentive which contributes to 34% of the total project cost

Con:

- None Identified.

As noted above the total cost of the project is $155,663, with funding utilized from the Green Revolving Fund in the amount of $100,000 and Parking Services Operating Fund in the amount of $55,663. Once complete, the upgrade will produce an estimated $27,413 savings on energy per year and an $8,000 savings on maintenance.

Staff recommends City Council adopt a resolution authorizing the City Manager to enter into a sole source contract to purchase and install energy efficiency lighting as part of Duke Energy Progress' Small Business Energy Savers Program.

RESOLUTION BOOK NO. 39 - PAGE 47

G. RESOLUTION NO. 17-153 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION TO FUND THE APPRENTICE/INTERN PROGRAM FOR FISCAL YEAR 2017-18

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with the N.C. Dept. of Transportation (NCDOT) to fund the apprentice/intern program for Fiscal Year (FY) 2017-18.

The NCDOT Public Transportation Apprenticeship Program gives current college seniors the opportunity to work in the field of public transportation management upon receiving their undergraduate degree. The 12-month program which started June 19, 2017, provides exposure to all aspects of a transit system and allows apprentices to gain experience in managing public transportation operations.

The City applied for this program and was granted funding. After a selection program conducted by the NCDOT, the City has hired an apprentice to work in the Transportation Planning Division of the Transportation Department. The apprentice will assist with route planning, analyzing transit-related data, helping with the upcoming Transit Master Plan, and special projects.

FY 2017-18 funding totals $37,498. The NCDOT will provide 90% of the anticipated funding ($33,747) and the City will provide the remaining 10% ($3,751).

Pros:

- The subject grant supplements funding for an apprentice position for FY 2017-18.
- The subject grant enables the City of Asheville to use $33,747 in State funds for transit planning activities.

Con:

- A 10% local match in the amount of $3,751 is required.

The total grant funding for Fiscal Year 2017-18 is $37,498. The City is required to provide a 10% local match in the amount of $3,751. The anticipated grant funding and the City local match are currently budgeted in the FY 2017-18 Transit Services Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to enter into an agreement with the NCDOT to fund the Apprentice/Intern Program for FY 2017-18.

RESOLUTION BOOK NO. 39 - PAGE 48

H. RESOLUTION NO. 17-154 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PUBLIC/PRIVATE PARTNERSHIP AGREEMENT WITH THE DEVELOPER/OWNER OF 150 COXE AVENUE (CONABEER VENTURES, LLC), FOR THE PAVING OPERATION WITHIN THE PUBLIC RIGHT-OF-WAY ALONG BANKS AVENUE AND RESTORATION OF COLLIER AVENUE BOARDING 150 COXE AVENUE

ORDINANCE NO. 4596 - BUDGET AMENDMENT FOR PUBLIC/PRIVATE PARTNERSHIP WITH CONABEER VENTURES LLC

Summary: The consideration of (1) a resolution authorizing the City Manager to execute a public/private partnership agreement with the developer/owner of 150 Coxe Avenue (Conabeer Ventures, LLC), for the paving operation within the public right of way along Banks Avenue and restoration of Collier Avenue boarding 150 Coxe Avenue; and (2) a budget amendment in the amount of $32,660 to receive and budget the payment from the developer.

The City has plans to mill and resurface the entire length of Banks Ave and a section of Collier Avenue. As part of the construction of the development at 150 Coxe Avenue, work within the City's rights of way required the developer to resurface a section of Banks Avenue and restore Collier Avenue.

In order to have smooth transitions in the riding surface of the roadway, City staff discussed the potential partnership with the development team, a plan to perform the necessary work within public rights of way became the most cost effective and viable option in order to minimize conflicts and disruptions to the traveling public and to also provide cost savings through the partnership.

As part of the permitting for the property, the developer is required to resurface one lane of Banks Avenue fronting the property. Also, Collier Avenue is located on the west side of the property, the developer is required to restore the roadway fronting their property by re-establishing the stone base and asphalt surface. The plan would be for the City to contract the paving operations for the entire project within the public right of way, inspect the work and administer the contract, rather than the developer/owner undertaking their portion of the work separately, and the developer/owner will reimburse the City for their share of the work. The owner will be responsible for the estimated work associated with their development. The total cost to the developer will be $32,660.

Pros:

- If approved, the City team would be able to move quickly on the work, minimizing impacts to the traveling public.
- The project will improve the riding surfaces of these roads
- This project will maximize City's funding to allow for more infrastructures to be installed through this public private partnership.

Con:

- The paving operation will be disruptive to the area during construction.

The estimate for this project is $170,356. The developer will be responsible for $32,660 toward this project. The remaining cost is proposed to be paid by the City through the annual resurfacing program.

City staff recommends City Council adopt (1) a resolution authorizing the City Manager to execute a public/private partnership agreement with the developer/owner of 150 Coxe Avenue (Conabeer Ventures, LLC), for the paving operation within the public right of way along Banks Avenue and restoration of Collier Avenue boarding 150 Coxe Avenue; and (2) a budget amendment in the amount of $32,660 to receive and budget the payment from the developer.

RESOLUTION BOOK NO. 39 - PAGE 49
ORDINANCE BOOK NO. 31 - PAGE 250

I. RESOLUTION NO. 17-155 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH UNC-ASHEVILLE TO WAIVE FEES FOR ASHEVILLE'S SOLAR ECLIPSE FESTIVAL TO BE HELD AT PACK SQUARE PARK ON AUGUST 21, 2017

Summary: The consideration of resolution authorizing the City Manager to waive fees for Asheville's Solar Eclipse Festival.

The City of Asheville entered into a Memorandum of Understanding with UNC Asheville in October, 2013 to establish a framework by which UNC Asheville and the City of Asheville could facilitate activity in several agreed-upon collaboration areas, to the extent that they align with the strategic priorities of each party. While it is stipulated that there are no pre-existing obligations between parties, consideration of activities under the Agreement are to be undertaken pursuant to separate implementing agreements, to be agreed upon by the parties.

In March, 2017 the Lookout Observatory at the Physics Department with UNC Asheville reached out to the City of Asheville, inviting staff to participate in an event planning group, joining representatives from the Asheville Museum of Science, Buncombe County Schools and Asheville City Schools. The group was formed to consider a scope of work that would address public interest and public safety during the solar eclipse on August 21, 2017, where in Asheville the sky will darken with 99% of the sun covered by the Moon at its maximum. Staff with the Community & Economic Development Department participated in an advisory capacity.

The work group efforts resulted in an application for special event permit to the City of Asheville from UNC Asheville for a solar eclipse viewing event to take place at Pack Square Park on August 21, 2017 between the hours of 12:00 p.m. – 3:00 p.m. Referencing the MOU between UNC Asheville and the City of Asheville, UNC Asheville has requested consideration for fee waivers estimated at a value of $1,600. Fees waived by the City would include park use fees, permit fees, police and medic support, use of supplemental waste receptacles and barricades.

Pros:

- Allows the City to leverage resources to provide accommodations for a significant event of public interest that focuses on solar eclipse viewing safety and education.
- Activates intent of MOU with UNC Asheville for collaboration on areas of mutual interest and public benefit.

Cons:

- Lost revenue for City fees, equipment rentals, and overtime for Police and Fire staff
- Potential for public safety issues

Fee waivers result in lost revenue, and labor support results in increased personnel expenses.

City Council consider adopting a resolution authorizing the City Manager to enter into an agreement with UNC Asheville, authorizing an estimated value of $1,600 in fees to be waived to support Asheville's Solar Eclipse Festival.

Mr. Brian Hart, Manager of Lookout Observatory at UNC-Asheville, thanked City Council for waiving the fees and invited the public to attend.

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J. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MCDONALD TRANSIT FOR OPERATIONS AND MAINTENANCE OF THE ASHEVILLE TRANSIT SYSTEM

BUDGET AMENDMENT TO FUND THE FISCAL YEAR 2017-18 COSTS FOR OPERATING AND MAINTAINING THE ASHEVILLE TRANSIT SYSTEM

These items were removed from the Consent Agenda for discussion and an individual vote.

K. RESOLUTION NO. 17-157 - RESOLUTION GRANTING AN ADDITIONAL PERMIT FEE WAIVER TO THE ASHEVILLE ART MUSEUM ASSOCIATED WITH CONSTRUCTION AT 2 SOUTH PACK SQUARE (CITY-OWNED FACILITY)

Summary: The consideration of a resolution granting an additional permit fee waiver to the Asheville Art Museum (AAM) associated with construction at 2 South Pack Square (City-owned facility).

The AAM, which incorporated in 1948, has occupied an important place in the City's visual arts community in various locations – Charlotte Street, BB&T Building on Biltmore, Montford, and the Civic Center. In 1992, the AAM moved into its current location on South Pack Square – supplemented by an expansion in 1999 that now occupies approximately 24,000 square feet. In early 2016, the AAM culminated over ten years of planning and a capital campaign by starting the renovation and construction of the existing facility. When complete, the renovation and construction will result in a 55,000 square foot museum. Construction work is already underway at the project site, and construction is anticipated to be completed in 2018.

On April 12, 2016, via Resolution No. 16-84, the City Council authorized a waiver of up to $90,000 in permit fees for the construction/renovation of the AAM, which is a tenant in the City-owned facility under a lease approved in 2014. Following the submittal of plans to the permit office and the current cost of work, the projected permit fees total $102,000, which is $12,000 in excess of the original $90,000 waiver amount granted. As outlined in the correspondence, AAM submitted a letter on June 8, 2017, requesting approval of a waiver for this additional of $12,000 in permit fees.

The City's policy limits the waiver of permit fees to property owned, operated, and occupied by the City. In the instance where a property is owned, operated and occupied by the City, permits for work conducted on such properties must be obtained but no permit fees paid. In this instance, while the building at 2 South Pack Square is owned by the City, it is neither occupied nor operated by City.

The permit fee waiver reinvests funds otherwise collectible as revenue into the improvement of a publicly owned building.

Pros:

- Supports local non-profit reinvestment of funds into public infrastructure improvement.
- Enhances the improvement of a publicly-owned facility.

Cons:

- Removes an additional amount of $12,000 from City's revenue stream collectible as a permit fee.
- Provides a permit fee waiver for a property that is owned by but not operated or occupied by the City as indicated in the permit fee waiver policy.

The fiscal impact of this request, if approved, is the removal of up to $12,000 in additional permit fees from the City's revenue stream.

Staff recommends City Council adopt a resolution granting an additional permit fee waiver for an amount up to $12,000 to the Asheville Art Museum associated with construction and renovation at 2 South Pack Square, a City-owned facility.

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L. RESOLUTION NO. 17-158 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NATIONAL RECREATION AND PARKS ASSOCIATION FOR PROGRAMMING COST OF THE HEALTHY OUT-OF-SCHOOL TIME GRANT

ORDINANCE NO. 4598 - BUDGET AMENDMENT FOR HEALTHY OUT-OF-SCHOOL TIME GRANT

Summary: The consideration of (1) a resolution authorizing the City Manager to accept a grant from the National Parks and Recreation Association (NRPA) and the Walmart Foundation in the amount of $25,000 for the Healthy Out-of-School Time Grant.; and (2) a budget amendment

in the amount of $25,000 from the NRPA and Walmart Foundation grant award to establish an operating budget in the General Fund.

Earlier this year the City of Asheville (City) applied to the NRPA for the Healthy Out-of-School Time Grant for $25,000. NRPA partners with the Walmart Foundation to support this grant program. No matching funds are required. The grant will be used in the Parks and Recreation Department to enhance the existing food service program in the summer camp and after school program to 1) increase the number of healthy meals and snacks served to children in low-income communities; 2) provide evidence based nutrition education; 3) implement the Healthy Eating and Physical Activity (HEPA) standards; and 4) reduce food waste.

Grant funds will be used to enhance the existing food service program at six after school and 11 summer camp sites. These sites serve children ages 5 to 14 where 70% to 90% receive free and reduced school lunch thereby increasing healthy foods to low income youth. In addition to healthy foods, participants will engage in a nutrition literacy program to learn the importance of healthy eating and increase their opportunities of physical activity.

The grant funds will enhance the existing after school and summer camp food service program by supporting the cost of equipment, supplies and materials, program activities, and technical support with NRPA.

The Finance Committee approved the recommendation to accept the grant at its meeting on June 27, 2017, and forwarded it to the full City Council for its consideration.

Pro:

- The grant will support program cost in the amount of $25,000

Con:

- None

If accepted, the $25,000 grant will be spent during FY 2017-2018. No matching funds are required. This increase is funded by the NRPA and the Walmart Foundation. There is no impact to the City's General Fund budget.

Staff recommends that the City Council adopt: 1) a resolution authorizing the City Manager to accept a grant from the NRPA and the Walmart Foundation in the amount of $25,000 for the Healthy Out-of-School Time Grant.; and 2) a budget amendment in the amount of $25,000 from the NRPA and Walmart Foundation grant award to establish an operating budget in the General Fund.

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ORDINANCE BOOK NO. 31 - PAGE 254

M. RESOLUTION NO. 17-159 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDMENT TO THE CONTRACT WITH HYDROCYCLE ENGINEERING FOR ADDITIONAL SERVICES FOR THE WATERSHED ASSESSMENT FOR THE WELLINGTON STREET DRAINAGE AREA

Summary: The consideration of a resolution authorizing the City Manager to sign an amendment to the contract with HydroCycle Engineering for additional services for the watershed assessment for the Wellington Street drainage area which extends the time of completion from March 13, 2017, to a total of 1 year from the notice to proceed and extends the total compensation from $47,000 to $49,000.

During heavy rainfall events the neighborhood located in the Wellington Street area experience flooding issues due to overland flow. Citizens of this neighborhood, expressed

concerns to council in June 2016, in which Council asked Staff to perform a watershed assessment of the area to identify possible solutions to these issues.

The City contracted with HydroCycle Engineering to provide data collection to identify the existing stormwater conveyance systems including field survey to obtain missing system data; conduct a stakeholder meeting that identified specific stormwater issues; evaluate the hydrologic and hydraulic conditions of the existing stormwater conveyance systems; develop alternative solutions that meet the City's stormwater standards and planning level costs for each of the alternative solutions; conduct a final stakeholder meeting to present the solutions; and prepare a report that summarizes the entire process and recommended solution(s).

HydroCycle Engineering has expended a great amount of time working with the property owners to understand their specific issues and discussing small remedies (if possible) to the larger more complex solutions and how these solutions are incorporated into our Capital Improvement Program. The request for the amendment is to allow HydroCycle Engineering to complete the Summary Report and for some additional services for which they were not originally contracted; the services include a presentation to the City Manager's Office and/or a sub-committee of the Council and some additional assessment considerations based on HydroCycle's findings.

Because the total compensation requested is still under $50,000, this amendment will still meet the Exemption of the qualification based selection process.

Pros:

- The total compensation is under $50,000.
- The additional assessment considerations include staging several components of the initial recommendations in an effort to try to address some of the ongoing stormwater issues for the community earlier than it would take to complete an entire Capital Improvement Project and;

Con:

- The additional compensation was not budgeted for this year.

The City's Stormwater Utility will be responsible for the additional $2,000 cost for the professional services contract. The total contract for professional services will still be less than $50,000. This amount will be absorbed within the existing FY 2017-18 Stormwater Fund budget.

City staff recommends City Council adopt a resolution authorizing the City Manager to execute an amendment to the contract with HydroCycle Engineering for the additional professional services associated with the watershed assessment for the Wellington Street area and the associated extension of time and compensation. The total cost of the extended design services for this project is $2,000.

RESOLUTION BOOK NO. 39 - PAGE 54

N. RESOLUTION NO. 17-160 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH T & K UTILITIES INC. FOR THE NEIGHBORHOOD ENHANCEMENT PROJECT AREA 1 WATER DISTRIBUTION SYSTEMS PHASE 2 PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a construction agreement with T & K Utilities, Inc., for the NEP Area 1 Water Distribution Systems Phase 2 Project for the bid amount of $2,383,610.00 plus a 10% contingency in the amount of $238,361.00 for a total project budget in the amount of $2,621,971.00.

On June 14, 2017, the Water Resources Department (WRD) issued an Advertisement for Bids for the NEP Area 1 Water Distribution Systems Phase 2 Project. The scope of work for this

project includes, but is not limited to, all labor, materials, equipment, and incidentals required for the installation of approximately 20,600 Linear Feet of 6-inch, 8-inch, and 12-inch Ductile Iron Pipe located along Eliada Road, Wilson Road and Enka Lake Road in the west area of the City of Asheville Water Distribution System.

In response to the Advertisement for Bids, the department received three bids on July 11, 2017. Companies responding were:

1. Buckeye Bridge, LLC; Canton, NC – Bid: $2,694,494.46 (***Corrected for Mathematical Errors)**
2. T & K Utilities, Inc.; Hendersonville, NC – Bid: $2,383,610.00
3. Thomas Construction Company, Inc.; Johnson City, TN – Bid: $2,694,060.00

Following a review of the bids by City Staff and the project engineers, McGill Associates, T & K Utilities, Inc., was selected as the lowest responsible, responsive bidder for the bid amount of $2,383,610.00. A contingency amount of $238,361.00 has been added for a total project budget in the amount of $2,621,971.00.

Pros:

- This project will replace existing waterlines. The subject lines are undersized, provide inadequate fire protection, and/or have a high risk of failure. Replacement of these lines will help to improve the service and reliability of the water system.
- This project is aligned with the City and the WRD goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.

Con:

- Failure to award a construction contract would prevent the completion of the water system improvements.

The funding needed for the construction agreement is currently allocated within the Water Resources Capital Improvements Project (CIP) Fund in the Small Waterline Replacement Project.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a construction agreement with T & K Utilities, Inc., for the NEP Area 1 Water Distribution Systems Phase 2 Project for the bid amount of $2,383,610.00 plus a 10% contingency in the amount of $238,361.00 for a total project budget in the amount of $2,621,971.00.

RESOLUTION BOOK NO. 39 - PAGE 55

O. RESOLUTION NO. 17-161 - RESOLUTION AUTHORIZING THE CITY MANAGER ENTER INTO A LEASE AGREEMENT WITH CLIMBMAX, INC. FOR A CLIMBING WALL LOCATED AT 43 WALL STREET

Summary: The consideration of a resolution authorizing the City Manager to execute a lease agreement between the City of Asheville (City) and Climbmax, Inc. (Climbmax) for a climbing facility located at 43 Wall Street.

In 2002, the City entered into a lease agreement with Climbmax for a portion of the lower level of the property known as the Wall Street Parking Garage (identified as PIN# 9649-20-9249). The City agreed to lease both an interior and exterior space. The interior consists of 2,440 square feet which is relatively unfinished with the exception of HVAC improvements made by the tenant. A diagram of the space and its dimensions is provided as an exhibit. The exterior space subject to lease is used as an outdoor climbing wall and consists of ground area, overhead air space and a portion of the exterior wall of the Parking Garage Facility. Both the interior and exterior spaces

are used to support a recreational climbing experience that has operated downtown for over ten years.

The most recent lease between the City and Climbmax expired in 2005 and the lessee has been leasing on a "month to month" basis since that time. The owner of Climbmax has agreed to formalize a new lease with the City based on the following terms. The new lease would have a term of three years and one renewal possibility for an additional five years. The lessee has agreed to a monthly payment of $1,215 until March 31, 2018. After that date, the rent will increase 5% every year until March 31, 2020. Should Climbmax exercise the renewal option, the rent will increase by 3% every year. The rental rate is based on an increase to the current amount being paid, with aggressive escalations each year to achieve market-based rental by 2020. This is a unique space that would require costly improvements to up-fit for a more conventional use such as an office. The tenant has an excellent track record with respect to payment history and activates an area of the parking garage that may otherwise have a highest and best use as storage. In consultation with the City's Downtown Development Specialist, Dana Frankel, the continued use of this property for a climbing facility is consistent with the goals and vision for a vibrant Wall Street.

Existing terms of the lease will continue, such as the Lessee's responsibility to maintain the HVAC system. The City has agreed make minor site improvements, including screens to prohibit pigeons from roosting in the eaves near the entrance and an outside water spigot for climbing wall maintenance. The City will continue to require the tenant to have an insurance that protects the City from any liability by climbing wall users.

Pros:

- Lessee has agreed to an escalation rate that will insure that the rental payment that meets market rates.
- Lessee continues to be responsible for most internal maintenance such as the care of the HVAC system.
- The City is able to lease a unique space that it currently does not need without costly upgrades.

Con:

- None

In that this property was constructed as part of the Wall Street Parking Facility, the proceeds of this lease will be deposited into the Parking Services Enterprise Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a lease agreement with Climbmax to continue its operation at this downtown site.

RESOLUTION BOOK NO. 39 - PAGE 56

P. RESOLUTION NO. 17-162 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH COOPER CONSTRUCTION COMPANY INC. FOR THE NEIGHBORHOOD ENHANCEMENT PROJECT AREA 4 WATER DISTRIBUTION SYSTEMS PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a construction agreement with Cooper Construction Company, Inc., for the NEP Area 4 Water Distribution Systems Project for the bid amount of $4,566,286.02 plus a 10% contingency in the amount of $456,629.00 for a total project budget in the amount of $5,022,915.00.

On June 5, 2017, the Water Resources Department (WRD) issued an Advertisement for Bids for the NEP Area 4 Water Distribution Systems Project. The scope of work for this project

includes, but is not limited to, all labor, materials, equipment, and incidentals required for the installation of approximately 24,000 Linear Feet (LF) of 6-inch and 8-inch Ductile Iron Pipe and approximately 550 LF of 2-inch High Density Polyethylene (HDPE) in various areas of the City of Asheville Water Distribution System located near Warren Wilson Road, Hanover Street, Waynesville Avenue, North Street, Dogwood Court, Willis Way, Piney Mountain Church Road, and Conestee Street.

In response to the Advertisement for Bids, the department received three bids on June 29, 2017. Companies responding were:

1. Buckeye Bridge, LLC; Canton, NC – Bid: $5,081,768.55
2. Cooper Construction Company, Inc.; Hendersonville, NC – Bid: $4,566,286.02
3. T&K Utilities; Asheville, NC – Bid: $5,270,741.63

Following a review of the bids by City Staff and the project engineers, Kimley-Horn and Associates, Cooper Construction Company, Inc., was selected as the lowest responsible, responsive bidder for the bid amount of $4,566,286.02. A contingency amount of $456,629.00 for a total project budget in the amount of $5,022,915.00.

Pros:

- This project will replace existing waterlines. The subject lines are undersized, provide inadequate fire protection, and/or have a high risk of failure. Replacement of these lines will help to improve the service and reliability of the water system.
- This project is aligned with the City and the WRD goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.

Con:

- Failure to award a construction contract would prevent the completion of the water system improvements.

The funding needed for the construction agreement is currently allocated within the Water Resources Capital Improvements Project (CIP) Fund in the Small Waterline Replacement Project.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a construction agreement with Cooper Construction Company, Inc., for the NEP Area 4 Water Distribution Systems Project for the bid amount of $4,566,286.02 plus a 10% contingency in the amount of $456,629.00 for a total project budget in the amount of $5,022,915.00.

RESOLUTION BOOK NO. 39 - PAGE 57

Q. RESOLUTION NO. 17-163 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR A GRANT FROM THE N.C. DEPT. OF AGRICULTURE AND CONSUMER SERVICES TO ASSIST IN PERFORMING A GAP ANALYSIS FOR THE CITY'S URBAN FOREST PROGRAM, AND IF AWARDED, ENTER INTO SAID GRANT AGREEMENT

ORDINANCE NO. 4601 - BUDGET AMENDMENT FOR GAP ANALYSIS FOR THE CITY'S URBAN FOREST PROGRAM

Summary: The consideration of a resolution allowing the City Manager to apply for and accept a grant from the North Carolina Department of Agriculture and Consumer Services through the North Carolina Forest Service, Urban & Community Forestry Program to assist in performing a gap analysis for the City's Urban Forest program; and the associated budget amendment, in the amount of $6,000.

The City is seeking to continually improve the urban tree program within the City. Trees provide value to our citizens by providing a sense of well-being, security, providing stormwater values, and promotes aesthetics for our community.

The City's Tree Commission is actively working toward promoting the efforts city staff provide, a necessary component for the City to continue to move forward with an Urban Forestry Plan is to perform an Urban Forest Gap Analysis of current programs and policies. This gap analysis will be the building block for the Urban Forest Plan that will be the next step in the City's effort.

City staff is seeking assistance from the North Carolina Department of Agriculture and Consumer Services through the North Carolina Forest Service, Urban & Community Forestry Program for funding for this analysis. City Council, through the budget process, provided funds to move forward with this effort. The grant will allow City funds to be maximized. The grant will total $6,000.

Pros:

- Approval of this action will allow the City to move forward with the Urban Forest Gap Analysis
- The analysis will provide guidance to City Staff on areas to improve regarding the urban forest program
- This project will be the building block for the Urban Forest Plan

Con:

- The remaining funding for the analysis will be funded from the general fund.

By obtaining this grant, the City's funds will be maximized to allow for completion of the analysis.

Staff recommends City Council adopt a resolution authorizing the City Manager to apply for and accept a grant from the North Carolina Department of Agriculture and Consumer Services through the North Carolina Forest Service, Urban & Community Forestry Program to assist in performing a gap analysis for the City's Urban Forest program, and the associated budget amendment, in the amount of $6,000.

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ORDINANCE BOOK NO. 31 - PAGE 267

R. RESOLUTION NO. 17-164 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDMENT TO AN EXISTING LEASE AGREEMENT WITH SKYLAND VOLUNTEER FIRE DEPARTMENT INC. FOR SPACE TO BE LEASED AT 11 POND ROAD

Summary: The consideration of a resolution authorizing the City Manager to sign an amendment to an existing ground lease agreement that will change the premises being leased by Asheville Police Department (APD) to a new building owned by the Skyland Volunteer Fire Department South Asheville.

In 1995, the Skyland Volunteer Fire Department (Skyland VFD) signed a 99 year ground lease with the City of Asheville (as tenant) to allow the Asheville Fire Department (AFD) to lease space in the building at 9 Miller Road in South Asheville. In 1999, the City determined that it was in the public interest to establish a police substation in the same space and the original lease was amended to allow for that use. The amendment allowed for a five year lease with one five-year renewal. That lease that governs APD's use will expire in 2020.

In May of 2016, the Skyland VFD purchased an adjacent building that fronts Pond Street. It was formerly operated as a daycare center. Skyland VFD has been up-fitting the space for use by administrative staff and they have requested that the Asheville Police Department relocate and occupy space in the new building. The Asheville Fire Department will continue to occupy space in the structure at 9 Miller Road. APD will have exclusive use of three rooms within the Pond Street building for a total of 1,385.5 square feet of usable space. They will also be able to utilize the following common areas: exercise room, wash room, kitchen and break room. They will also have access to ten non-exclusive parking spaces adjacent to the building at 1 Pond Street. They would be allowed to continue parked vehicles south and east of 9 Miller Road. An additional exhibit shows the layout within the Pond Street facility.

Pros:

- APD will be able to move in and begin using the premises.
- APD will have access to more space with better facilities.
- The current rental rates will not change.

Con:

- None.

There is no fiscal impact in that the City will continue to pay the $5,000 per year that they currently pay to lease the facility.

Staff recommends City Council adopt a resolution authorizing the City Manager to sign this Ground Lease Agreement Amendment to include the new facility.

RESOLUTION BOOK NO. 39 - PAGE 59

S. RESOLUTION NO. 17-165 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDING FROM THE FEDERAL TRANSIT ADMINISTRATION SECTION 5339, BUSES AND BUS FACILITIES GRANTS PROGRAM

Summary: The consideration of a resolution authorizing the City Manager to accept funding from the Federal Transit Administration (FTA) Section 5339; Buses and Bus Facilities Grants Program.

The Section 5339 grants program provides funding through formula allocations and competitive grants. The City of Asheville receives an annual allocation from the formula program that averages about $245,000. The funds can be used to replace, rehabilitate and purchase buses and related equipment and to construct bus-related facilities.

Transportation Department staff has identified a much needed project to completely renovate the Transit Center which is located between Asheland Avenue and Coxe Avenue in the Central Business District. This project, which is identified as the "Transit Station Renovation", has a total of $750,000 in City Funds committed to it and staff would like to add the Federal Fiscal Year 2014 Section 5339 formula allocation of $213,911 in order to establish a total project budget in the amount of $963,911.

Previously, staff would just move forward and set up projects using these funds but a new Grants Policy with an effective date of May 15, 2017 has changed that action. In order to provide consistency and a good audit trail throughout all of the City's departments, it is important that City Council officially accept all funds that the City receives.

Pros:

- The renovated Transit Center would provide a more comfortable and modern setting for transit customers.

- The renovated Transit Center would likely increase ridership.
- The renovated Transit Center would meet current ADA compliance requirements.

Con:

- Local match in the amount of $53,477.

The total project budget equals $963,911 including Federal Fiscal Year 2014 Section 5339 formula funds in the amount of $213,911 and City Funds in the amount of $750,000. The required Local match of $53,477 is included in the City's commitment. The appropriate budget amendment will come to City Council for review and approval before the project begins.

Staff recommends that City Council approve a resolution authorizing the City Manager to accept the Federal Fiscal Year 2014 Section 5339 formula funds in the amount of $213,911 to be used for the "Transit Station Renovation" project.

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T. RESOLUTION NO. 17-166 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PUBLIC/PRIVATE PARTNERSHIP AGREEMENT WITH THE DEVELOPER/OWNER OF 10 BROADWAY (MHG TOWER, LLC) FOR THE PAVING OPERATIONS WITHIN THE PUBLIC RIGHT-OF-WAY ALONG COLLEGE STREET

ORDINANCE NO. 4599 - BUDGET AMENDMENT FOR PUBLIC/PRIVATE PARTNERSHIP WITH MHG TOWER, LLC

Summary: The consideration of (1) a resolution authorizing the City Manager to execute a public/private partnership agreement with the developer/owner of 10 Broadway (MHG Tower, LLC), for the paving operation within the public right of way along College Street; and (2) a budget amendment in the amount of $14,304 to receive and budget the payment from the developer.

The City has plans to mill and resurface College Street from Spruce Street to Broadway. As part of the construction of the development at 10 Broadway, work within the City's rights of way required the developer to mill and resurface a section of College Street.

In order to have smooth transitions in the riding surface of the roadway, City staff discussed the potential partnership with the development team, a plan to perform the necessary work within public rights of way became the most cost effective and viable option in order to minimize conflicts and disruptions to the traveling public and to also provide cost savings through the partnership.

As part of the permitting for the property, the developer is required to mill and resurface one lane of College Street. The plan would be for the City to contract the paving operations for the entire project within the public right of way, inspect the work and administer the contract, rather than the developer/owner undertaking their portion of the work separately; and the developer/ owner will reimburse the City for their share of the cost of the work. The owner will be responsible for the estimated work associated with their development, and the total cost to the developer will be $14,304. The coordination of the work will be critical as this is a very heavily used section of our City.

Pros:

- If approved, the City team would be able to move quickly on the work, minimizing impacts to the traveling public.
- The project will improve the riding surfaces of these roads

- This project will maximize City's funding to allow for more infrastructures to be installed through this public private partnership.

Cons:

- The paving operation will be disruptive to the area during construction.

The estimate for this project is $64,563. The developer will be responsible for $14,304 toward this project. The remaining cost is proposed to be paid by the City through the annual resurfacing program.

City staff recommends City Council adopt (1) a resolution authorizing the City Manager to execute a public/private partnership agreement with the developer/owner of 10 Broadway (MHG Tower, LLC), for the paving operation within the public right of way along College Street; and (2) a budget amendment in the amount of $14,304 to receive and budget the payment from the developer.

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Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Mayfield moved for the adoption of the Consent Agenda, minus Consent Agenda Items J1. And J2, and with the addition of Item Q2. This motion was seconded by Councilman Bothwell and carried unanimously.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

J. RESOLUTION NO. 17-156 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MCDONALD TRANSIT FOR OPERATIONS AND MAINTENANCE OF THE ASHEVILLE TRANSIT SYSTEM

ORDINANCE NO. 4597 - BUDGET AMENDMENT TO FUND THE FISCAL YEAR 2017-18 COSTS FOR OPERATING AND MAINTAINING THE ASHEVILLE TRANSIT SYSTEM

Assistant City Manager Cathy Ball, along with Transit Coordinator Ely Mathis said that this is the consideration of: 1) a resolution authorizing the City Manager to enter into an agreement with McDonald Transit for operations and maintenance of the Asheville transit system (ART); and 2) a budget amendment in the amount of $441,000 in both the General Fund and the Transit Services Fund utilizing General Fund unassigned fund balance to fully fund the FY 2017-18 costs for operating and maintaining the Asheville transit system.

On August 23, 2016, the Finance Committee directed staff to move forward with an RFP that would transition the transit system from the current Management Company model to a 'Turn-Key' Operations and Maintenance Contract (O&M) model. The O&M contracting method is new to the City of Asheville, which currently operates its transit service under a transit management contract with operations and maintenance personnel employed by Transit Management of Asheville. Under the new O&M Contract, all of the elements necessary to provide the transit service will be the responsibility of the contractor, with City oversight, and the contractor will be responsible for providing all the specified scope of services for a fixed price. The O&M contract places the performance responsibility and cost risk associated with the transit service on the contractor, rather than the City. The new contract includes higher performance standards and penalties which can be imposed if performance standards are not met.

Because of the complexities of the new management model, the RFP process and draft O&M Contract were developed with a consulting team managed by the City's Transit Coordinator. The team included NWC Partners of California who specialize in organizational and optimization strategies to public transportation agencies, and Kent Woodman of the Thompson Coburn law firm in Washington, D.C. who specializes in FTA procurement policies and transit labor agreements.

The RFP was issued on February 20, 2017, with proposals due May 2, 2017. Seven companies attended the pre-bid conference and three companies submitted proposals; a higher level of interest than the previous management company RFP which only received two proposals. The Evaluation Committee that was selected to review the proposals was composed of: the Transit Projects Coordinator, the Transportation Planning Manager, one Transit Committee member, one representative from the Transit Union, and one transit rider who is a former bus driver and former member of the Transit Committee. The evaluation included two sections, each with a different weight for scoring: Technical Qualifications (60%) and Price (40%). The evaluation process also included an interview of each firm's management team as well as an opportunity for each firm to submit a Best and Final Offer based on feedback received during their interviews. After scoring all proposals based on both price and technical qualifications, the Evaluation Committee selected McDonald Transit as the highest ranked firm.

McDonald Transit is the bus services division of RATP Dev North America and operates in 32 communities in the United States, including the Mountain Mobility paratransit service provided by Buncombe County. Some of the areas where McDonald Transit stood out from the competition are: a highly experienced General Manager and Management Team, a significantly high level of driver training, a focus on bicycle and pedestrian safety within their proposed Safety Plan, high standards for equipment and facility maintenance, and a commitment to community outreach and partnerships.

Staff are confident in the results of the RFP process and the final selection made by the Evaluation Committee. Staff believe McDonald Transit is offering a higher quality of service for a price that is consistent with findings in the Independent Cost Estimates provided by our consultant team.

The new contract will include additional requirements which aim to significantly improve overall performance of the transit system and transfer liability to the Contractor. These changes include:

- Three new managerial positions: Director of Operations, Director of Maintenance, and Director of Safety and Security.
- One new Route Supervisor position, bringing the total number of Route Supervisors to four.
- Higher on-time performance standards, with penalties and bonuses to incentivize and ensure compliance.
- A uniformed security officer on duty whenever the Downtown ART Station is open.
- Higher vehicle and facility maintenance standards which will reduce delays and missed trips associated with mechanical issues.
- New support vehicles, which will be owned and operated by the Contractor, removing this liability from the City.
- New IT and office equipment, provided by the Contractor.
- A new Customer Complaint System. All complaints will be taken by City Staff, logged, and provided to ART Staff to follow up. City Staff will be able to monitor the Contractor's response to complaints and assess penalties if issues are not resolved in a timely manner.

In order to fully fund the contract with McDonald Transit for operations and maintenance of the Asheville transit system in FY 2017-18, staff is requesting a budget amendment in the amount of $441,000 from General Fund unassigned fund balance. The Adopted FY 2017-18 General Fund budget included a $1,181,000 appropriation from General Fund unassigned fund balance, which left fund balance levels at the 15.0% City policy target. With this additional $441,000 appropriation, unassigned fund balance would decrease to approximately 14.6% of the FY 2017-18 General Fund budget, slightly below the policy target.

It should be noted that the FY 2017-18 fund balance appropriation will only provide a one-year funding source for this agreement, an ongoing revenue source will need to be identified during the FY 2018-19 budget process.

Staff recommends City Council adopt: 1) a resolution authorizing the City Manager to enter into an agreement with McDonald Transit for operations and maintenance of the Asheville transit system; and 2) a budget amendment in the amount of $441,000 in both the General Fund and the Transit Services Fund utilizing General Fund unassigned fund balance to fully fund the FY 2017-18 costs for operating and maintaining the Asheville transit system.

Mr. Mathis responded to some questions raised by the Finance Committee as follows: (1) according to Federal Transit Administration regulations, modifications leading to price changes is prohibited (would require a new RFP); (2) fuel is retained by the City as it is cheaper through City operations; and (3) a delay in execution would result in a month-to-month basis with the current contractor.

Ms. Ball, Mr. Mathis and Chief Finance Officer Barbara Whitehorn then responded to various questions/comments from Council, some being, but are not limited to: who is responsible for what if a bus breaks down; if we went to fare free, would that speed up the loading for the buses to be on-time; detailed information on the estimated budgeted amount in the Fiscal Year 2017-18 budget and the additional budget amendment request of $441,000 today; why didn't Council see the contract before today; and at what time can we bring up an issue and what would be the procedure for doing that.

Councilwoman Mayfield noted that this is just about maintaining the contract; and, it just puts the point on the conversation we have agreed to have about finding some sort of dedicated source of funding for transit.

When Mayor Manheimer asked for public comment, no one spoke.

Councilwoman Mayfield moved for the adoption of Resolution No. 17-156. This motion was seconded by Councilman Bothwell and carried unanimously.

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Councilwoman Mayfield moved to adopt Ordinance No. 4597. This motion was seconded by Councilman Bothwell and carried unanimously.

ORDINANCE BOOK NO. 31 - PAGE 252

III. PRESENTATIONS & REPORTS:

A. COUNCIL STRATEGIC PRIORITIES UPDATE

Assistant City Manager Cathy Ball provided Council with a brief update of their VISION 2036. Although there are numerous accomplishments, she highlighted some of the following:

- A Diverse Community - (1) Equity and Inclusion Manager hired; and (2) Disparity Study underway.
- A Well Planned and Livable Community - (1) Comprehensive Plan process ongoing; (2) Food Action Plan progressing; (3) August consideration of Haywood Street interim uses; and (4) Neighborhood planning process ongoing.
- A Clean and Healthy Environment - (1) Compost Pilot Program at Thomas Wolfe; (2) Recycling extended to Pisgah View; (3) LED lighting upgrades at U.S. Cellular Center Parking Deck; (4) Workplace Challenge recognitions awarded; and (5) Energy Innovative Task Force action items budgeted
- Affordable Housing - (1) Development agreement reached for Hilliard; (2) RFQ issued for study of City-owned land; (3) supporting Lee Walker Heights Tax Credit Application; and (4) Eagle-Market Street Project progressing
- Transportation and Accessibility - (1) new Transit Management Contract recommended; (2) extended transit service budgeted; (3) Parking Study recommendations adopted; and (4) parking garage video call center activated.
- Thriving Local Economy - (1) Buncombe County Capital Loan Program stalled; (2) Minority Business Program outreach; (3) County/City housing and economic development partnerships to be explored; and (4) small business support ongoing.
- Connected and Engaged Community - (1) tracking reports on diversity on boards and commissions ongoing; (2) initial rounds of boards and commissions training completed; (3) survey of boards and commissions complete; report to Governance pending; and (4) NC DOT/I-26 Working Group collaborating

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 175 LYMAN STREET FROM RIVER DISTRICT TO MIXED USE EXPANSION DISTRICT/CONDITIONAL ZONING FOR THE DEVELOPMENT OF 133 RESIDENTIAL UNITS, COMMERCIAL SPACE, RESTAURANT IN 5 BUILDINGS AND A PARKING STRUCTURE

At the request of the applicant, Councilman Smith moved to continue this meeting until August 22, 2017. This motion was seconded by Councilman Young and carried unanimously.

B. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 39 GERBER ROAD FROM COMMERCIAL BUSINESS II DISTRICT TO HIGHWAY BUSINESS DISTRICT/CONDITIONAL ZONING FOR THE PURPOSE OF CONSTRUCTING A THREE STORY, 85,000 SQUARE FOOT SELF STORAGE FACILITY

ORDINANCE NO. 4600 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT 39 GERBER ROAD FROM COMMERCIAL BUSINESS II DISTRICT TO HIGHWAY BUSINESS DISTRICT/CONDITIONAL ZONING FOR THE PURPOSE OF CONSTRUCTING A THREE STORY, 85,000 SQUARE FOOT SELF STORAGE FACILITY

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to conditionally zone property located at 39 Gerber Road from Commercial Business District II to Highway Business District/Conditional Zoning for the purpose of constructing a three story, 85,000 square foot self storage facility. This public hearing was advertised on July 14 and 21, 2017.

The project site consists of a single moderately sized parcel of approximately 4.24 acres with frontage on Gerber Rd. A significant portion of the property, approximately 1.74 acres, is covered by road right-of-way and not considered part of the project area which is approximately

2.5 acres. The property is currently zoned CBII and is vacant, undeveloped property. The PIN for the property is 9655-26-2216 and the property owner is Asheville Gerber LLC.

The applicant is proposing to develop a large, three-story, 85,000 square foot commercial building that contains 675 storage units and a small 900 square foot office that supports the facility. Also included in the proposal is the creation of 25 off-street parking spaces, sidewalk, an internal pedestrian connection to the property to the south, and a 16,335 square foot green space to be made available to the community as a passive park.

Vehicular access to the property will be from Gerber Rd. at two separate driveway entrances located at either end of the proposed building, while pedestrian access is provided with new sidewalk to be constructed along the property frontage and along entrances to the building.

The majority of the off-street parking is located on the western side of the building nearest the office. Three additional groupings of two spaces each are located adjacent to the primary loading areas found around the perimeter of the building. Three handicap accessible parking spaces are provided, along with two bicycle parking spaces.

A significant portion (1.74 acres or 41%) of the subject property falls within the Gerber Rd. right-of-way and is excluded when calculating open space requirements. The portion of the property outside of the right-of-way is approximately 2.5 acres requiring a minimum open space requirement of .375 acres (16,335 square feet). The open space is also proposed to be designed and made available to the community as a small pocket park with walkways, a rain garden water feature, pollinator meadow, trees, shrubs, and park benches.

Landscaping is required on the site and includes street trees along the road frontage; building impact, and parking lot landscaping on the site; and dumpster screening around all dumpster locations.

This conditional zoning was approved by the Technical Review Committee (TRC) on May 1, 2017, and requires review by the Planning and Zoning Commission, City Council and Final TRC prior to zoning permits being issued.

The Planning & Zoning Commission reviewed this request at their meeting on June 7, 2017, and voted 5-0 in support of the proposed request. Nine members of the public commented on the proposed project. Seven of the nine supported the project for various reasons including:

- A preference for low traffic, low impact uses (*challenges with traffic were cited including a suggestion to look at adding a lane to Gerber Rd.*).
- The value/benefit of a community park
- Convenience to residents in the area
- Improved connectivity with new sidewalk connections
- The developer's willingness to revise the proposal based on community input

One individual opposed the project stating the overabundance of storage facilities in south Asheville, and another member of the public was neutral but requested consideration for a crosswalk across Gerber Rd.

The applicant is seeking to conditionally rezone the property to Highway Business-CZ for the purpose of expanding the uses permitted to allow for the self storage facility not normally allowed under the current CBII zoning district. The Highway Business district is intended to support commercial, automobile oriented businesses along major commercial thoroughfares. Gerber Rd. is not classified as a major thoroughfare.

Conditions – A condition that reduces the front setback from 35 feet to 20 feet has been requested by the applicant.

The Planning & Zoning Commission also added the following conditions, as agreed to by the applicant:

1) Widen the sidewalk along Gerber Rd. to a minimum 6 feet
2) Add an awning to the door on Gerber Rd. or otherwise enhance the entrance
3) Limit internally illuminated signs to the west side of the project facing Gerber Rd.
4) Replace false windows with real windows where possible (not hitting the floor plate)
5) Limit free-standing business signage to no more than 50 square feet and 12 feet in height
6) Work with the community redefine the park as an open space amenity area

The subject property was rezoned from Urban Village (UV) to Community Business II (CBII) in 2012. Some of the remaining undeveloped UV zoned property received Conditional Zoning approval in 2012 for a large senior affordable housing project (Givens Gerber Park Apartments) which was subsequently amended in 2015 for a slight increase in density and minor site plan changes. The Palisades apartment development received a Conditional Use Permit in 2013 for its Level III apartment development located to the east/southeast of the subject property.

The subject property is bordered to the north by Community Business II (Gerber Village) and Highway Business-CZ (Givens Gerber Apartments). Directly west and south of the property is Commercial Industrial zoning supporting a mix of retail and service uses including the Earth Fare grocery. Lastly, to the east/southeast of the property is more Commercial Industrial property (Palisades Apartments).

Following a smart growth development policy, the subject property was originally part of the Gerber Urban Village proposal approved in 2001 that originally included 16 acres. Approximately 7.5 acres was developed under the plan, however, the balance of the property went undeveloped and the subject property was eventually rezoned to Community Business II in 2012. As stated in the 2012 staff report, the CBII zoning was chosen, *"to provide areas for medium to high density commercial uses serving several residential neighborhoods. The district requires parking to be placed to the side or rear of the building which is a pedestrian oriented building standard to encourage pedestrian access and movement through the district. The location for CB II zoned areas is appropriately located on major thoroughfare streets to ensure adequate access. The list of allowed uses is extensive in anticipation of the wide range of commercial uses needed to serve as a community base".*

The zoning in this area represents a transition from a history of commercial and light industrial uses to one of a mix of residential, service, employment and community based businesses. The Highway Business zoning has been restricted to the west side of Hendersonville Rd. where suburban highway oriented development is expected. Self service storage facilities are typically utilized by individuals outside the neighborhood and do not directly support the immediate community and has not been regarded as a use that is community based. The small green space proposed, however, does help support the community.

The Asheville City Development Plan 2025 highlights the importance of smart growth and very specifically identifies the need for, and value of compatible infill housing and quality employment opportunities. The proposed storage facility does not achieve any of these goals and fails to contribute to an inclusive, multi-modal, mixed use, urban community identified on the Future Land Use and Transportation Plan map.

Additionally, while not yet adopted, the draft comprehensive plan continues to identify the same area as a mixed-use, "transit supportive node" illustrating a continuity of community interest for infill development that supports larger community goals.

The proposed development most closely aligns with the goal of a Connected and Engaged Community where, on April 24, 2017, the developer and their design team met with a

group of South Asheville residents to explore options for the property that would be desirable from the standpoint of the south Asheville residential community. The developer responded by retaining (and slightly expanding) the lowest traffic generating piece of the proposal (self storage), while adding a passive park and green space that took the place of 6000 square feet of future service/retail space. The revised proposal also removed a small amount of on-street parking at the request of the residents.

While supporting the goal of a Connected and Engaged Community, the current proposal is contrary to other goals stated in the Plan especially in the areas of housing, diversity, and economic development and fails to meet the community vision for a vibrant, mixed-use, multi-modal community reflected in this and other plans.

Considerations:

- A self-storage facility does not provide housing, a needed community service, or employment opportunities.
- The self-storage facility does not activate the street or engage the pedestrian with a single door entrance, blank walls and false windows.
- A self-storage facility is a low traffic generator.
- Proposal includes 16,335 s.f. green space to be made accessible to the community but will be privately maintained.
- The building is designed to accommodate future adaptive reuse.
- There have been eight applications for self storage facilities received in the last 24 months including:
    - 890 Hendersonville Rd. (CZ denied at Council)
    - 1292 Hendersonville Rd. (Level II)
    - 2130 Hendersonville Rd. (Level II)
    - 3175 Hendersonville Rd. (Level II)
    - 39 Gerber Rd. (CZ)
    - 311 Sardis Rd. (Level II)
    - 165 Glenn Bridge Rd. (Level II)
    - 701 Bleachery Boulevard. (Level II)
- There are approximately 19 storage facilities (not including the eight applications noted above) located in the Asheville area.

Based on policies stated in the Comprehensive Plan and other plans staff finds this request is not reasonable, and is not within the best public interest, and recommends denial of the proposed conditional zoning as proposed.

Mr. W. Louis Bissette, attorney representing the Gerber Road Self-Storage Facility, briefed Council on the the history of Gerber Village. He said there are approximately 1200 apartments in a one mile radius of the proposed project that are built or are in the process of being built. Since many homes are getting smaller, there is not a lot of room for on-site storage. Also in the area there are many businesses, small service oriented offices and professionals that don't have available storage. The storage facility will be able to fee up office space by storing items workers don't use regularly, will provide a space for extra furniture and equipment until the business needs it, allows a business to save money by buying office supplies in bulk and storing them for future use, etc. He felt that this location will provide a convenient storage area for businesses and residents, will reduce travel miles (and thus reduce traffic congestion) for those that have to travel to other storage locations. He provided a letter dated July 24, 2017, from Chief Executive Officer of Givens Kenneth Partin, that states "Givens supports the proposed Gerber self-storage project by Pulliam Properties. We feel that the use and the look of the project is a good fit for the community and will be a useful amenity to Gerber residents. We recommend that the Council approve of this project." This project will have no impact on services or utilities. Due to the zoning designations around this project, this use is allowed, but just not on this property.

He said the building will fit in the topography of the site and the exterior will be consistent with other sues in the area. He urged the Commission to approve this conditional zoning request.

Mr. Bissette said that they are agreeable to a condition that the developer install a crosswalk as shown on the revised site plan.

Mr. Chris Day, from Civil Design Concepts, provided the Commission with a brief update on the site design. He said that the project will include a sidewalk from Gerber Road all the way up to the railroad tracks. Their will be a 5-foot planting strip with a 5-foot sidewalk. After their two neighborhood meetings and TRC, they changed their project to remove the retail and create a pocket park available to the residents and community. He noted that the crosswalk actually exists but it doesn't lead anywhere. They have coordinated their site plans so the crosswalk aligns with the front of their building and ties in with the connectivity onto the Earth Fare Shopping Center. Now it is a high visibility crosswalk painted on the pavement and they will add signage to yield to pedestrians in accordance with the City's Transportation staff.

Mr. Hobert Orton, applicant, briefly explained their neighborhood meetings and asked Council for their support.

In response to Councilman Bothwell, Mr. Day explained the rain garden feature..

Mayor Manheimer opened the public hearing at 6:02 p.m.

Ms. Pat Deck, representing the Sweeten Creek Association of Neighborhoods (SCAN), said that they support the proposed self-storage facility. At their neighborhood meeting, they made two suggestions, both of which have been incorporated into their plan.

Mayor Manheimer closed the public hearing at 6:06 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the Conditional Zoning request from Community Business II (CBII) to Highway Business Conditional Zone (HB-CZ) to allow for the construction and operation of a self-storage facility at 39 Gerber Rd., with the condition (being added to the B.1 conditions) that the developer install a crosswalk from the front of their building to the Earth Fare Shopping Center, and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: (1) supports moderately scaled commercial development near a commercial highway corridor, and (2) engages community partners in the design for the site. This motion was seconded by Councilman Bothwell and carried unanimously.

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C. PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES TO ADOPT THE RIVER ARTS DISTRICT FORM BASED CODE FOR THE GREATER RIVER ARTS DISTRICT AREA AND THE ASSOCIATED PROPERTY REZONING

Project Manager for the River Arts District Form Based Code Sasha Vrtunski said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinance to adopt the River Arts District Form-Based Code for the greater River Arts District area and the associated property rezoning. This public hearing was advertised on July 14 and 21, 2017.

Over the last two years, the city has been engaged with the River Arts District on new zoning districts for the area. The code calls for the creation of seven new zoning districts that are

tailored to the area. Form-Based Codes are a newer zoning tool that focuses on the form and placement of new structures on parcels instead of relying on a list of permitted uses. By emphasizing the building form, the character of the area is enhanced and protected because the buildings - with their defining features and their placement in relation to the street and sidewalk - create a strong neighborhood context.

For each district in the area, the focus is on the placement of buildings in relation to the public realm - or rather the street and sidewalk. The districts also define different allowable heights, setbacks, uses, and building frontage. This code divides the district into seven zoning types based on their location, topography, road widths and potential for a mix of development.

District Name	Primary Uses	Notes
RAD – Residential	Residential – some small in-home commercial/studios	Relatively small area of the district is in this zoning category.
RAD – Neighborhood Transition RAD – Shopfront RAD – Lyman Hollow RAD – River	Mixed Use, various heights depending on location Includes light industrial and in some districts, industrial.	Maximum heights vary between 3 and 7 stories. Scale is sensitive to adjacent neighborhoods. Height bonus for affordable housing in the RIV and SHP districts.
RAD – Industrial	Industrial uses, some secondary commercial allowed	Currently only on New Belgium location, but other property owners could request it
RAD - Open Space/Public Facilities	Park land, open space, trails, public facilities including community centers, playgrounds, fire stations, etc.	Allows for a small amount of commercial uses in support of recreation, such as bike rentals, snack bar, etc.

In addition to the above areas, there are a small number of parcels on the outside edge of the district where rezoning is being proposed to ensure that zoning is in line with community goals. Two of these parcels have remnants of older commercial zoning, but would not be able to be developed commercially because of size, topography and streets. All three parcels in this case will be rezoned or partially zoned to RM-8, which is harmony with the surrounding parcels. These areas are noted on the map with a purple hatch symbol.

Changes to the Draft Code

Since the release of the previous draft code (on 12/12/16) the following changes have been made to the current proposal:

- Buildings that are adjacent to neighborhoods are limited to 3 stories on Roberts Street and the side streets near Craven Street.
- More flexible building placement requirements for areas north of the I-240 bridge. These properties have the railroad line in the front of the properties, and the river on the rear, so development may be more oriented to the river.
- Affordable housing bonus in the RAD-RIV district was increased to 2 stories for 20% of units

being affordable as defined by the city. Through input, staff gathered that the 1 story bonus would not be enough to incent the affordable units.

- A section of City-owned land on Ralph Street (behind the Green's gas station) has been added to the residential zoning area. This land could accommodate a small amount of units that could help activate this part of the street. This property is not a part of future park development planning.
- Some reductions in requirements, such as strict floor heights for ground floors, reduction in transparency for the Residential district from 30% to 20%, live/work unit size limit.
- Murray Hill Park was originally included in the form-based code project area and was proposed to be re-zoned from RM-16 to Open Space/Public Facilities district and the RAD-RES district. After conversations with the community, the area was taken out of the proposed rezoning area. This site is still to be considered for potential future housing as part of the city's strategy to repurpose city-owned land for that use, but both staff and community members agreed that a more in depth process for this site would result in a tailored solution for this property. Current zoning already allows for multifamily housing.

Short-Term Rentals

As with other mixed use districts in the city, short-term rentals (up to 20 rooms) would be allowed as-of-right under the proposed form-based code with the exception of the RAD-RES, RAD-IND and RAD-OSP districts (a short-term rental with 21 or more rooms would fall into a rezoning application via conditional zoning). Short-term rentals are considered as "lodging facilities" in the Permitted Use Table. Lodging facilities also include hotels and motels (short-term rentals are not a separate use from hotels). Under the current zoning in the River Arts District, lodging facilities (up to 20 rooms) are a permitted use in the Commercial Industrial (CI) and River (RIV) districts. Bed and breakfast inns, which are defined as having between 4 and 20 guest rooms and have an onsite manager who provides supervision throughout the day/night, are a separate use from lodging facilities.

There are some properties along Craven Street and Roberts Street that are currently zoned RM-8, and one zoned RM-16CZ, that are not allowed to have lodging facilities. There has been general agreement in the community over the past two years that the areas around Craven Street and other areas on the east side of the river are appropriate for mixed use development. Concerns about lodging uses in the form of short-term rentals, have only arisen in the last two months.

Some residents of East West Asheville have raised concerns that Craven Street would become mostly devoted to short-term rentals across from New Belgium Brewing. Staff is aware of several property owners interested in pursuing development of short-term units on Craven Street.

Staff provides the following options for City Council consideration:

1. Allow lodging facilities (up to 20 rooms) throughout the River Arts District Form-Based Code area with the exception of the RAD-RES, RAD-IND and RAD-OSP districts (as the proposed code is currently written);
2. Allow lodging facilities (up to 20 rooms) where they are currently allowed - this would require an overlay district to be created since the new zoning district boundaries do not align with the existing zoning districts;
3. Remove lodging facilities (up to 20 rooms) from the RAD-NT district, which includes Craven Street, and across the river: Roberts Street, parts of Clingman Avenue and Haywood Road; or,
4. Eliminate short-term rentals throughout the entire form code area by removing lodging facilities (up to 20 rooms) as a permitted use in the Permitted Use Table. Any lodging

facilities would then have to apply for conditional zoning. Bed and breakfast inns could remain in the Permitted Use Table as an allowed use.

Public Participation and Outreach

The final version of the code was developed after an extensive two year process:

- An advisory committee of property owners, business owners and artists was formed and this group met approximately 10 times throughout the process.
- A kickoff meeting was held in June 2015 to introduce the process and encourage participation in the charette.
- A five day charette was held at 372 Depot Street in July 2015. This included a public workshop, stakeholder meetings, individual interviews and a closing public meeting.
- The first draft was released in March 2016, followed by a large community meeting and smaller meetings with stakeholders in April.
- An Open City Hall survey was posted on the city's website along with the draft code.
- Based on public and staff comments, revisions were made to the code and a second draft was released in December, 2016. Another public meeting followed the release of that draft.
- In January 2017, a joint work session of the Planning and Zoning Commission and the Asheville Area River Redevelopment Commission (AARRC) was held to discuss the code in depth with Lee Einsweiler, the lead consultant.
- Throughout the process, staff has worked and met with property owners, the RAD Business Association (RADBA) and neighbors of the area.
- Letters were mailed to all property owners whose property was under consideration for a zoning change when the initial draft was released in 2015, and again when the April 2017 draft was released in advance of the AARRC meeting in May.

Recent Notification

- Legal advertisement in the newspaper listing all property parcel identification numbers.
- Approximately 463 letters sent to owners affected by the proposed zoning changes and to neighboring property owners within 200 feet of those properties (for both Planning and Zoning and City Council hearings).
- Posting of 'Z' signs with date of the meeting in the district area.
- Updates to the City website, blog and social media notification.
- Updates to the River Arts District Business Association and River Arts District Artists Association.
- Email to an on-going list of interested residents and property owners

There were about 8 citizen inquiries before the Planning & Zoning Commission meeting to staff via email or phone calls to understand the zoning changes, and most of these were from neighbors, not owners within the district.

The draft code was reviewed by the Advisory Committee in late March and members felt that it had improved significantly from the first draft and felt comfortable with it moving forward in the approval process. In May, the Recreation Board reviewed the rezoning of Murray Hill Park and the Dr. Wesley Grant Sr. Southside Center property to the RAD-OSP district and the proposal to rezone parts of these parks for future housing. The Board voted to support the plan with a 7-0 vote, with a strong recommendation that if any city park land is used for housing that it be limited to affordable housing.

On May 11, the Asheville Area Riverfront Redevelopment Commission (AARRC) reviewed the code and voted 8-5 in support of it. There were several members who thought the rezoning of the areas along the French Broad River that are currently zoned River District should

wait until the RADTIP improvements are complete, but did not offer any suggestions of how the code could be changed to make it more acceptable.

On June 7, the Planning and Zoning Commission reviewed the code and held a public hearing on it. The Commission voted 5-0 in support of the code. There were 12 citizens who spoke during the public comment time. These comments can be grouped into several categories, which she addressed separately: concern about short-term rentals along Craven Street; concern about height allowed on Lyman Street in the Lyman Hollow area noting that the existing height allowed is 80 feet and with the proposed code the height is reduced to 65 feet (or 5 stories) plus a 20-foot planted buffer; concern about housing being placed on Murray Hill Park; and, one speaker preferred to remove a large portion of the rezoning area (between the river and the railroad tracks) from the proposed form code.

The Comprehensive Plan encourages denser sustainable infill development along existing corridors in the city. Changes to the UDO that further these goals is encouraged. Form codes are a newer innovative tool that focus on community goals developed through public processes highlighting input and involvement and this is encouraged in the Comprehensive Plan. This plan created with extensive community input provides a vision for the future of the River Arts District that includes mixed-use development and multimodal transportation along with a number of other community identified goals such as historic preservation, flexibility for property owners and economic health. The details of the form code proposal provide specific requirements that mesh with the community vision and furthers the objectives of the Comprehensive Plan.

Additionally, The Wilma Dykeman Riverway Master Plan envisions reuse and redevelopment of property and buildings in the River Arts District. The form-based code provides a predictable framework for that redevelopment to happen over time.

The River Arts District Form-Based Code fits within City Council's vision for A Well-Planned and Livable Community and A Thriving Local Economy. The code takes the community vision developed during the charette process and numerous input sessions and brings it together in the zoning. The code provides a greater level of clarity and predictability for the community, property owners and developers. Given the large investment that the city is making in the district with new multimodal transportation infrastructure, the form-based code will complement those improvements. When the city has made investments in walkable urban realms, private investment has quickly followed as evidenced in the downtown. Lastly, the process used to develop the code also aligns with Council's goal of a Connected and Engaged Community, through the high level of engagement with stakeholders.

Staff recommends the adoption of the River Arts District Form-Based Code and believes that the form code and rezoning proposal are reasonable, are in the public interest and are consistent with the Comprehensive Plan by laying the framework for mixed-use development, future job growth and housing. Moreover, the rezoning aligns with the River Arts District Transportation Improvement Project (RADTIP) and The Wilma Dykeman Riverway Master Plan in that it will help create a walkable, vibrant public realm and mixed-use district. After 12-18 months, staff will review and evaluate the code and address changes if needed.

Ms. Vrtunski responded to various questions/comments from Council, some being, but are not limited to: what options are available if a new business wants to orient toward the railroad track and not place their building against the sidewalk; what kind of requirements are placed on owners if they are currently an existing use but what to add or change their building; what is the threshold to where the owner would have to comply with the new Code if they are rebuilding a structure which suffered catastrophic damage; further explanation on areas where short term rentals are currently allowed on Roberts Street and Craven Street; what is the rationale for changing the area above New Belgium from RM-16/CZ; and is the East-West Neighborhood Association taken a position on this proposed Code.

Mayor Manheimer opened the public hearing at 6:43 p.m.

The following individuals expressed concerns regarding the Form Based Code for various reasons, some being, but are not limited to: potential loss of industrial zoning along the river; remove the area between the railroad tracks and the river until such time as the traffic pattern is completed; possible conflict in different provisions regarding recycling plants; request that RAD-Lyman Hollow be limited to 3 stories (not 5 stories) as it adjoins a residential neighborhood; possibility of rezoning out industrial uses with will affect the livelihood of people who work there now; short-term rentals should be allowed in the RAD Neighborhood Transition District if the owner of the residence lives in the home as an Asheville citizen and if the owner is home a certain percent of the year; and if any changes are made to this proposed code that it be re-advertised for additional public comment:

Mac Swicegood
George Morosani
Albert Sneed, representing Asheville Waste Paper
Michael Caldwell, resident on Vernell Avenue (presented petition)
R.L. Bailey
Scott Welch, owner of Consolidated Waste Services
Hannah Choueke, member of the Craven Street Property Owners Association
Business owner in the RAD
Marion Patton
Mike Figura, property owner on Craven Street
Jerry Sternberg, President of the River Rats
Jonathan Wainscott, resident off Craven Street
John Mason, Co-trustee of two trusts in the RAD
Eddy Dewey

Mayor Manheimer closed the public hearing at 7:20 p.m.

Councilman Bothwell agreed with removing the portion between the railroad tracks and the river because the uses will remain the same and we should wait to see what will happen when the traffic pattern is completed. He would support tabling this matter and reconsidering it at a later date.

In response to Councilman Smith, City Attorney Currin said that for property owners who suffer a catastrophe (e.g., fire, 500-year flood), they would need to apply for a variance through the Board of Adjustment, or they might be able to apply for a conditional zoning - but it's really depending on the circumstances on a case by case basis.

After hearing public comments, Ms. Vrtunski responded to the various questions raised by the public, along with the Council. Some questions/comments being, are not limited to: do any of the businesses in the area between the railroad and the river make use of the railroad; and confirmation that this proposal reduces the height limit in the RAD Lyman Hollow District.

Councilman Smith felt that there will be a massive influx of development in that area. We need to look at how we want this area to develop for the community and not the tourists. He felt we need to exclude lodging from the allowable uses throughout this zoning district. He noted applicants can go through the conditional zoning process if they wish to place a short-term rental in an area, but it won't be by right allowed in the district.

Councilman Smith moved to approve the River Arts District Form-Based Code but eliminating short term rentals throughout the entire Form-Based Code area through (or by) removing lodging facilities up to 20 rooms as a permitted use in the permitted use table. Any lodging facilities would then have to apply for conditional zoning. Bed and breakfast inns could remain in the permitted use table as an allowed use; and find that the request is reasonable, is in

the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: (1) the code will encourage infill development and facilitate vibrant mixed-use neighborhoods; (2) the rezoning will complement the future RADTIP road realignment and infrastructure improvements; and (3) the proposal was developed with a robust input process that included input from property owners, businesses and stakeholders. This motion was seconded by Councilwoman Mayfield.

Councilman Smith noted that the homestay allowance remains.

Councilwoman Mayfield said that this Form Based Code is about us as a community and about how we will grow and what we want that growth to look like.

Councilman Haynes agreed that the area between the railroad and the river should be removed from consideration. He did not support taking out lodging facilities in a commercial zone when that is something allowed in other commercial zones in the City.

Councilman Smith said that he would initiate a review of lodging facilities in commercial zones throughout the City with the Planning & Economic Development Committee.

When Councilman Haynes disclosed that he owns two properties on Roberts Street, Ms. Vrtunski said that at this time, Councilman Haynes' properties are not included in this Form Based Code.

Because of the change in the proposal regarding short-term rents, City Attorney Currin said that this action will need to be remanded to the Planning & Zoning Commission for their consideration, which will require a public hearing and recommendation.

City Attorney Currin said that Council can give specific direction to the Planning & Zoning Commission on what Council wants them to look at, e.g., the area between the railroad and the river, or whether or not to include Councilman Haynes' properties or not. That way, the scope of the Planning & Zoning Commission review (and then Council review) will be limited to those changes.

Councilman Young is pleased with the growth in the RAD and supported the Form Based Code; however, he was not comfortable moving it forward at this time. He was also not comfortable with the way we are approaching short-term rentals peace-meal throughout the City. He felt the individuals who want the area removed from between the railroad and the river have not had the opportunity to adequately state their cases. Remanding this back to the Planning & Zoning Commission will give them that opportunity.

Vice-Mayor Wisler said that the idea of the Form Based Code is to look ahead to the future. She clearly believed that having short- term rentals in any residential is inconsistent with our vision for the RAD and inconsistent with the Comprehensive Plan.

Mayor Manheimer said that a major question we receive from the community is what is Council doing about growth for the people who live here. Since our toolbox is fairly limited, this is a tool we can use to shape our growth and help guide it. If we don't move forward with adopting this Code, it will be a missed opportunity to ensure that the future of the RAD reflects what the people want.

Councilman Bothwell supported remanding this matter back to the Planning & Zoning Commission.

The motion made by Councilman Smith and seconded by Councilwoman Mayfield carried on a 4-3 vote, with Councilmen Bothwell, Hayes and Young voting "no".

City Attorney Currin said that because the action did not pass by a 5-2 vote, a second reading will be required in order to adopt the ordinance.

City Attorney Currin restated that this action will need to be remanded to the Planning & Zoning Commission for their consideration, which will require a public hearing and recommendation. It will then be brought back to Council for another public hearing (limited to the change) and Council consideration.

D. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES TO REMOVE RIVER PARKING REDUCTION AREA IN ITS ENTIRETY

Urban Planner Sasha Vrtunski said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinance to remove River Parking Reduction Area in its entirety. This public hearing was advertised on July 14 and 21, 2017.

In March 2011, the City of Asheville adopted reduced parking standards for the River Arts District (RAD) to support the redevelopment of buildings in the area. The current section 7-11-2(c)(5) is provided as follows:

> (5) *Parking requirements for the River Parking Reduction Area.* All properties located within the River Parking Reduction Area (see map: Planning and Development Department) will be eligible for reductions based on the following:
>
> a. Projects with a base requirement of 30 spaces or less may receive a 50% reduction
> b. Projects with a base requirement of 31-50 spaces may receive a 30% reduction
> c. Projects with a base requirement of 51-75 spaces may receive a 20% reduction
>
> These reductions may not be combined with other reductions offered through individual zoning districts.

Since that time, a number of new businesses have opened in the area, New Belgium has opened, and a new greenway on the west side of the river has been completed. All of which have resulted in a higher number of visitors to the RAD and parking has become generally scarce during peak times. If the new form code is approved, there will be new parking standards for this area which are slightly lower than the Unified Development Ordinance (UDO) standards for most other districts. Property and business owners have indicated to staff that more parking is needed in the area. Since the new Form Based Code has a new parking table, this existing section needs to be removed so there is no conflict in the Code. This wording amendment is staff initiated to respond to changing circumstances and respond to community needs.

This wording amendment was reviewed by the Planning and Zoning Commission on June 22, 2017, and was approved 5-0. Staff has received no public comment on the amendment.

This wording amendment complies with City's Comprehensive Plan as it relates to exploring zoning tools that align with current trends and needs to encourage redevelopment and new investment.

The wording amendment aligns with the 2036 Council vision in the area of a Well-Planned and Livable Community. This amendment ensures that future development will provide adequate parking for those uses.

This proposal supports the goals outlined in the Comprehensive Plan and City Council 2036 Vision, the draft RAD form-code and staff recommends approval of the wording amendment.

Councilwoman Mayfield understood that the property owners in the RAD want parking. But, mandatory parking requirements do not create the kind of walkable community we are trying to create with this Form Based Code. We are trying to generate a walkable, pedestrian oriented place and having parking in front of every building and every studio does not do that. She encouraged the property owners in that area to explore more creative and better solutions around parking. Artists get traffic by people walking by their studios.

Mayor Manheimer opened the public hearing at 8:02 p.m. and when no one spoke, she closed the public hearing at 8:02 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the wording amendment removing the River Parking Reduction Area from Section 7-11-2(c)(5) in its entirety and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: (1) Provides a consistent parking standard to support the viability of local businesses; and, (2) Ensures that the zoning code can adapt to the changing needs of the River Arts District as it continues to grow. This motion was seconded by Councilman Smith.

City Attorney Currin said that Council may wish to withdraw the motion pending a decision on the Form Based Code.

Vice-Mayor Wisler moved to reconsider her motion and replace it with a motion to remand this wording amendment back to the Planning & Zoning Commission, along with the RAD Form Based Code, and to consider those in conjunction with each other. This motion was seconded by Councilman Smith and carried unanimously.

E. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO A PREVIOUSLY APPROVED CONDITIONAL ZONING (ORDINANCE NO. 4548) IN THE URBAN PLACE DISTRICT/CONDITIONAL ZONING FOR CHANGES TO THE CONDITIONS FOR DEVELOPMENT OF A MIXED USE PROJECT AT THE PROPERTY LOCATED AT 146 ROBERTS STREET

ORDINANCE NO. 4602 - ORDINANCE AMENDING A PREVIOUSLY APPROVED CONDITIONAL ZONING (ORDINANCE NO. 4548) IN THE URBAN PLACE DISTRICT/CONDITIONAL ZONING FOR CHANGES TO THE CONDITIONS FOR DEVELOPMENT OF A MIXED USE PROJECT AT THE PROPERTY LOCATED AT 146 ROBERTS STREET

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to amend a previously approved conditional zoning Ordinance (Ordinance No. 4548) in the Urban Place District/Conditional Zoning for changes to the conditions for development of a mixed use project at the property located at 146 Roberts Street. This public hearing was advertised on July 14 and 21, 2017.

The project site consists of two separate parcels with a combined area of approximately 3.26 acres and frontage on Roberts Street, Clingman Avenue Extension and Park Avenue (north) in the River Arts District. The parcels were conditionally rezoned to Urban Place by City Council in 2013.

The project was first approved by City Council on October 22, 2013, under Ordinance no. 4241 and later modified under Ordinance 4414 on May 26, 2015 and amended again with Ordinance 4548 on January 10, 2017. Each time components of the building mix of uses have

changed or design and scale of the building have been modified.

Summary of Changes - The applicant is proposing an AMENDMENT to the previous approval.

	Proposed Change	***2016/17 Approval***	***2015 Approval***	***Additional Information***
Gross Floor Area	412,294 SF	408,400 SF	421,489 SF	**<1%** increase
Footprint	+/-85,985 SF	82,531 SF	82,531 SF	+/-4% increase
Residential Density	No change	235 (138 1bd, 97 2bd)	243 (146 1bd, 97 2bd)	No change
Retail	16,304 SF	17,872 SF	19,378 SF	8.7% decrease
Office	No change	None	8,789 SF	None provided
Building Height on Clingman Avenue	No change	50 feet	60 feet	No change
Parking	386 spaces (358 garage, 20 Roberts Street lot, 8 on-street, interior "surface" lot omitted	394 spaces (334 garage, 20 Roberts Street lot, 8 on-street, 32 "surface")	375 spaces (343 garage, 24 Roberts Street lot, 8 on-street)	**Loss of 8 spaces overall, 2% decrease**

The design and site layout is essentially unchanged from the previous approval. The project provides one large building on a base of structured parking. There are two levels of parking and four levels of retail and residential spaces but with the existing grade change on site, the overall height varies. The building remains 50 feet on Clingman and 68 feet from Roberts Street.

The access is unchanged from the previous proposal - there are two access points into the site, one two-way driveway from Roberts Street and the other two-way driveway from Clingman Avenue. The parking lot has two single-access driveways off Roberts Street. New sidewalks are shown along both sides of Roberts Street (6.5 feet along surface parking and 10 feet along building side) as well as the project frontage on Clingman Avenue and widths range from 7.5 to 12 feet. Additionally, the project has been designed to incorporate areas of pedestrian amenities both at the corner of Clingman and Roberts.

This project incorporates parking in several locations; there is a 386-space parking structure within the development *(previously 334 spaces)* and the 32 in an exposed surface lot accessed from the lower level in the garage has been omitted; the separate parcel across Roberts Street to the south is shown as a standalone parking lot with 20 spaces (2 HC accessible) and approximately 8 on-street spaces will be delineated through streetscape enhancements *(for a total of 386 spaces)*. Bike parking is also included throughout the site.

Landscaping is required on the site and includes street trees along all road frontages, building impact plantings, parking deck and dumpster screening and parking lot landscaping with a street buffer. Open space is also required in this zoning district, equal to 5% of the lot area. There was an approved condition related to landscaping which remains with this amendment.

Urban Place zoning includes specifics for building design and includes well-defined

operable entrances at regular intervals, fenestration requirements for the ground and upper levels and treatments to break up long façades. The previous approval included two variances related to distance between entrances and amount of fenestration; these variance approvals remain in place with this amendment.

Conditions - The current proposal includes the following conditions that will need to be approved by City Council. ***The only new or modified conditions relate to parking and building size.*** All others are unchanged but still carry over to this approval.

1. **Density** - The maximum density allowed by right in Urban Place is 64 units per acre, or 209 units for this site. The applicant is requesting an additional 26 units (a 12% increase - up to approximately 72 units per acre). Five percent of the units will be designated as affordable by the City's standards. ***This condition is the same as the January 2017 approval.*

2. **Building Size –** For buildings exceeding three stories, the maximum footprint is limited to 50,000 square feet with a maximum gross floor area of 200,000. The proposed footprint of the building is increased to 85,985 square feet (from the previous condition of 82,531 SF) and the gross floor area is increased to 408,400 square feet (from the previous condition of 408,400 SF). This condition is a result of building upon a base of structured parking and the loss of the interior surface parking lot. ***This condition is changed from the previous approval.*

3. **Sidewalks** - Sidewalks in the Urban Place District are required to be a minimum of 10' in width. Sidewalks are shown down to 6.5 feet along Roberts Street adjacent to the surface lot but a minimum of 10 feet along the building side and between 7.5 -12 feet along Clingman Avenue. There is an existing 5' sidewalk along Park Avenue which will remain. ***This condition is the same as the January 2017 approval.*

4. **Landscaping** – The applicant is requesting to greatly reduce parking deck landscaping requirements based on the existing site conditions where a grade change effectively shields the exposed deck levels and creates challenges to planting. ***This condition is the same as the January 2017 approval.*

5. **Setback** on Roberts Street - The maximum front setback is 15' and there is an area along Roberts Street that exceeds this standard. ***This condition is the same as the January 2017 approval.*

6. **Retaining Wall Screening** - The amendment includes a wall of approximately 25 feet in height at the northern edge of the interior parking area. Vegetative screening requirements apply to walls over 20 feet but due to the location and configuration of the parking and site; the applicant is requesting to include a creative aesthetic screening treatment.

The Urban Place zoning district was created to foster "higher density, mixed-use development that is economically viable, pedestrian oriented, visually attractive and contributing to the place making character of the City...to enhance the streetscape and offer a wide range of complementary land uses and employment opportunities...[and] intended in areas where the appearance of the built environment is important to the vitality of the area." Additionally, the zoning district was created with areas along the French Broad River in mind. The proposed amendments are in line with the Urban Place zoning district.

The amendment was recommended for approval by the Planning & Zoning Commission by a unanimous vote (4-0) at their meeting on June 22, 2017. One member of the public was present and expressed concerns related to the impact of the construction process on the neighboring studios.

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The compatibility for this development was evaluated in detail with the previous approvals; the proposed amendment modifying details of the development can be considered minor and does not impact the high level of compatibility as previously reviewed.

This proposal is aligned with numerous aspects of the *City Development Plan 2025* as previously reviewed and the amendment as proposed does not impact the compliance with adopted plans.

Considerations:

- The amendment further reduces the mixed-use aspect of the project.
- City goals support mixed-use, infill development, especially providing residential uses in a walkable location proximate to transit and the Central Business District.
- All previous conditions as noted in the B.1 list still apply as well as variances previously approved.

Staff recommends approval of the amendment to the previously approved project for the construction of a mixed-use development, including the conditions as proposed by the applicant as detailed above. Staff has some concerns that the retail component has been reduced. Staff is recommending that the proposal approval include a range for many of the specific components of the proposal. With a project of this scale, having an allowance for smaller scale changes is both practical and addresses minor amendments as specific building details and funding are resolved. The overall impact of the development is still considered at the high end and for the low end of the approved range.

Planning & Zoning Commission recommended for approval by a unanimous vote.

Mayor Manheimer opened the public hearing at 8:08 p.m. and when no one spoke, she closed the public hearing at 8:08 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Bothwell moved to approve the conditional zoning amendment request for 146 Roberts, LLC for property located at 146 Roberts Street from Urban Place Conditional Zone (UP-CZ) to Urban Place Conditional Zone (UP-CZ) including the requested conditions and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in that: (1) The proposal supports the strategies found in the City's comprehensive plan on encouraging mixed-use development, especially in areas walkable to downtown and proximate to transit; (2) The proposal supports the goal found in the City's comprehensive plan of pursuing more intense infill development where appropriate; and (3) The design and uses create a pedestrian-oriented streetscape along Roberts Street and part of Clingman Avenue Extension. This motion was seconded by Councilman Young and carried unanimously.

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Closed Session

At 8:09 p.m., Councilman Young moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including,

but not limited to: Kron vs. City of Asheville; Siemens Real Estate Holdings, LLC and Jim Siemens, Individually vs. City of Asheville; City of Asheville vs. Anne Marie Doherty; and Sidney M. Bach and Chris Peterson vs. City of Asheville. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3); and (3) To establish, or to instruct the City's staff concerning the position to be taken by or behalf of the City in negotiating the price or other material terms of a contract or proposed contract related to real property. The statutory authorization is contained in N.C. Gen. Stat. sec. 143-318.11(a)(5). This motion was seconded by Councilman Bothwell and carried unanimously.

At 8:56 p.m., Councilman Bothwell moved to come out of closed session. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

F. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 1500 TUNNEL ROAD FROM HIGHWAY BUSINESS DISTRICT TO LODGING EXPANSION DISTRICT/CONDITIONAL ZONING FOR THE DEVELOPMENT OF A 5-STORY HOTEL WITH 86 ROOMS AND A TOTAL SQUARE FOOTAGE OF 42,200 SQUARE FEET

ORDINANCE NO. 4604 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT 1500 TUNNEL ROAD FROM HIGHWAY BUSINESS DISTRICT TO LODGING EXPANSION DISTRICT/CONDITIONAL ZONING FOR THE DEVELOPMENT OF A 5-STORY HOTEL WITH 86 ROOMS AND A TOTAL SQUARE FOOTAGE OF 42,200 SQUARE FEET

Urban Planner Sasha Vrtunski said that this is the consideration of an ordinance to conditionally zone property located at 1500 Tunnel Road from Highway Business District to Lodging Expansion District/Conditional Zoning for the development of a 5-story hotel with 86 rooms and a total square footage of 42,200 square feet. This public hearing was advertised on July 14 and 21, 2017.

The project site is 1.8 acres at the eastern end of the City corporate limits on Tunnel Road/US 70. Properties to the north and east are not in the city and are zoned R-2, which is similar to a RM district in the city. The property has frontage along Tunnel Road and Briggs Road; both are state maintained roads.

Surrounding zoning is HB to the east. North and west of the parcel is Residential District (R-2) zoning, a Buncombe County zoning district which allows multifamily development and would be considered a Residential Multi-Family (RM) district in the city.

The applicant proposes to build an 86-room hotel. A portion of the parcel (.72 acre) on the east side has been left vacant for future development. This parcel will not be a part of the conditional zoning, and will be subdivided from the parent tract.

Access to the site is provided by a shared access driveway on the adjoining lot from Tunnel Road that is approximately 85 feet wide, with a 20 foot island. Staff has identified that this will need to be narrowed. There is a second access from Briggs Road, which is approximately 24 feet wide. There are a total of 90 spaces, including four ADA spaces, shown on the plans. Four bicycle spaces will be added at the building entrance. The hotel is an approximately three minute walk from the last stop of the E2 line of Asheville Redefines Transit (ART).

Plans show landscaping being provided for Property Line Buffer, Vehicular Usage Area, street trees and retaining wall screening. Open space is required for this project for 15% of the lot area. Plans indicate that this standard will be met.

The new Lodging Expansion District has several design standards in Section 7-8-45. As proposed, the project complies with most of the standards. The new standards require that within

100 feet of residentially zoned land, height is limited to that of the residential district. The hotel building is set 100 feet away from the residentially zoned property to the east and north, as the height of the building is is 62 feet. Fenestration requirements are set at 50% of the front facade, which this building meets.

The one design standard that the project does not meet is the building placement. The district requirements direct buildings to be place at the corner of corner lots. The design team for the project worked with several different layouts for the hotel, attempting to bring it closer to the street, and to be located outside of the 100 foot zone buffering residentially zoned lots, which is the project achieves. The final proposal has the building placed approximately 280 from the front property line. The main constraint is the topography of the site and an existing retaining wall that separates the site from the future development site to the west.

Conditions - The applicant is requesting a number of conditions including but not limited to:

1. A greater setback than set forth in the Lodging Expansion District.
2. A five foot sidewalk is provided along the full frontage of the parcel on Tunnel Road with a five foot planting strip.
3. Operator will run a shuttle to downtown and other destinations in Asheville. Bus passes offered to employees who request them for traveling to work.
4. Recharging stations for electric vehicles.

This project was approved with conditions by the Technical Review Committee (TRC) on June 4, 2017. On June 22nd, the Planning and Zoning Commission reviewed the proposal and recommended approval with a 5-0 vote. The majority of the discussion during the Planning and Zoning Commission meeting centered on sidewalks and connectivity. The applicant was proposing a 10 foot sidewalk along Tunnel Road, as required by zoning, and a five foot sidewalk from Tunnel Road to the entrance on Briggs Road. There was no sidewalk along Briggs north of the driveway to the end of the property. At the Planning and Zoning Commission the applicant agreed to provide a five foot sidewalk for the entire frontage along Briggs, and that the sidewalk along Tunnel Road would be a five foot sidewalk with a five foot planting strip instead of a ten foot sidewalk. There are approximately 18-20 homes at the top of Briggs Road. The City's Traffic Engineer looked at the average daily traffic counts for the hotel and the residents on Briggs Road does exceed 300 cars a day which is another trigger for sidewalks.

Public comment was very limited at the Planning and Zoning Commission. One resident from the neighborhood to the north commented that a sidewalk along Briggs was not necessary and that she and her neighbors did not want outsiders walking in their neighborhood. Staff received a phone call from a neighboring hotelier saying that traffic is dangerous on this section of Tunnel Road already, and they would like to see safety improvements.

If the proposal is approved by City Council it will be go through a Final TRC review.

The change in zoning to the expansion district is required because the project reaches the Level III threshold of 21 or more lodging rooms.

In June, 2016, City Council approved the ABCCM Veterans Housing Project located at 1401 Tunnel Road. This was a Conditional Use Permit (CUP) for an 88-unit, six story multifamily building. No other rezoning actions have been noted in the nearby area.

The proposed project, though somewhat taller than most buildings in the area, should be compatible with the surrounding context. Parcels to the west are zoned Highway Business and there are also a four-story Holiday Inn and Quality Inn and Suites. Residential properties are located above the hotel site to the north, approximately 23 feet above the ground level of the hotel, and will have a 30 foot buffer in addition to the 100 foot building setback from the rear

property line. This is similar for the property to the east (currently a wooded site), where the hotel will be lower than the adjacent residential parcels.

The redevelopment of this parcel aligns with the *City Development Plan 2025* in that it supports infill development where infrastructure is already present. However, the proposal does not align with the plan's strategy for more intense mixed-use development at commercial nodes as the surrounding area already contains several other hotels at this gateway area into the city.

The proposal aligns with the 2036 Council vision in the area of *A Well-Planned and Livable Community* – The project is located on a previous hotel site, which is now vacant, and will re-use the land for the proposed hotel use. The subject site is also located near a highway exit and the ART E2 bus line.

Considerations:

- Project reuses a previous hotel site that is now currently vacant.
- A five foot sidewalk with a five foot planting strip will be provided along Tunnel Road.
- A sidewalk is being provided for the lower section of Briggs Road, but not the section north of the driveway.

Staff recommends approval of the proposal based on policies stated in the Comprehensive Plan and *City Council's 2036 Vision Considerations.* The Department is recommending that the owner/developer complete the sidewalk along Briggs Road, but the applicant has not agreed to this condition. Staff finds this request to be reasonable and within the public interest and recommends support of the proposed conditional zoning as proposed.

Ms. Vrtunski said that in addition to the B.1 conditions, the following are revised conditions agreed to by the City and the developer:

1. The developer will contribute $10,000 into a fund maintained by the City to be used for the construction of a sidewalk along Tunnel Rd. east from Burleson Rd.
2. With respect to any of the items listed ... the City may elect to require the developer to pay an amount equal to the estimated cost of said item ... into a fund maintained by the City to be used to complete said item at such time as the City designates. This election must be made within 60 days of the date following the date of approval of the Conditional Zoning for the Subject Property.
3. The developer will include an allowance in the project budget of up to $10,000 for works of local art in the public areas of the building, including a sculpture to be placed near the eastern point of the property, in an area visible to traffic on Tunnel Rd., signifying the entrance into the City. Proof of a binding contract(s) for this work must be provided prior to the issuance of a certificate of occupancy.
4. The hotel owner/operator will provide passes for Asheville's bus system for those employees who request them in order to travel to and from work at the hotel.

Mr. W. Louis Bissette, attorney representing the applicant, gave a brief history of the property, noting that it was formerly the site of the Days Inn with an out of state owner. The applicant, H.P. Patel, bought the property in 2009 with the intent to build a hotel, but due to the economic downturn he could not obtain financing. Mr. Patel currently operates the Days Inn hotel across the street. This will be a small 86-room hotel targeted at customers looking for modern, affordable accommodations at a mid-range price point of $90-100 a night. The last hotel built in this area over 25 years ago. The hotel will basically serve the travelling public and a number of facilities in east Asheville. Regarding the sidewalk on Briggs Road, there are few houses at the

top of Briggs road and there is a lot of topographical challenges along the upper portion of Briggs Road. They will lose the vegetation on the east side of the property due to grading. They have heard from a number of residents on Briggs Road and they would prefer a sidewalk not be built. As an alternative to building a sidewalk on Briggs Road, the applicant proposes (1) build no sidewalk along Briggs Road; however, to to extend the sidewalk along Tunnel Road to the eastern edge of Burleson Road; (2) build a pedestrian access across his property from the lower end of Briggs Road to Tunnel Road; (3) install and maintain landscaping on that corner, which is the eastern gateway to the City; (4) install local art in his hotel and on his property at the gateway - possibly a sculpture; and (5) to contribute $10,000 into a fund maintained by the City to be used for the construction of a sidewalk east of Burleson Road. He will comply with the "Green Lodging Profile" promulgated by the American Hotel and Lodging Association. Mr. Patel and his family have lived in this area and operated hotels in this area for decades. This hotel will employ approximately 25 people in full and part-time positions. His employees are treated well and paid fairly and there is little turnover. Mr. Patel runs a good small business. He urged Council to support this request.

Mr. Marvin Mercer, civil engineer on the project, gave some specifics on the site plan. He said there are no additional curb cuts.

Mr. H.P. Patel, applicant, showed Council a rendering of the hotel. He briefly went over some of the points Mr. Bissette brought forward. They would like their property to be welcoming to the people coming in from the eastern gateway. He plans to make the property environmentally sustainable and outlined some of the green initiative to be implemented. They have a family environment at the hotel. He is a local small business owner and would like to expand his business. He asked Council to support his conditional zoning request.

Mayor Manheimer opened the public hearing at 9:30 p.m.

Ms. Linda Brooks, resident on Briggs Road, was opposed to the sidewalk being built on Briggs Road and questioned if the patrons of the hotel or the residents on Briggs Road would have the stop sign on the access road between the hotel and Briggs Road (near Tunnel Road).

Ms. Sue Wagner, General Manager of the Days Inn, spoke in support of Mr. Patel and his practices at the Days Inn.

Mr. Drew Crawford, adjacent property owner and resident on Burleson Road, is in general support of this; however, he asked that the applicant (1) follow the Dark Sky Policies and not allow lighting to spill onto the adjoining properties; (2) install a fence between the two properties because he has livestock on his property; and (3) provide a right-of-way on Burleson Road so that in the future the road could be widened and improved.

Mayor Manheimer closed the public hearing at 9:40 p.m.

Mr. Mercer said that the stop sign on the access road will be on the hotel's property. The residents on Briggs Road will have the right-of-way. Regarding lighting, the applicant will follow the City's lighting requirements. Regarding the installation of a fence, Mr. Patel would be agreeable to adding it between the hotel property and Mr. Caldwell's property. And, regarding the right-of-way, there is an in between parcel between the hotel lot and Burleson Road so they would not be able to give a right-of-way.

There was discussion regarding building a sidewalk on Briggs Road (and the cost) vs. the developer contributing $10,000 for the City to use for construction of a sidewalk along Tunnel Road east from Burleson Road. After clarification by City Attorney Currin on the fee in lieu of option, it was the consensus of the Council and the applicant agreed that the $10,000 contributed by the applicant will be used to improve the bus infrastructure on Tunnel Road in the vicinity of

the hotel (instead of the City constructing a sidewalk along Tunnel Road east from Burleson Road).

The applicant also agreed to build a fence along the common property line between the hotel property and Mr. Crawford's property (PIN 9678-06-9000).

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Bothwell moved to approve the conditional zoning request from Highway Business District to Lodging Expansion Conditional zone for the Hotel Krish project with the revised B.1 conditions, along with the additional/revised conditions (1) that the $10,000 contributed by the applicant be used to improve the bus infrastructure on Tunnel Road in the vicinity of the hotel (instead of the City constructing a sidewalk along Tunnel Road east from Burleson Road); and (2) the applicant will install a fence along the common property line between the hotel and the property with PIN No. 9678-06-9000; and find that the request is reasonable, is in the public interest, and is consistent with the Comprehensive Plan and other adopted plans in that: (1) the project redevelops a blighted property; (2) the pedestrian realm will be improved along Tunnel Road in this location; and, (3) the development of a hotel in this location fits with the existing surrounding development. This motion was seconded by Councilwoman Mayfield and carried on a 6-1 vote, with Vice-Mayor Wisler voting "no".

ORDINANCE BOOK NO. 31 - PAGE 284

V. UNFINISHED BUSINESS:

A. ORDINANCE NO. 4603 - ORDINANCE AMENDING THE CITY OF ASHEVILLE CHARTER TO PROVIDE FOR SIX SINGLE-MEMBER ELECTORAL DISTRICTS GOVERNING THE NOMINATION AND ELECTION OF CITY COUNCIL MEMBERS

RESOLUTION NO. 17-167 - RESOLUTION CALLING FOR A SPECIAL REFERENDUM FOR THE PURPOSE OF SUBMITTING TO A VOTE THE ORDINANCE AMENDING THE CITY OF ASHEVILLE CHARTER TO PROVIDE FOR SIX SINGLE-MEMBER ELECTORAL DISTRICTS GOVERNING THE NOMINATION AND ELECTION OF CITY COUNCIL MEMBERS

Assistant City Attorney Catherine Hofmann, said that the City of Asheville Charter provides for the composition of the City Council, as well as the method used for electing Councilmembers and the Mayor. Currently, the Charter provides that the Council is comprised of six (6) Councilmembers and a Mayor. All Councilmembers and the Mayor are elected by all qualified voters of the City (commonly referred to as an "at-large" method of election). N.C. Gen. Stat. §160A-102 allows the City Council to change the mode of election by ordinance, and also allows Council to provide that such an ordinance will only become effective "if approved by a vote of the people."

The North Carolina General Assembly passed a bill ("SB 285"), which provides that the City, by November 1, 2017, must amend the City Charter to create six (6), single-member electoral districts, to govern the nomination and election of Councilmembers. SB 285 requires that the qualified voters of each electoral district shall nominate and elect City Council candidates who reside in the district for the seat apportioned to that district. The Mayor would still be elected at-large. The bill also requires that the electoral districts be used beginning with the 2019 municipal election and, provides that, if the City fails to create electoral districts within the time set forth in the bill, the General Assembly in 2018 will establish electoral districts for the City.

The General Statutes set forth a statutory process that cities must follow when enacting Charter amendments, and submitting the same to a vote of the people by referendum. Below is a summary of these steps and the action Council has taken thus far.

First Council Meeting **(Completed at June 13, 2017 Council Meeting)**	Adopted a resolution of intent to consider an ordinance amending the Charter and called a public hearing on June 27, 2017 on the proposed Charter amendments.
Second Council Meeting **(Completed at June 27, 2017 meeting)**	Held a public hearing on the proposed Charter amendments.
Third Council Meeting (July 25, 2017)	Adopt an ordinance amending the Charter. If Council chooses to make that ordinance effective only upon a vote by the people, at the same meeting, adopt a resolution calling for an election on the referendum.

The action taken at the July 25 Council meeting will be the final Council step in the statutory process.

The recommendation is to 1) Adopt an ordinance amending the City of Asheville's Charter to provide for six electoral districts, governing the nomination and election of City Council members; 2) Adopt a resolution calling a special election for the purpose of submitting to a vote the ordinance amending the City of Asheville Charter to provide for six single member electoral districts governing the nomination and election of City Council members.

Mayor Manheimer said that this is not an indication of any support of this by City Council, but only we want to ask the voters of Asheville if they want districts rather than simply having our legislators impose districts upon us without us having any say in the matter.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with copies of the resolution and ordinance and they would not be read.

Councilman Bothwell moved to adopt the proposed ordinance amending the City of Asheville Charter to provide for six single-member electoral districts governing the nomination and election of City Council members and providing that such amendments be effective only upon approval by a vote of the people. This motion was seconded by Councilwoman Mayfield and carried unanimously.

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Councilman Bothwell moved to adopt the proposed resolution calling a special election on Tuesday, November 7, 2017, for the purpose of submitting to a vote an ordinance amending the City of Asheville Charter to provide for six single-member electoral districts governing the nomination and election of City Council members. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 39 – PAGE 62

B. RESOLUTION AUTHORIZING THE CITY MANAGER TO CREATE A PROGRAM OF WORK FOR THE AFFORDABLE HOUSING ACTIVITIES AND ALLOCATION FOR THE USE OF $10 MILLION IN AFFORDABLE HOUSING BOND FUNDS FOR DIRECT PROJECT INVESTMENT

Mayor Manheimer announced that this action will be considered at the August 22, 2017, meeting. Councilman Smith, Chair of the Housing & Community Development Committee, said that the Committee discussed holding some community meetings in regard to the policy recommendations and hoped that those could happen before August 22.

VI. NEW BUSINESS:

A. RESOLUTION SUPPORTING THE BUNCOMBE COUNTY AGE-FRIENDLY COMMUNITY INITIATIVE

Mayor Manheimer said that consideration of this resolution has been removed from the agenda at this time. City Manager Jackson said that staff will provide additional information for the Finance Committee.

B. BOARDS & COMMISSIONS

Regarding the Sustainability Advisory Committee on Energy & the Environment, the following individuals have applied for a vacancy: Michael Whitmire, Kenneth Dierks, Travis Smith, Gerry Leonard, Andrew Malone, Lateef Cannon, Zephyr Jost, Larry Haas, David Penrose, Renee Mazurek, Anna Priest, Catherine Rosfjord, Red Moonsong, Patrick Ciccotoo, Rick Freeman, Frank Wolf, Bob Roepnack, E. Benjamin Edwards, Kelly Gloger, Lin Orndorf and Ursula Jorch. It was the consensus of Council to interview Anna Priest and Ursula Jorch.

RESOLUTION NO. 17-170 - RESOLUTION APPOINTING A MEMBER TO THE AFRICAN AMERICAN HERITAGE COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that the term of DeWayne Barton, as a member on the African American Heritage Commission, expires July 1, 2017.

The following individuals have applied for a vacancy: Michael Zuckerman, Debra Barnes and Samantha Singer.

The Boards & Commission Committee recommended reappointing Mr. Barton.

Vice-Mayor Wisler moved to reappoint DeWayne Barton to serve a three-year term, term to expire July 1, 2020, or until his successor has been appointed. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 39 – PAGE 66

MOTION APPOINTING MEMBERS TO THE BLUE RIBBON COMMITTEE ON HUMAN RELATIONS COMMISSION

Vice-Mayor Wisler said that on June 13, 2017, Council approved the following charge of the Blue Ribbon Committee on Human Relations Commission: "The purpose of the Blue Ribbon Committee on a Human Relations Commission will be to serve in an advisory capacity to define a mission and scope concerning a newly created Human Relations Commission. The Committee will hold one initial orientation meeting at which time the Chair, Vice-Chair and subcommittees will be formed. The Committee shall hold at least three broad community meetings. The Committee will meet at least one time a month. The City Manager's Office, with Legal Department support, will be responsible for providing support to the Committee. The Committee will select its own Chair and self-facilitate. The Committee and all subcommittees shall adhere to the City of Asheville Rules on Boards and Commissions and North Carolina Open Meeting Laws and all other applicable laws and regulations. The Committee is expected to achieve the following goals: define and provide recommendations of the mission, scope and duties of the Human Relations

Commission. After the Committee's first meeting, the Chair and Vice-Chair shall present at the next regular Boards & Commissions Committee meeting the operation and process strategy of the Committee. The Committee must submit final recommendations to City Council by November 6, 2017. The Committee shall be composed of no more than 15 members. Appointments to the Committee shall be made in accordance with the Rules of Procedure for City Council. All recommendations for appointments to the Blue Ribbon Committee will be made by the Boards and Commissions Committee and voted on by Council in an open meeting. Decisions of the Committee are reached by a simple majority vote of the members unless otherwise required by law. All voting will be conducted in open meetings with a quorum present. When the Committee has completed its function, as determined by City Council, the Committee shall be dissolved and the members of the committee shall be informed of the termination by e-mail from the City Clerk's office. City Council will consider, but not be bound by, the Committee's recommendations or concerns."

Also on June 13, 2017, City Council appointed Mr. Patrick Conant, Dr. Dwight B. Mullen, Dr. Darin J. Waters, Mr. Joseph Hackett and Ms. Marta Alcala-Williams to serve on the Blue Ribbon Committee for the Human Relations Commission.

The following individuals applied for the vacancies: Priscilla Ndiaye, Dewanna Little, Carol Hallstrom, Lucia Daugherty, Alfred Whitesides, Steven Lawrence, Joseph Gibson, Tracy Elliott, Ashley Cooper, Andrew Monroe, Andrew Fletcher, Susan Bean and Matthew Bacoate.

At the suggestion of the Boards & Commissions Committee, Vice-Mayor Wisler moved to appoint Priscilla Ndiaye, Dewana Little, Lucia Daugherty, Alfred Whitesides and Matthew Bacoate Jr. to the Blue Ribbon Committee on Human Relations Council; and to also appoint Cliff Joslin as the Citizens-Police Advisory Committee representative. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION NO. 17-171 - RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ADJUSTMENT

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that Richard Carpenter, has resigned from the Board of Adjustment as a regular member, thus leaving an unexpired term until January 21, 2020.

The following individuals have applied for a vacancy: Carter Webb and John Kledis. Current interested alternate members include Paul Wilczynski and Daniel Summerlin.

The Boards & Commission Committee recommended appointing Daniel Summerlin (currently serving as an Alternate) to the Regular member seat and appointing John Kledis to serve the unexpired term of Mr. Summerlin's alternate seat, term to expire

Vice-Mayor Wisler moved to (1) appoint Daniel Summerlin to serve the unexpired term of Mr. Carpenter as a Regular member, term to expire January 21, 2020, or until his successor has been appointed; and (2) appoint John Kledis to serve the unexpired term of Mr. Summerlin as an Alternate member, term to expire January 21, 2018, or until his successor has been appointed. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 39 – PAGE 67

RESOLUTION NO. 17-172 - RESOLUTION APPOINTING A MEMBER TO THE CIVIC CENTER COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that the term of Corey Atkins, as a member on the Civic Center Commission, expired on June 30, 2017.

The following individual has applied for a vacancy: Larry Layton.

The Boards & Commission Committee recommended reappointing Mr. Atkins.

Vice-Mayor Wisler moved to reappoint Corey Atkins to serve a three-year term, term to expire June 30, 2020, or until his successors has been appointed. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 39 – PAGE 68

RESOLUTION NO. 17-173 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that the terms of Brendan Ross and Richard Fast, as members of the Asheville-Buncombe Historic Resources Commission, expire on July 1, 2017.

The following individuals have applied for a vacancy: Leslie Humphrey, Kevin Saum, Wayne Wheeler, Gerry Leonard, Janet Whitworth, Emily Spreng and Rick Freeman.

The Boards & Commission Committee recommended appointing Janet Whitworth and Emily Spreng.

Vice-Mayor Wisler moved to appoint Janet Whitworth and Emily Spreng to each serve a three-year term respectively, terms to expire July 1, 2020, or until their successors have been appointed. This motion was seconded by Councilman Smith and carried unanimously.

RESOLUTION BOOK NO. 39 – PAGE 69

RESOLUTION NO. 17-168 - RESOLUTION APPOINTING MEMBERS TO THE MULTIMODAL TRANSPORTATION COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that the terms of Rich Lee, John Stuart Ridout and Till Dohse, at-large members on the Multimodal Transportation Commission, expire on July 1, 2017.

The following individuals have applied for a vacancy: Helen Hyatt, Han Winogrond, Keaton Edwards, Carson Dellinger, Tina Wexler, Scott Dickens, Andrew Stephen Kirby and Randy Warren.

The Boards & Commission Committee, at the request of the Multimodal Transportation Commission, recommended reappointing Mr. Lee and Mr. Ridout. It was the consensus of Council to interview Han Winogrond and Randy Warren to the other open seat.

Vice-Mayor Wisler moved to (1) reappoint Rich Lee and John Stuart Ridout to each serve a three-year term respectively, terms to expire July 1, 2020, or until their successors have been appointed; and (2) to interview Han Winogrond and Randy Warren This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 39 – PAGE 64

RESOLUTION NO. 17-169 – RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY COMMITTEE

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Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that the term of Elaine Poovey (at-large member) expired on July 1, 2017. In addition, Greta Bush (at-large member) resigned, thus leaving an unexpired term until July 1, 2018.

The following individuals applied for a vacancy: Fred Caudle, Gerry Leonard, Kristin Baldwin, Carter Webb, Jackson Tierney and Mike Wasmer.

It was the consensus of City Council to interview Carter Webb, Mike Wasmer and Jackson Tierney.

After Council spoke highly of all candidates, Carter Webb received 3 votes, Mike Wasmer received 4 votes and Jackson Tierney received 5 votes. Therefore, Jackson Tierney (at large member) was appointed to serve a three-year term, term to expire July 1, 2020, or until his successor has been appointed; and (2) appoint Mike Wasmer (at-large member) to serve the unexpired term of Ms. Bush, term to expire July 1, 2018, or until his successor is appointed. (Mayor Manheimer was not in the room when the vote was taken.)

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Edward Peters and Ms. Kelli Early both spoke in support of an independent commission to draw the districts.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 10:18 p.m.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – August 22, 2017 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Cecil Bothwell; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilman Gordon D. Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. EMPLOYEE RECOGNITION

City Manager Jackson, along with Mr. Lewis Berry, Solid Waste Supervisor with the City of Hickory and Past President of the APWA-NC Solid Waste Division Board, and Public Works Director Greg Shuler, recognized Mr. Bryant Williams for receiving the Herman Drake Award recognizing the top non-supervisory level Sanitation worker in the entire state.

Mayor Manheimer thanked Mr. Williams on what he does on behalf of the City of Asheville and City Council. She was proud of City staff and looked forward to highlighting more accomplishments.

B. RESOLUTION NO. 17-186 - RESOLUTION CONDEMNING THE ACTIONS OF WHITE SUPREMACISTS AND RACIAL VIOLENCE IN CHARLOTTESVILLE, VIRGINIA

Mayor Manheimer read the resolution as follows: "Whereas, on Saturday, August 12, 2017, the people of Charlottesville, Virginia endured an act of racist violence causing harm to many and claiming the lives of three people; and Whereas, the City of Asheville is saddened and outraged at the escalation of anger, hatred, and bigotry that hold no place in our society; and Whereas, racism is an affront to the ideals of our nation and the conscience of our residents; and Whereas, the Ku Klux Klan, Neo-Nazis, White Supremacists and other hate groups do not represent the opinions and values of the people of Asheville; and Whereas, Asheville is a community with a spirit of inclusion where we celebrate and honor our diversity; and Whereas, Mayor Esther Manheimer has condemned the actions of people who espouse hate speech against any race or ethnicity, and especially those who promote white supremacy; and Whereas, in December 2016 the City of Asheville passed Resolution No. 16-254, "Resolution Against Discrimination and Intimidation," stating that we take great pride in being a welcoming and diverse community where all citizens can live and work without fear of physical violence, threats or intimidation; and Whereas, in October of 2013 the City of Asheville passed Resolution No. 13-227, "Resolution Endorsing the Protection of Civil Liberties for all Citizens," affirming its pledge to uphold the constitutional rights and civil liberties of any and all persons...and to protect against discrimination on the basis of race, skin color, national or ethnic origin, gender, sexual orientation, mental or physical disability, immigration status, religious or political opinion or activity, or homed or homeless status; and Whereas, the City of Asheville stands with the residents of Charlottesville, Virginia, and across the country, united against those who seek to divide us; NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: The Asheville City Council does hereby reject the message of all hate groups; renounce racism, white supremacy, anti-Semitism, the KKK, neo-Nazis, domestic terrorism and hatred; declare that those who want to spread hatred, bigotry and violence have no place in the City of

Asheville; and commit to ensuring that Asheville remains a place of love and compassion, where hate is not, and never will be, welcome. FURTHERMORE, BE IT RESOLVED THAT: The Asheville City Council does hereby task the Governance Committee, with timely review of policy recommendations in furtherance of this Resolution, including, but not limited to the review and consideration of the relevant General Statutes and other applicable laws related to historical markers and monuments on city property."

Councilman Bothwell felt we should to go further by taking a stand to endorse Governor Roy Cooper's call to remove all confederate monuments from the State of North Carolina, and would ask for the majority of Council to support the City of Asheville removing the three confederate monuments in downtown Asheville. We should also inform the General Assembly that it's their moral obligation to permit municipal governments to address racism and hate in their own communities and to remove symbols of hate if the communities agree with that idea.

Councilwoman Mayfield said that the monument conversation is actively happening and the City Attorney's Office is looking into our options as a City, as well as who owns the monuments. Apart from the state law that does not allow the City to take down these monuments, the City Attorney's Office is investigating what legal obligations we have or what legal leeway we have to do anything with these monuments.

Councilman Smith said that everyone on Council is keenly aware that this must change and hoped we move this along as expeditiously as possible.

Councilman Young supported the resolution. He felt that once you understand why these monuments were erected and what they stand for, then you will understand that they must come down.

Mayor Manheimer noted that there were two amendments which run on the floor when the 2015 bill was being considered that barred cities from removing monuments or otherwise altering them. Both of those amendments were defeated.

Several individuals spoke in support of the resolution, and some offered other actions, such as: remove the confederate monuments in Asheville, align with the vision of Black Lives Matter, make Asheville a sanctuary city; put a plaque on the monument about the history about what was going on in that period of time; aggressively seek to change state law; and place the Vance Monument at the Vance Homestead.

Mayor Manheimer said that there is an African American Heritage Commission which is funded by both the City and the County. The have the funds they need to engage in a process for coming up with their vision for how to commemorate the contributions of the African American community in Asheville. It may be in the form of some type of commemorative, historical or educational marker that can be placed in a public area. They are just beginning that process and we hope that this will help us as a community.

Councilman Bothwell moved for the adoption of Resolution No. 17-186. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 90

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JULY 25, 2017

B. RESOLUTION NO. 17-174 - RESOLUTION SUPPORTING THE RECOMMENDATION AND DESIGNATION OF CRAGGY MOUNTAINS WILDERNESS AREA NEAR ASHEVILLE, N.C.

Summary: The U.S. Forest Service is considering recommending an expanded Craggy Mountain Wilderness Area for official congressional designation as part of its Pisgah-Nantahala National Forest Management Plan. City Council requests that the expanded Craggy Mountains Wilderness Study Area be recommended for designation as a wilderness area by the U.S. Forest Service and designated by the U.S. Congress.

Several individuals spoke in support of the resolution to protect Big Ivy as Craggy/Big Ivy is one of the most popular and ecologically important recreation destinations in Southern Appalachia. They urged Council to keep Big Ivy wild, scenic, adventurous and uncut for future generations.

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C. RESOLUTION NO. 17-175 - RESOLUTION ENCOURAGING CONGRESS TO CREATE A RELIABLE, PREDICTABLE STREAM OF RESOURCES TO ADDRESS DEFERRED MAINTENANCE NEEDS IN AMERICA'S NATIONAL PARK SYSTEM

Summary: The City of Asheville urges Congress to create a reliable, predictable stream of resources to address deferred maintenance needs in America's National Park System, and to ensure that federal infrastructure initiatives include provisions to address park maintenance.

RESOLUTION BOOK NO. 39 - PAGE 72

D. RESOLUTION NO. 17-176 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDING FROM THE CLEAN WATER MANAGEMENT TRUST

Summary: The consideration of a resolution authorizing the City Manager to accept grant funding from Clean Water Management Trust Fund in the amount of $300,000.

In February of 2016, the City of Asheville, with the support of RiverLink, applied for a grant from the state of North Carolina Clean Water Management Trust Fund (CWMTF) to aid in funding an innovative storm water project within the River Arts District Transportation Improvement District (RADTIP). In October of 2016, CWMTF awarded the City up to $300,000 to aid in construction of two wetlands utilizing an innovative soil media designed to improve the water quality of storm water before it enters the French Broad River. This grant will aid in the construction of the wetlands, pre & post construction water quality monitoring and eventual reporting of water quality results.

The City continues to look for ways to support a clean and healthy environment for all citizens. This includes community partnerships and the wise use of taxpayer money to achieve this vision. Council's vision specifically calls for Asheville to be..." recognized as a Tree City USA for decades; streets, greenways, and parks embody an urban forest for riparian restoration planning and Storm water BMPs along the French Broad River" and notes that..." Thanks to an extremely high-quality water source nestled in the gentle folds of the Blue Ridge Mountains, Asheville continues to attract companies that depend on clean water". The work proposed via this grant is in alignment with the Wilma Dykeman RiverWay Master Plan, the Sustainability Management Plan, the 2025 plan (Comprehensive Plan), and the implementation of the site plan for RADTIP.

Pro:

- Helps further Council and Community goals with no additional impact to the City budget.

Con:

- Requires City staff management/use of human resources (opportunity cost).

The match funds for this grant are already incorporated in the approved Capital Budget for the RADTIP. No additional City funds are required to match this grant. The grant dollars were approved in the RADTIP budget at the June 27, 2017, City Council meeting so there is no additional budget action needed.

Staff recommends City Council adopt a resolution authorizing the City Manager to accept funding from the Clean Water Management Trust Fund up to the amount of $300,000.

RESOLUTION BOOK NO. 39 - PAGE 74

E. RESOLUTION NO. 17-177 - RESOLUTION AUTHORIZING THE CITY MANAGER TO COMMIT THE CITY OF ASHEVILLE TO PROVIDE THE LOCAL SHARE REQUIRED FOR VARIOUS FEDERAL TRANSIT ADMINISTRATION GRANTS INCLUDING THE 5307 URBANIZED AREA FORMULA FUNDING PROGRAM

Summary: The consideration of a resolution authorizing the City Manager to commit the City of Asheville to provide the local share required for various FTA grants including the 5307 Urbanized Area Formula Funding Program.

The 5307 Urbanized Area Formula Funding Program is made available to designated recipients that are public bodies having the legal authority to receive and dispense federal funds. The program assists with transit capital and operating assistance in urbanized areas and for transportation-related planning.

Although providing a local match is already standard practice, the FTA is now requiring all Designated Recipients to have local resolutions in place to formalize this policy. This request does not relieve the Transportation Department from future grant transparency. Transportation Department staff will continue to present specific grant applications to City Council for review and consideration on a case by case basis that will define the specific project, the grant amount, and the exact local share amount required for that grant application.

This request will be reviewed by the Finance Committee on August 22, 2017 and if there is anything other than unanimous approval, it will be noted during the City Council meeting on August 22, 2017.

Pros:

- These grant funds offset operating and preventive maintenance costs for the transit system.
- These grant funds can be used for capital projects including new bus purchases.

Con:

- The City is required to provide the local match which is typically 20% of the grant amount.

There is no specific fiscal impact for this item; only a commitment that the City will provide the required local match for Federal Transit Administration (FTA) grants including the 5307 Urbanized Area Formula Funding Program. Staff will continue to plan for these grants as part of the annual budget process.

Staff recommends that City Council approve a resolution authorizing the City Manager to commit the City of Asheville to provide the local share required for various FTA grants including the 5307 Urbanized Area Formula Funding Program.

RESOLUTION BOOK NO. 39 - PAGE 75

F. RESOLUTION NO. 17-178 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PASSPORT INC. FOR PARKING CITATION MANAGEMENT SERVICES

Summary: The consideration of a resolution authorizing the City Manager to enter into an information and technology services exception contract in the amount of $240,000 including contingencies (not to exceed $80,000 per fiscal year) with Passport, Inc. to provide parking citation management services.

Parking Services issues, on average, about 21,000 parking citations annually. In addition, Parking Services administers parking citations issued by the Asheville Police Department and the Asheville Fire Department. Prior to July 1, 2017, we also administered citations issued by the Asheville Airport Police. In 2013, the City thru Parking Services, moved away from an in-house hosted citation management system to a contractor supplied cloud based system. This was part of the City's plans to move away from HTE and in-house hosting to more up to date cloud based systems. The City published a Request for Proposal in late 2012 soliciting vendors interested in providing citation management services to the City. The City chose Brekford Corporation as the vendor. The system provided was an improvement on the HTE system but did face some continual challenges. These challenges, developing staff concerns on the viability of Brekford, City policies, as well as significant changes in the parking industry motivated Parking Services to seek new proposals for the services.

In March 2017 the City published a Request for Proposals, under the provisions of NCGS 143-129.8 for purchase of information goods and services, for interested firms to provide citation management services to the City. By doing so, the City sought to build upon the successes of the Brekford system, eliminate the continual challenges, improve customer service, make Parking Services' operations more efficient and effective, and improve financial reporting. By publishing the Request for Proposal the City was able to focus on a holistic solution and not just cost which was just one factor. Included was a requirement for a 90 day test to ensure services proposed by the vendor are actually delivered.

Three proposals were received:

- Brekford Corporation, Hanover, MD, total estimated annual cost: Not provided
- COMPLUS, Tarrytown, NY, total estimated annual cost:$96,000.00
- Passport, Wilmington, DE, total estimated annual cost: $80,000.00

After a thorough review, the Selection Committee decided that Passport, Inc. would be able to provide the best product to the City. The inter-departmental Selection Committee included staff from the Parking Services Division, Transportation Department, the Information Technology Services Department, and the Finance Department.

Key components/Improvements:

- Provides citizens with three payment options; credit/debit card, mail-in, or walk-in.
- Improved services for citizen inquiry, e.g. picture on the citation and on appeal page.
- Provides on-line appeals process as well as an option for written appeals.
- Faster response to appellants following appeal determination, i.e. immediate email response versus contractor mailing a letter.
- Passport provides the best network platform for cloud based storage.
- Improved financial reporting and reconciliation.

- Utilizes the City's current lock box system for mail in payments instead of a third party's thereby ensuring faster depositing of funds.
- Passport will utilize the City's current credit/debit card merchant processor.
- Improved "back office" administrative suite of reports and interactive pages increases Parking Services' efficiency and effectiveness.
- Improved one piece handheld citation writers will provide near time (30 second delay) visibility of citations, with pictures, for citizen and staff review.

Pros:

- Provides improved citation review and appeal options to our citizens.
- Provides the latest in parking management technology and information systems.
- Builds upon the City's relationship with Passport as the provider of mobile payment for parking meters.
- Improves financial reporting and reconciliation.
- Increased efficiency and effectiveness of Parking Services' resources.

Cons:

- Extensive staff effort to transition from existing system to Passport.
- Some interruption of service during the transition to new citation management system.
- Estimated expenditures of $240K over three years

Funds for the first year are available in the current Parking Services' Fund Operating Budget. Funding for the second and third years of service will be included in the City Manager's proposed 2018-19 and 2019-2020 Budgets.

City staff recommends that City Council approve a resolution authorizing the City Manager City to execute an initial three year term contract not to exceed $240,000.00 with Passport, Inc. to provide parking citation issuance and administration support. And the option to extend the term of the contract for up to an additional two years. Also, further authorized to execute any change order to said contract which might arise during the time period of the contract up to the budgeted amount.

RESOLUTION BOOK NO. 39 - PAGE 76

G. RESOLUTION NO. 17-179 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FRENCH BROAD PAVING INC. FOR THE YEAR 1 BOND RESURFACING PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of $1,273,149.50 plus a contingency of 15% ($190,972.42) with French Broad Paving, Inc. for the project known as Year 1 Bond Resurfacing, City of Asheville Project Number X-1711.

A list of warranted streets was assembled to be addressed by this contract. The project was advertised on June 19, 2017. The first bid opening was scheduled for July 19, 2017, but we did not receive enough bids to open. The contract was re-advertised and bids were opened on July 27, 2017. The bids were as follows:

French Broad Paving, Inc. of Marshall, NC	$1,273,149.50
Rogers Group, Inc. of Nashville, TN	$1,424,036.10

A 15% contingency ($190,972.42) has been added to allow payment for any unforeseen costs that typically arise during construction and to do additional street resurfacing. The work produced from this contract would fix a number of roads that are in need of repair.

Pros:

- Will repair approximately 3.1 miles of roadways within the Asheville City limits.
- Will improve mobility and safety on city streets.

Con:

- Construction will be disruptive to adjacent residences and businesses.

The project will be funded through the City's available cash resources.

City staff recommends City Council adopt the resolution awarding the contract to French Broad Paving, Inc. and authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of $1,273,149.50 plus a contingency of $190,972.42 (15%) for the contract known as Year 1 Bond Resurfacing, City of Asheville Project X1711.

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H. RESOLUTION NO. 17-180 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT BEER CITY CUP

RESOLUTION NO. 17-181 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE LIVING ASHEVILLE ARTS FESTIVAL

RESOLUTION NO. 17-182 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE GOOMBAY FESTIVAL

Summary: The consideration of a resolution authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Beer City Cup, the Living Asheville Arts Festival, and the Goombay Festival.

- WNC Soccer Foundation has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Beer City Cup and allow for consumption at this event.

  The Beer City Cup will be held on Sunday, September 3, 2017 from 8:00 a.m. to 10:00 p.m. within the boundaries of Memorial Stadium as per the area limits referenced on the accompanying site map.

- Arts 2 People has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Living Asheville Arts Festival and allow for consumption at this event.

  The Living Asheville Arts Festival will be held on Sunday, September 3, 2017 from 11:00 a.m. to 10:00 p.m. within the boundaries of Lexington Avenue, Walnut Street, and Hiawassee Street as per the area limits referenced on the accompanying site map.

- The YMI Cultural Center has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Goombay Festival and allow for consumption at this event.

  The Goombay Festival will be held on Friday, September 8, 2017 from 6:00 p.m. to 10:00 p.m. and Saturday, September 9, 2017 from 11:00 a.m. to 10:00 p.m. within the

boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for WNC Soccer Foundation, Arts 2 People, and the YMI Cultural Center

Con:

- Potential for public safety issues

Staff recommends City Council adopt a resolution authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Beer City Cup, the Living Asheville Arts Festival, and the Goombay Festival.

RESOLUTION NO. 17-180 - RESOLUTION BOOK NO. 39 - PAGE 78
RESOLUTION NO. 17-181 - RESOLUTION BOOK NO. 39 - PAGE 81
RESOLUTION NO. 17-182 - RESOLUTION BOOK NO. 39 - PAGE 84

I. RESOLUTION NO. 17-183 - RESOLUTION AUTHORIZING THE CITY MANAGER ENTER INTO A CONTRACT WITH FRENCH BROAD PAVING INC. FOR THE FISCAL YEAR 2017 ASPHALT PAVING IMPROVEMENTS - RESURFACING CONTRACT 2

ORDINANCE NO. 4605 - BUDGET AMENDMENT TO PAY FOR STORMWATER ELEMENTS ASSOCIATED WITH THE FISCAL YEAR 2017 ASPHALT PAVING IMPROVEMENTS - RESURFACING CONTRACT 2

Summary: The consideration of a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of $904,963.00 plus a contingency of 5% ($45,243.15) with French Broad Paving, Inc. for the project known as FY 17 Asphalt Paving Improvements – Resurfacing (Contract 2), City of Asheville Project Number K1701; and a budget amendment in the General Capital Projects Fund in the amount of $45,938 from a transfer from the Stormwater Fund to pay for stormwater elements associated with this project.

A list of warranted streets was assembled to be addressed by this contract. The project was advertised on June 19, 2017. The first bid opening was scheduled for July 19, 2017, but we did not receive enough bids to open. The contract was re-advertised and bids were opened on July 26, 2017. The bids were as follows:

French Broad Paving, Inc. of Marshall, NC:	$904,863.00
Rogers Group, Inc. of Nashville, TN:	$1,012,361.30

A 5% contingency ($45,243.15) has been added to allow payment for any unforeseen costs that typically arise during construction and to do additional street resurfacing. The work produced from this contract would fix a number of roads that are in need of repair. As noted in the summary statement, there are stormwater improvements included in this contract that will cost an estimated $45,938. A budget amendment is included with this action to move the stormwater funding into the FY17 Streets Program Project in the General Capital Projects Fund.

Pros:

- Will repair approximately 1.1 miles of roadways within the Asheville City limits.
- Will improve mobility and safety on city streets.

Con:

- Construction will be disruptive to adjacent residences and businesses.

The total budget for the FY17 Streets Program is $2.8 million. This is the second contract for FY 17 resurfacing. The first contract, which is ongoing is with French Broad Paving and Grading, totaled $1,718,077.74. The total cost of this second contract, including contingency, is $950,106.15. As noted above, the Stormwater Fund will contribute $45,938 toward this contract amount.

Staff recommends City Council adopt a resolution awarding the contract to French Broad Paving, Inc. and authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of $904,863 plus a contingency of $45,243.15 (5%) for the contract known as FY 17 Asphalt Paving Improvements – Resurfacing (Contract 2), City of Asheville Project Number K1701, and a budget amendment in the General Capital Projects Fund in the amount of $45,938 from a transfer from the Stormwater Fund to pay for stormwater elements associated with this project.

RESOLUTION BOOK NO. 39 - PAGE 87
ORDINANCE BOOK NO 31 - PAGE 292

J. RESOLUTION NO. 17-184 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO PARTNER ON THE SOUTHEAST SUSTAINABILITY DIRECTOR'S NETWORK GRANT APPLICATION FOR A WEATHERIZATION PROGRAM

Summary: The consideration of an authorization for the City Manager to enter into an Intergovernmental Agreement with Buncombe County to develop a partnership to implement grant funding for a weatherization program.

At the June 27, 2017, meeting of Asheville City Council, the Council discussed the possibility of funding a weatherization program for low income households. The Council decided to move the consideration of funding a city weatherization project to the Housing and Community Development Committee for further discussion.

Grant funding became available through the Kendeda Fund. Staff was approached about applying for funding with the county. A joint letter of intent to apply was sent from the city and the county.

Key elements of the Intergovernmental Agreement will include:

a. Buncombe County will be the lead agency in applying for and implementing grant funding.
b. The City of Asheville will advise the project design, participate in stakeholder discussions, identify eligible homes within city limits and utilize data to measure project impact within city limits.
c. Upon completion of the grant funding the intergovernmental agreement will expire.

The Finance Committee will review this on August 22, 2017, and if there is anything other than unanimous approval to move forward to the full Council, it will be brought forward at the meeting. The application is due on September 5.

Housing and Economic Development Committee unanimously approved the memorandum of understanding between the City of Asheville and Buncombe County move forward to City Council's consent agenda during their August meeting.

This action supports the following Resolutions signed by Council:

- Resolution 13-228, Supporting a Clean Energy Economy
- Resolution 15-200, Adopting a Community Clean Energy Policy Framework
- Resolution 16-64, Establishing a joint City, County and Utility Energy Innovation Task Force

Buncombe County intends to apply for grant funding through the Southeast Sustainability Directors Network and will be the fiscal manager of grant funds. As a result the only fiscal impact to the city is staff time to assist in the grant application and program implementation as it relates to homes within the city limits.

City staff recommends City Council to approve the establishment of a Buncombe County Weatherization partnership and application to Kendeda for grant funding and authorization for the City Manager to enter into an Intergovernmental Agreement with Buncombe County to develop a partnership to implement grant funding for a weatherization program.

Councilwoman Mayfield said that this is a direct outgrowth of the discussions during the budget process from the Energy Innovation Task Force recommending a low income weatherization program for the City and County. The Task Force will be achieving some exciting milestones in their work and there will be some public announcements in the near future, including a public community focus campaign that will be a vehicle for everyone who is interested in helping us reach our goal of avoiding the 3rd peaker plant at the Lake Julian site.

RESOLUTION BOOK NO. 39 - PAGE 88

K. RESOLUTION NO. 17-185 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ESRI, INC. FOR A 3-YEAR CONTRACT FOR GIS SOFTWARE MAINTENANCE

Summary: The consideration of a resolution authorizing the City Manager to sign a new Enterprise License Agreement with ESRI, Inc. in the amount of $150,000 over 3 years payable in $50,000 yearly installments for Geographic Information Systems (GIS) software.

The City of Asheville has used ESRI GIS software for 16+ years as a keystone software information system. Many internal processes including asset management, code enforcement, permitting, public safety dispatch, stormwater utility billing, infrastructure maintenance, sanitation service, development services, etc., rely on GIS expertise and software. Citizens also rely on GIS for Internet information portals such as Simplicity, Asheville's Open Data Portal, and mapAsheville. City Council also relies on the City's GIS via planning and development decision visualizations.

The existing contract has held maintenance flat for the past 3 years. Typical increases in such software maintenance contracts average approximately 5% per year. With the execution of another 3 year contract, we will be able to hold our maintenance costs at $50,000 per year for next 3 years. Annual maintenance payments are required in order to keep software in a reliable and supported state. This contract also means that the City may provide unlimited staff installations as well as server software installation of this software thus saving money on additional licensing fees as a result of expanded services.

Pros:

- Increased support of departmental business requirements via greater options for GIS software licensing.
- Ability to install additional software without additional purchases.
- Hold the line on increasing software maintenance costs.

Con:

- If continued funding for future years is not appropriated, some staff will lose ability to utilize GIS software and data.

Maintenance for a three year period at a rate of $50,000.00 per year.

Staff recommends City Council adopt a resolution authorizing the City Manager to sign an Enterprise License Agreement with ESRI, Inc.

RESOLUTION BOOK NO. 39 - PAGE 89

L. RESOLUTION NO. 17-187 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH MCGILL ASSOCIATES PA FOR THE ASHEVILLE PARKS BALLFIELD UPGRADES/RENOVATIONS BOND PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a contract with McGill Associates, PA to provide design services for Asheville Parks Ballfield Upgrades/ Renovations Bond Project, for an amount not to exceed $167,255.00, and further authorizing the execution of any contract amendments up to 10% ($16,726) above of the contract price, which may arise during execution of said project.

The goals of the project are to address the ballfield maintenance backlog and to build for the future. These goals will be accomplished by replacing out of date site components that have reached the end of their service life.

The ballfield projects have been prioritized with a focus on improvements in underserved areas of the city. These improvements will address the needs of diverse park users through replacement of existing assets in parks to better reflect changing neighborhoods and their long-term recreation requirements.

The ballfields that are being improved within the current scope of work are: Ray L. Kisiah Park & Vance ballfield. The ballfields will be designed to improve the level of service and meet contemporary needs of athletic leagues and neighborhood residents. Ballfield upgrades may include new equipment, surfacing, fencing, grading, lighting, irrigation, site furniture, plant materials, shade structures, open play areas, vehicular parking lots, accessible pedestrian circulation systems, among other Park and Recreation park standard elements.

A Request for Qualifications (RFQ) was issued by the City of Asheville (City) for services to design the Asheville Parks Ballfield Upgrades/Renovations Bond Project. In response to the RFQ, the City received five (5) Statements of Qualifications to be considered for this project. After thorough review and evaluation, staff recommended McGill Associates, PA, 55 Broad Street, Asheville, North Carolina as the most qualified to perform the design services for this project.

Scope of Work: McGill Associates, PA has presented a scope of work and fee proposal for professional services associated with the Asheville Parks Ballfield Upgrades/Renovations Bond Project and will provide full design services, bidding administration, and contract administration/reporting during construction.

Project Budget: $1,200,000 million in General Obligation (GO) Bond Funding.

Tentative Project Timeline:

Engineering/Design Services	Fall 2017
Permitting	Winter 2017
Request for Construction Bid	Winter/Spring 2018

Construction Begin	Spring/Summer 2018
Construction Complete	Summer 2019

Pros:

- Address immediate maintenance needs and critical failures that are otherwise unattached to capital investments
- Focus on underserved areas of the city
- Address the needs of diverse park users through replacement of existing assets in parks to better reflect changing neighborhoods
- Meet the Parks and Recreation goal of increasing accessibility and equity

Con:

- None

The project will be funded through the City's available cash resources.

Staff recommends City Council adopt the resolution authorizing the City Manager to execute a contract with McGill Associates, PA to provide design services for Asheville Parks ballfield upgrades/renovations for an amount not to exceed $167,255.00, and further authorizing the execution of any contract amendments up to 10% ($16,726) above of the contract price, which may arise during execution of said project.

RESOLUTION BOOK NO. 39 - PAGE 92

M. ORDINANCE NO. 4606 - TECHNICAL CAPITAL PROJECT BUDGET AMENDMENT FOR THE DESIGN OF THE MONTFORD PARK COMPLEX

Summary: The consideration of a technical capital project budget amendment in the amount of $52,911 to move funding for the design of the Montford Park Complex from the General Fund to the Montford Park Complex Bond Project in the General Capital Projects Fund.

The original contract with Site Design Studio for design of the Montford Park Complex was entered into in June 2015, prior to adoption of the 2016 General Obligation Bond, and funded through the Parks and Recreation Department's General Fund budget. In order to provide more accurate fixed asset accounting, staff is recommending that the remaining contract amount be moved to the Montford Park Complex Bond Project. In order to accomplish this, the General Capital Projects Fund budget must be increased by $52,911. The amendment is funded by a transfer from the General Fund to the General Capital Projects Fund.

Pros:

- Provides budget authorization for project expenses.
- Conforms the City's financial records with generally accepted accounting and reporting standards.

Con:

- None.

There is no net fiscal impact to this budget amendment. Budget is simply being transferred from one fund to another.

City staff recommends City Council adopt the technical capital project budget amendment in the amount of $52,911 to move funding for the design of the Montford Park Complex from the General Fund to the Montford Park Complex Bond Project in the General Capital Projects Fund.

ORDINANCE BOOK NO. 31 - PAGE 294

N. RESOLUTION NO. 17-192 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES SUPPLEMENTAL AGREEMENT WITH CDM SMITH FOR THE MILLS RIVER WATER TREATMENT PLANT MISCELLANEOUS UPGRADES

Summary: The consideration of a resolution authorizing the City Manager to execute a Professional Engineering Services Supplemental Agreement with CDM Smith, Inc., for the proposed amount of $216,000 plus a contingency amount of $10,000 for a total project budget in the amount of $226,000 for the Mills River Water Treatment Plant Miscellaneous Upgrades Project.

On August 11, 2014, the Water Resources Department (WRD) issued a Request for Qualifications (RFQ) for On-Call Professional Services for Water Treatment Plant (WTP) Projects. In response to the RFQ, seven engineering firms submitted Statements of Qualifications (SOQ). A WRD review team selected three engineering firms with proven experience and expertise to provide professional and engineering services for various water treatment plant repair, replacement, and/or expansion projects: Brown and Caldwell, CDM Smith Inc., and GHD Consulting Services. With guidance from the City's Legal and Purchasing Departments, the WRD executed Master Agreements with all three firms to establish initial contractual terms. Specific projects would be authorized under a separate Supplemental Agreement between the WRD and individual engineering firm. The WRD desires to enter into a Supplemental Agreement with CDM Smith, Inc., for the Mills River WTP Miscellaneous Upgrades Project.

The Mills River WTP was originally constructed in 1999. While the plant has undergone minor upgrades to improve treatment performance and comply with regulatory requirements, the plant is nearly 20 years old and some equipment is nearing the end of its useful life. In January 2017, CDM Smith completed a Miscellaneous Upgrades Preliminary Engineering Report (PER) outlining the various upgrades recommended at the WTP. The WRD has identified a number of projects from that report that are ready to move into the design and construction phases. The projects consist of: (1) Submersible Raw Water Pumps Inspection and Repair; (2) Raw Water Pump Variable Frequency Drive (VFD) Replacement; (3) Ozone Generation System Upgrade/Replacement; (4) Ozone Diffuser Replacement; (5) Transfer Pump VFD Replacement; (6) Finished Water Pump VFD Replacement; (7) Sodium Hypochlorite Bulk Storage Tank Replacement; (8) Sodium Hypochlorite Day Tank Replacement; and (9) Fluoride Room Ventilation Upgrades. Services to be provided by CDM Smith for these tasks include engineering analysis, design, specifications development, permitting, bidding assistance, project management, and construction services.

Pros:

- This project will make needed repairs to the Mills River WTP in order to operate the plant at the most efficient level possible
- This project is aligned with the City and the WRD goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.

Con:

- A delay in award of an engineering services agreement for this project would postpone needed repairs to the Mills River Water Treatment Plant. As equipment is nearing the end of its useful lifecycle, the availability of essential parts becomes limited and the possibility of process failure increases.

The funding needed for this agreement is currently allocated within the Water Treatment Plant Improvements Project in the Water Resources Capital Improvement Projects (CIP) Fund.

City staff recommends City Council approval of a resolution authorizing the City Manager to execute a Professional Engineering Services Supplemental Agreement with CDM Smith, Inc., for the proposed amount of $216,000 plus a contingency amount of $10,000 for a total project budget in the amount of $226,000 for the Mills River Water Treatment Plant Miscellaneous Upgrades Project.

RESOLUTION BOOK NO. 39 - PAGE 97

O. RESOLUTION NO. 17-188 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CONTRACTS WITH CHERRY BEKAERT LLP FOR AUDITING SERVICES FOR FISCAL YEAR 2016-17

Summary: The consideration of a resolution authorizing the Mayor to execute contracts with Cherry Bekaert LLP for auditing services for fiscal year 2016-2017.

North Carolina General Statute §159-34 requires that a local governments have its accounts audited each fiscal year and submit a copy of the audit report and financial statements to the Local Government Commission. As such, staff recommends retaining the services of Cherry Bekaert LLP to conduct the audit of the city's accounts for the fiscal year ending June 30, 2017. The estimated fee for fiscal year 2016-2017 audit and financial statement preparation is $89,000.

Execution of this contract complies with City Council's Strategic Operating Plan of operating the City of Asheville's organization at the highest level of fiscal responsibility, as well as the Audit Policy portion of City Council's Financial Policies which states that the City "shall enter into multi-year agreements of not more than five years in duration through a series of single-year contracts as consistent with applicable legal requirements." This will be the fifth consecutive year of contracting Cherry Bekaert LLP to perform the City's audit. No competitive bid process was conducted this year; however, because this is the fifth year, staff will be issuing a Request for Proposal (RFP) from qualified audit firms for the FY 2017-18 audit as part of another multi-year audit contract.

Pro:

- Contracting with Cherry Bekaert LLP aligns with City Council's financial policy and will help ensure the timely and successful completion of the annual audit.

Con:

- None noted.

Fees of $89,000 for the annual audit are budgeted in the Finance Department's operating budget (FY 2016-17). These funds were encumbered as of June 30, 2017.

Staff recommends adoption of the resolution authorizing the Mayor to execute contracts with Cherry Bekaert LLP in the amount of $89,000 for auditing services for fiscal year 2016-2017.

RESOLUTION BOOK NO. 39 - PAGE 93

P. RESOLUTION NO. 17-189 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT FUNDING IF AWARDED FROM THE FEDERAL TRANSIT ADMINISTRATION FISCAL YEAR 2017 COMPETITIVE FUNDING OPPORTUNITY SECTION 5339 GRANT TO BE USED FOR THE TRANSIT CENTER RENOVATION PROJECT

Summary: The consideration of a resolution authorizing the City Manager to apply for and accept funding if awarded from the Federal Transit Administration (FTA) FY 2017

Competitive Funding Opportunity; Grants for Buses and Bus Facilities Infrastructure Investment Program, Section 5339 to be used for the Transit Center renovation project.

The FY 2017 Competitive Funding Opportunity; Grants for Buses and Bus Facilities Infrastructure Investment Program, Section 5339 provides a 90% federal contribution which means the City of Asheville only needs to contribute a 10% local match. Since this is a competitive grant, the Transportation and Sustainability Departments recommend contributing a 15% local match to make the award more likely.

Transportation Department staff has identified a much needed project to completely renovate the Transit Center which is located between Asheland Avenue and Coxe Avenue in the Central Business District. At the last Council meeting held on July 25, 2017, Council approved a resolution for the "Transit Station Renovation" project, which already has a total of $750,000 in City Funds committed from the Infrastructure Reserve, along with $213,911 in federal funds for a total available amount of $963,911. If this current grant funding opportunity is awarded, the city would potentially be able to increase the total project budget to $1.5 million (understanding that the project may need the additional resources) while at the same time reducing the City's contribution by $525,000. If the funds are awarded, FTA would provide $1,275,000 towards the cost of the project and the City would only need to provide $225,000, a $525,000 savings. The Sustainability Department has agreed to provide $25,000 of the local match out of their Green Savings.

This request will be reviewed by the Finance Committee on August 22, 2017, and if there is anything other than a unanimous approval, it will be noted during the City Council meeting on August 22, 2017.

Pros:

- The renovated Transit Center would provide a more comfortable and modern setting for transit customers.
- The renovated Transit Center would likely increase ridership.
- The renovated Transit Center would meet current ADA compliance requirements.
- The funding opportunity provides a 90% match.
- If the funds are awarded the city would better leverage federal funds that would therefore allow the city to repurpose $525,000 as needed.

Con:

- The local match in the amount of $200,000 from the General Fund and $25,000 from Green Savings.

As noted above, a portion of the City match for this grant ($25,000) would come from Green Savings. The remaining match amount of $200,000 would come from General Fund balance that City Council assigned to the Infrastructure Reserve at the end of FY 2015-16. If awarded, the appropriate budget amendment will come to City Council at that time for review and approval before the project begins.

Staff recommends that City Council approve a resolution authorizing the City Manager to apply for and accept if awarded the FY 2017 Competitive Funding Opportunity; Grants for Buses and Bus Facilities Infrastructure Investment Program, Section 5339 in the amount of $1,500,000 to be used for the "Transit Station Renovation" project.

RESOLUTION BOOK NO. 39 - PAGE 94

Q. RESOLUTION NO. 17-190 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ROGERS GROUP INC. FOR THE MARTIN LUTHER KING JR. DRIVE PAVEMENT AND SIDEWALK IMPROVEMENTS PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of $2,530,105.00 plus a contingency of 15% ($379,515.75) with Rogers Group, Inc. for the Martin Luther King, Jr. Drive Pavement and Sidewalk Improvements, City of Asheville Project X1710.

The Martin Luther King Jr. Project was identified as a bond improvement project which will provide the reconstruction of the roadway and also address sidewalk issues throughout the project area. The project was advertised on June 19, 2017. The first bid opening was scheduled for July 27, 2017, but we did not receive enough bids to open. The contract was re-advertised and bids were opened on August 10, 2017. The one bid received is as follows:

Rogers Group, Inc. of Nashville, TN $2,530,105

The bid cost of this project is $682,120.75 more than the original estimates proposed for the project. The increase in the cost of the project results from the need for more substantial improvements to the road and the subsurface of the road. These needs were discovered through preconstruction due diligence (for example core samples of the pavement depth which revealed deficiencies). This testing was conducted for the project prior to being bid in order to limit unexpected changes during construction. A 15% contingency ($379,515.75) has been added to allow payment for any unforeseen costs that typically arise during construction and to do additional street resurfacing. The work produced from this contract would fix the roadway and sidewalk sections that are in need of repair.

Pros:

- Will repair the entire section of Martin Luther King Jr. Drive from S. Charlotte to College Street.
- Will address needed sidewalk issues through the project area
- Will improve mobility and safety on city streets.

Con:

- Construction will be disruptive to adjacent residences and businesses.

The project will be funded through the City's available cash resources.

City staff recommends City Council adopt the resolution awarding the contract to Rogers Group, Inc. and authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of $2,530,105 plus a contingency of $379,515.75 (15%) for the Martin Luther King, Jr Drive. Pavement and Sidewalk Improvements, City of Asheville Project X1710.

Councilwoman Mayfield questioned what bond project would not be funded because this project is $682,120.75 more than the original estimate. City Manager Jackson said that there are two resurfacing projects being considered at this meeting. In one project, the cost was under budget. This project came over budget. On this project, core samples revealed that additional work needed to be done. As we move into the implementation of the bond projects, we will find some project estimates will be over and some will be under. You can expect to see, with each of these bond projects, a specific project status update, which will detail the specific cost of the project compared to estimates and how it fits into the overall context of that program. A comment section will also be included which will give you an idea of the causes and the remedies of that project. Staff will provide a quarterly report of the three bond issues to the Finance Committee meeting. Staff also provides the full Council with quarterly reports.

RESOLUTION BOOK NO. 39 - PAGE 95

R. RESOLUTION NO. 17-191 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ADC ENGINEERING FOR THE

ASHEVILLE PARKS SPORT COURT UPGRADES/RENOVATIONS BOND PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a contract with ADC Engineering to provide design services for Asheville Parks Sport Court Upgrades/ Renovations Bond Project Bond Project for an amount of $148,000, and further authorizing the execution of any contract amendments up to 10% ($14,800) above of the contract price, which may arise during execution of said project.

The primary goal of the project is to address maintenance backlog for sport courts and to build for the future. These goals will be accomplished by replacing out of date site components that have reached the end of their service life.

The sport court projects have been prioritized with a focus on improvements in underserved areas of the city. These improvements will address the needs of diverse park users through replacement of existing assets in parks to better reflect changing neighborhoods and their long-term recreation requirements.

The sport courts that are being improved within the current scope of work are: Murphy-Oakley Park, Montford Park, Weaver Park, Malvern Hills Park, & a portion of Aston Park. The sport courts will be designed to improve the level of service and meet contemporary needs of neighborhood residents. Sport court upgrades may include new equipment, surfacing, fencing, site furniture, plant materials, shade structures, associated facilities, open play areas, vehicular parking lots, accessible pedestrian circulation systems, among other Park and Recreation park standard elements.

The City of Asheville (City) issued a Request for Qualifications (RFQ) for design services for the Asheville Parks Sport Court Upgrades/Renovations Bond Project. In response to the RFQ, the City received five (5) Statements of Qualifications to be considered for this project. After thorough review and evaluation, staff recommended ADC Engineering, 25 Woods Lake Road, Suite 210, Greenville, South Carolina as the most qualified to perform the design services for this project.

Scope of Work: ADC Engineering has presented a scope of work and fee proposal for professional services associated with the Asheville Parks Sport Court Upgrades/Renovations Bond Project and will provide full design services, bidding administration, and contract administration/reporting during construction.

Project Budget: $1,015,000 million in General Obligation (GO) Bond Funding.

Tentative Project Timeline:

Engineering/Design Services	Fall 2017
Permitting	Winter 2017
Request for Construction Bid	Winter/Spring 2018
Construction Begin	Spring/Summer 2018
Construction Complete	Summer 2019

Pros:

- Address immediate maintenance needs and critical failures that are otherwise unattached to capital investments
- Focus on underserved areas of the city
- Address the needs of diverse park users through replacement of existing assets in parks to better reflect changing neighborhoods
- Meet the Parks and Recreation goal of increasing accessibility and equity

Cons:

- None

The project will be funded through the City's available cash resources.

Staff recommends City Council adopt the resolution authorizing the City Manager to execute a contract with ADC Engineering to provide design services for Asheville Parks Sport Court Upgrades/Renovations for an amount not to exceed $148,000, and further authorizing the execution of any contract amendments up to 10% ($14,800) above of the contract price, which may arise during execution of said project.

City Manager Jackson said that staff is moving forward with the bond projects that met the equity based criteria with which we are prioritizing park courts and ballfield renovations. He provided Council with the document the Parks & Recreation Department is using which provides detail on the criteria that is going into evaluating the parks. He also provided a spreadsheet which goes through each park facility and gives it a rating based on various criteria.

RESOLUTION BOOK NO. 39 - PAGE 196

S. RESOLUTION NO. 17-195 - INITIAL FINDINGS RESOLUTION AND SETTING A PUBLIC HEARING ON SEPTEMBER 12, 2017, FOR THE LIMITED OBLIGATION BONDS

RESOLUTION NO. 17-196 - INITIAL FINDINGS RESOLUTION FOR THE SPECIAL OBLIGATION BONDS

Summary: The consideration of two resolutions authorizing: (1) The City to refinance a portion of the 2016 Limited Obligation Bond (approximately $18 million), refinance all or a portion of the currently outstanding 2012 Limited Obligation Bonds ($11.685 million), and make application to the Local Government Commission of not to exceed $31.2 million Limited Obligation Refunding Bonds (the "2017 LOBs Refunding"), Series 2017, and (2) The City to refinance a portion of the 2016 Limited Obligation Bond and make application to the Local Government Commission for the issuance of not to exceed $20 million Special Obligation Refunding Bonds (the "2017 SOBs Refunding"), Series 2017, of the City of Asheville, North Carolina.

The City is refinancing the short-term construction debt related to some capital projects. The refinancing is made up of Limited Obligation Bonds (LOBs) and Special Obligation Bonds (SOBs). The City is required to hold a public hearing for the LOBs but not for the SOBs. Nevertheless, Council will hear comments on the SOBs during the public hearing on September 12.

Based on internal analysis and advice from the City's financial advisor and bond counsel, staff is recommending that City Council take action to move forward with the refunding of the 2012 Limited Obligation Bonds and the refunding of the 2016 Installment Purchase Agreement with the 2017 LOBs Refunding and the 2017 SOBs Refunding (the "Refunded Bonds"). Based on current interest rates (at August 14, 2017), the refunding of the 2012 Limited Obligation Bonds is expected to produce total debt service savings of approximately $655,000. This figure may increase or decrease prior to the sale of the 2017 Limited Obligation Refunding Bonds based on potential changes in interest rates and overall municipal market conditions. The refunding of the 2016 Installment Purchase Agreement will not produce debt service savings but will convert the mode from short-term variable-rate into long-term fixed-rate Limited Obligation Bonds and long-term fixed-rate Special Obligation Bonds.

The Resolution for the 2017 Limited Obligation Refunding Bonds provides the following:

- Authorizing staff to begin negotiations to refund the 2012 Limited Obligation Bonds, to refund a portion of the 2016 Installment Financing Agreement, and to pay cost of issuance in connection with the Limited Obligation Bonds, the 2017 Limited Obligation Refunding Bonds are authorized by City Council and shall be issued pursuant to North Carolina General Statues, Section 160A-20;
- The principal amount of the 2017 Limited Obligation Refunding Bonds shall not exceed $31.2 million;
- Authorizes City Staff to make application to the Local Government Commission;
- Authorizes the retention of professionals and financing team needed to accomplish the transaction; and
- Authorizes the City to conduct a public hearing on September 12, 2017.

The Resolution for the 2017 Special Obligation Refunding Bonds provides the following:

- Authorizes the purpose of the 2017 Special Obligation Refunding Bonds to provide funds to refinance a portion of the 2016 Installment Financing Agreement and to pay cost of issuance in connection with the Special Obligation Bonds pursuant to North Carolina General Statues, Section 159I-30;
- The principal amount of the 2017 Special Obligation Refunding Bonds shall not to exceed $20 million;
- Authorizes City Staff to make application to the Local Government Commission;
- The true interest cost of the Special Obligation Bonds shall not exceed 5.00%;
- Authorizes the retention of professionals and financing team needed to accomplish the transaction; and
- City Council determines and asks the LGC to make its required findings through the City's application and supporting documentation.

Pros:

- Anticipated total debt service savings of the refunding of the 2012 Limited Obligation Bonds based on current market conditions is approximately $655,000. Actual savings level will be determined on the date the 2017 Limited Obligation Refunding Bonds are sold, which is scheduled for October 12, 2017.
- Converts the 2016 Installment Financing Agreement from short-term variable-rate into long-term fixed rate debt which will set total cost of the 2016 projects financed.

Con:

- None noted.

As noted above, anticipated total debt service savings of the 2012 Limited Obligation Bonds based on current market conditions is approximately $655,000 million. Annual debt service payments of the City will increase by the issuance of new long-term fixed rate debt of the 2017 Limited Obligation Refunding Bonds and the 2017 Special Obligation Refunding Bonds. The final amounts of the new debt service payments will be determined on the sale dates of October 12, 2017, for the 2017 Limited Obligation Refunding Bonds and October 19, 2017 for the 2017 Special Obligation Refunding Bonds.

City staff recommends City Council adopt the following: (1) Resolution authorizing the City to refinance a portion of the 2016 Installment Financing Contract (approximately $18 million), refinance all or a portion of the currently outstanding 2012 Limited Obligation Bonds ($11.685 million), and make application to the Local Government Commission of not to exceed $31.2 million Limited Obligation Refunding Bonds (the "2017 LOBs Refunding"), Series 2017, and (2) Resolution authorizing the City to refinance a portion of the 2016 Installment Financing Contract and make application to the Local Government Commission for the issuance of not to exceed $20

million Special Obligation Refunding Bonds (the "2017 SOBs Refunding"), Series 2017, of the City of Asheville, North Carolina.

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RESOLUTION NO. 17- 196 - RESOLUTION BOOK NO. 39 - PAGE 105

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilman Bothwell moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. INTRODUCTION OF EQUITY AND INCLUSION MANAGER KIMBERLEE ARCHIE

City Manager Jackson was pleased to introduce the City's new Equity and Inclusion Manager Kimberlee Archie.

Ms. Archie briefly explained her work plan and how she is looking forward to working the the Department Directors and the community in achieving equity in the City.

B. QUARTERLY I-26 CONNECTOR UPDATE

Transportation Director Ken Putnam updated City Council on the I-26 Connector Project. The decision by the N.C. Dept. of Transportation (NCDOT) is that there will be six thru lanes throughout the project, instead of the eight thru lanes. At the last working group meeting, the NCDOT announced that the final environmental statement should be available for public review in the summer of 2018. The record of decision is scheduled to be either late 2018 or early 2019. The record of decision is an important milestone for this Project. It signals formal federal approval and authorizes the NCDOT to proceed with the Project. The City is also moving forward with hiring a consultant and it will be brought forward for Council consideration on September 12, 2017.

Councilwoman Mayfield announced some other good news, along with noting that they will continue to work hard to reduce the impact and overall size of the Project.

C. SIX-MONTH UPDATE ON REVIEW PROCESS FOR LEVEL III PROJECTS

The following update on the a six month update following the adoption of changes to the review process for Level III projects was provided to Council:

"On February 4, 2017, The Asheville City Council approved a zoning text amendment to the Unified Development Ordinance (UDO) concerning the method for reviewing larger scale Level III developments. This amendment had several components:

1) Changes to the Level III development review thresholds city-wide.

Outside the CBD-	Development 100,000 s.f. or larger, 50 or residential units Lodging uses with 21 or more guest rooms
Inside the CBD-	Development 100,000 s.f. or larger Buildings 100 feet tall or taller Lodging uses with 21 or more guest rooms

2) Clarifying that Level III development is a use that is only allowed in an Expansion District which is reviewed as a conditional zoning application. With a conditional zoning Council and developer agree to a specific set of conditions for project approval.

3) Creation of new floating zoning districts called *Expansion Districts* for large scale projects with specific development standards for each. The expansion districts include:

7-8-40 Central Business Expansion District
7-8-41 Institutional Expansion District
7-8-42 Commercial Expansion District
7-8-43 Residential Expansion District
7-8-44 Industrial Expansion District
7-8-45 Lodging Expansion
7-8-46 Mixed Use Expansion

Since the adoption of the changes there have been three Level III applications requiring an application to an Expansion District Conditional Zone:

- 1500 Tunnel Road for a Lodging Expansion CZ application for the Hotel Krish with 86 guest rooms. Approved by City Council 7/25/17
- 49 Tunnel Road for a Lodging Expansion CZ application for the Candlewood Hotel with 103 guest rooms. Being reviewed by Council on 8/22/17
- 175 Lyman Street for a Mixed –Use Expansion CZ application for the Stoneyard Apartments project with 133 apartments and commercial space. Public hearing was continued to a date certain on 8/22/17.

Conditional zoning applications require a large amount of communication between the developer(s) and staff as a proposal works its way through the review process. Although the conditional zones are underlying zoning districts with specific development standards, the development conditions concerning the proposal must be agreed to by both the developer and City Council. In addition Council may learn about a project prior to the actual public hearing where the project is considered.

Conditional zoning is often a useful tool available for projects when the underlying zoning is not completely compatible with the specific aspects of a development proposal. The conditional zoning application provides a level of customization while maintaining compliance with the Comprehensive Plan.

Some of the initiation of the wording change was in response to the growth of lodging uses in downtown which was coupled with the previously allowed larger review thresholds in the Central Business District zone. As with any new development review process there have been discussions with developers and community members to share the specific aspects of the changes."

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE ESTABLISHING REQUIREMENTS FOR UTILITY SUBSTATIONS

Councilman Smith moved to continue this public hearing until September 26, 2017. This motion was seconded by Councilman Young and carried unanimously.

B. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 175 LYMAN STREET FROM RIVER DISTRICT TO MIXED USE EXPANSION DISTRICT/CONDITIONAL ZONING FOR THE DEVELOPMENT OF 133 RESIDENTIAL UNITS, COMMERCIAL SPACE, AND RESTAURANT IN 5 BUILDINGS AND A PARKING STRUCTURE

At the applicant's request, Councilman Smith moved to continue this public hearing to a date uncertain. This motion was seconded by Vice-Mayor Wisler and carried unanimously. She noted that when it comes back to Council it will be re-advertised.

C. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED ON 3, 10, 12, 18 AND 99999 TRIED STREET FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO RS-8/CZ RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL ZONING FOR THE DEVELOPMENT OF A SINGLE-FAMILY PROJECT

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to conditionally zone property located on 3, 10, 12, 18 and 99999 Tried Street from RS-8 Residential Single-Family High Density District to RS-8/CZ Residential Single-Family High Density District/Conditional Zoning for the development of a single-family residential project with conditions related to lot area, lot width and right-of-way. This public hearing was advertised on August 11 and 18, 2017.

The project site consists of five parcels with a combined area of approximately 4.16 acres, located at 3, 10, 12, 18 and 99999 Tried Street in Shiloh. The site is zoned RS-8 as are adjacent parcels. The area is characterized by single-family houses. The project site is mostly vacant and was recently occupied by a manufactured home development. The site is adjacent to a tributary of Sweeten Creek with associated 100-year floodway and stream buffer requirements.

The applicant is proposing to create a new public road to provide access to twenty single-family home lots. The conditional zoning is requested as the lots as shown do not comply with current RS-8 standards.

There is a private street in place already; however this proposal is to alter that road layout as shown on plans. The new public street is proposed according to a modified road standard, with 32 feet of right-of-way (minimum) and 22 feet of pavement, terminating in a hammerhead turnaround. Sidewalks are shown along one side of Tried Street and along West Chapel Road heading west. The homes are accessed via individual driveways.

Street trees are required for this project and are shown. Open space (approximately 0.7 acres) and tree save area (approximately 1.05 acres) are also required due to the number of lots and this is also provided for on plan. The open space is proposed in a permanent easement across the rear of multiple parcels to preserve environmentally sensitive areas but a condition is requested to eliminate any public access to this open area.

The underlying zoning allows approximately 33 units based on the overall project area, however due to the limited use of land encumbered by the stream buffer and flood areas as well as the proposed road location, the applicant has designed the layout shown on plans. With this request, the density proposed is 20 units however some of the lots are smaller than the zoning district permits. The average lot size for this project is approximately 6,817 square feet (or 4,677 square feet with the outlier removed) and the average lot width is approximately 44 feet. The project is otherwise similar in look and layout to other single-family residential developments that would be allowed in the area, with those smaller lots incorporated.

Conditions - The applicant is requesting the following conditions (see Exhibit B.1 for full list of project conditions):

1. **Lot Area** - lots range from approximately 4,000 to 8,000 square feet (RS8 minimum lot size is 5,000 SF)
2. **Lot Width** - lots have a minimum frontage of 40 feet (RS8 minimum lot frontage is 50 feet)
3. **Right-of-Way Width** - proposed ROW of 32 feet with 22 feet of pavement for main street; minimum 40 feet ROW for hammerhead (typical standard is 50 feet ROW)
4. **Access to Open Space –** the project contains an adequate amount of preserved open space but due to ownership of the lot and development, the applicant proposes that public access to the area is restricted.

Regarding open space, 20% of the project is required to be set aside for open space. The applicant does meet the 20% requirement, but in the interest of the developer (Mountain Housing Opportunities (MHO)), to keep the units as affordable as they can, they are seeking to avoid the creation of a homeowners association and the additional financial burdens that it would bring onto the homeowners in the maintenance and upkeep of the open space area. At the writing of the report, the proposal was to have the 20% of dedicated preserved open space, but it wouldn't be publicly available. Most of that area is along the stream and to the backs of several parcels. Those people would have what looks like a bigger back yard and there would be an easement prohibiting development along that open space area, but since it would be on individual properties, it wouldn't be open for just anyone. The applicant is working with the Shiloh Community Association for another alternative, which would be to create a 21st parcel (not for development) just for open space which would then be turned over by the developer to the Shiloh Community Association and they could then take that on for the maintenance of the open space which would be open for the public. A condition now reads: "The open space will be provided by either (1) through an easement across privately owned parcels and not intended to be publicly accessible; or (2) the 21st lot that would be transferred by the developer/owner to the Shiloh Community Association (SCA) and in that case would be accessible to the public." The developer would like to have the flexibility to pursue either option. One other possible condition is that there be no open space requirement - noting they are preserving 20% of the project area.

The applicant held the required community meeting on April 25, 2017; the project was approved with conditions by the Technical Review Committee on June 5, 2017. If approved, the applicant will return to the TRC following the Major Subdivision review process for plat approval.

The Planning & Zoning Commission voted unanimously (6-0) to recommend approval of this project with the conditions as noted in the recommendation form as well as reflected in the Exhibit B.1 list.

There were a number of community members present at the meeting to offer public comment including questions regarding how this development would complement the existing fabric of the neighborhoods, concerns about gentrification and affordability of the homes and support of the development, the single-family home-ownership aspect and for the future homeowners to have the ability to expand or use their homes with the same rights as any other home owner in the RS-8 zoning district. This has been reflected in the conditions. Residents did wish to see privacy fences in certain area where the existing homes are closer to the proposed development and also desired to have single-story homes in locations where the grade may warrant a lower-height to maintain privacy.

While about half of the lots (11 out of 20) have less than the minimum area in the underlying and surrounding zoning district and almost all have less than the minimum lot frontage, the layout of the subdivision and proposed single-family development is visually similar to what would be allowed otherwise and is expected to be compatible with the surrounding neighborhood. The density of the overall proposal is appropriate and similar to the single-family development in the area.

This project is aligned with elements in the Comprehensive Plan (*2025 Plan)* in that it provides infill residential development in a layout that avoids the sensitive environmental area and further the *Plan* suggests that the City should be flexible with standards to enable infill lots to be developed. The project provides sidewalks and the developer has been engaging with the neighborhood association as recommended in the *Plan*. While the proposed density is lower than recommendations in the *Plan* with regards to infill development supporting transit, the density is more aligned with the neighborhood's desires.

There are aspects of the project that correspond to goals and visions in the *Shiloh Community Plan* such as the density is mostly consistent with the character of the community at just above four units per acre; avoiding and preserving area along the stream as green space; sidewalks on the new road and along part of West Chapel Road help to improve pedestrian accessibility in the project area; and the design of the houses as shown on plans with front porches and orientation towards the street is aligned with the visions of the plan.

Considerations:

- The single-family residential development is compatible with the character of the surrounding Shiloh neighborhood as far as density, use and layout.
- The project preserves sensitive environmental area and provides dedicated open space.
- Sidewalks will be provided on the new street and along part of West Chapel Road.
- The project does include some initial affordability.
- Most of the lots are smaller than the surrounding zoning allows but driveways are proposed at the current maximum width.

Based on policies in the *2025 Plan,* City Council's 2036 Vision Considerations and compatibility with elements in the Shiloh Neighborhood Plan, staff recommends approval of the conditional zoning for the residential single-family project with the conditions noted in the B.1 list.

The Planning & Zoning Commission recommended approval by a 6-0 vote with the conditions as detailed previously in this report and in the B.1 conditions.

Councilwoman Mayfield was concerned that if the property remains as part of the back lots and those property owners can do what they want with the property (like put up fences), it would frustrate the purpose behind open space. If that remains as an option, she would like to add a condition that the people who own those lots are not allowed to put up fences in the area that makes up the open space.

Mr. Mike Vance, representing MHO, explained some of the difficulties in building traditional single-family neighborhoods within the current Unified Development Ordinance. Stormwater detention and open space are the biggest difficulties in the joint ownership components that are required. A goal from the beginning was not to burden the homeowners financially with a homeowners association for the maintenance of stormwater detention and open space. We found a way to put the stormwater detention on one single lot and they will continue to own and maintain that system so the other homeowners do not have to create an association to do that. This is a little different than an apartment community where those people don't have the benefit of their own individual lots that they can fence off. He said that eliminating the open space requirement for a single-family neighborhood would really be their ultimate goal. But, if Council is not amenable to that, they would suggest calling it open space with an easement across the lots. They have worked with the SCA and have made some changes at their request. Very recently the SCA asked if they would be willing to donate the land along the creek (which is part of the open space requirement). It has not been decided at this time on whether they will take it or not. They would like to option to continue that discussion after this meeting.

There was considerable discussion regarding the open space. In particular, discussion surrounded if the SCA has agreed to take on the maintenance of the 21st lot. If not, then it was

hoped that some creative solutions can be reached to protect that area, possibility dedicating the open space to the future Community Land Trust.

Mayor Manheimer opened the public hearing at 6:40 p.m.

Ms. Norma Baynes, liaison to the SCA, said that they have worked with MHO to see how the project can fit into their neighborhood. The SCA will not take responsibility for the stormwater detention. They have asked Neighborhood Housing to help them with the maintenance of the creek and garden over the years. This would be an extension of their trail from their garden and trail over to the development. They are willing to do what they can but are also asking for assistance.

Mayor Manheimer closed the public hearing at 6:43 p.m.

In response to Councilwoman Mayfield, Mr. Vance said this is not part of the City's Greenway Master Plan.

Because Council felt they could not proceed with this until the SCA takes time to understand and agree to the maintenance of the open space, with possibly a partnership with RiverLink, Councilman Smith moved to continue this matter until September 12, 2017. This motion was seconded by Councilman Young and carried unanimously.

D. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED ON 49 TUNNEL ROAD FROM REGIONAL BUSINESS DISTRICT TO LODGING EXPANSION/CONDITIONAL ZONING FOR THE DEVELOPMENT OF A NEW LODGING FACILITY AND ASSOCIATED SITE IMPROVEMENTS

ORDINANCE NO. 4607 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED ON 49 TUNNEL ROAD FROM REGIONAL BUSINESS DISTRICT TO LODGING EXPANSION/CONDITIONAL ZONING FOR THE DEVELOPMENT OF A NEW LODGING FACILITY AND ASSOCIATED SITE IMPROVEMENTS

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to conditionally zone property located on 49 Tunnel Road from Regional Business District to Lodging Expansion/Conditional Zoning for the development of a new lodging facility and associated site improvements. This public hearing was advertised on August 11 and 18, 2017.

The project site consists of one parcel located at 49 Tunnel Road with an area of approximately 1.91 acres. The parcel is a flag lot with frontage on Tunnel Road and is sited among a variety of commercial uses; Ingles to the north, Innsbruck Shopping center to the west and south and McDonalds and Mikado Japanese Restaurant to the east.

The project site is currently surface parking used by a variety of neighboring uses; the zoning on the parcel as well as all surrounding parcels is Regional Business.

The applicant is proposing to construct a hotel building on the site with approximately 103 rooms. The building is five stories (approximately 54' according to plans). The conditional zoning is required due to the number of rooms.

Vehicular access to the site is primarily via the driveway from Tunnel Road along the flag portion of the lot. This driveway is a shared easement with adjacent uses and is not proposed to be changed. There are additional cross-access points to the users on several sides; some that will be removed or modified but others that will remain.

Surface parking for the hotel is provided to the front, sides and rear of the building with a total of 100 spaces included on plans, not to exceed 102 per Exhibit B.1 conditions.

Sidewalks already exist along Tunnel Road and the Lodging Expansion standards require connectivity to the road as well as to other uses in the development. Plans show a six foot wide (internal) sidewalk to Tunnel Road, steps to provide access to Ingles and a crossing to McDonalds for compliance with Access & Mobility Standards in the Lodging Expansion district. There is also a six-foot bike lane into the development along the driveway.

Landscaping is required for this project and includes parking lot landscaping, building impact landscaping and dumpster screening. Fifteen percent of the lot area is required for designated open space; the project provides more than the minimum with a large hardscaped patio to the rear of the hotel, a small dog park toward the front and green roof features. With these elements, 19% of the site is considered under open space.

There are standards relating to building orientation and fenestration in zoning district and the design complies.

Projects undergoing conditional zoning review are required to hold a neighborhood meeting; the meeting for this project was held on April 25, 2017. The project was approved with conditions by the Technical Review Committee on June 25, 2017.

The Planning & Zoning Commission reviewed this request at their meeting on July 20, 2017, and voted 4-1 in support of the project. Much of the discussion was focused on the open space compliance condition and ways the applicant could integrate additional open space onto the site. The Commission's vote included a condition that the square footage encumbered by the driveway easement be removed from the area used to calculate the open space requirement, given that this easement is encumbered by the shared access to other property owners and thereby should not be used to factor the developable area for the project.

While this was the recommendation of the Commission, the applicant revised the plan subsequent to the meeting to provide more than the minimum amount of open space required with keeping the driveway easement area in consideration.

At the meeting, several public comments in support of the developer and the proposal were received.

Lodging uses with over 21 rooms are required to undergo a conditional zoning review to the Lodging Expansion District. This proposal is located along a commercial corridor where lodging uses exist and can be expected. The use is appropriate in this location and the project complies with the standards in the expansion district.

As stated, the lodging use is appropriate in this location given the underlying Regional Business zoning and the project has the ability to comply with the standards in the Lodging Expansion District. There are a number of hotels in the vicinity (seven within a half-mile radius) and the existing infrastructure along Tunnel Road is suited to accommodate the additional vehicular traffic created by the use. While most of the existing buildings along this side of the street are only a single-story in height, there are other taller buildings across Tunnel Road in the vicinity. The hotel itself does not include a restaurant component; walkways and access points to Ingles and the neighboring restaurants have been provided to allow hotel guests to have a clear way to utilize these existing commercial businesses, integrating into the corridor in a complementary way.

There is a concern regarding compatibility as it relates to the surrounding surface parking lot and how the layout and design will be affected by development on this parcel, which is currently a part of what visually appears to be one consolidated surface parking area (even

though it is a separate parcel). The applicant has submitted a draft restriping plan that appears to alleviate most of the concern but the adjacent property owner will need to agree to the plan.

This project is aligned with elements in the Comprehensive Plan (*2025 Plan)* in that it provides infill development along a commercial corridor with infrastructure already suited to accommodate the use. Additionally, the proposal considers multiple methods of transportation access; including sidewalk walkways, bike paths, vehicular access and located along a transit line. Also the *Plan* does recognize tourism and the 'availability of adequate lodging facilities" as a key strength of the City.

Considerations:

- Project provides vertical development on a site that is currently surface parking
- Design integrates landscaping thereby reducing the impervious surface area and more than the required amount of open space via green roof features
- The use is along a commercial corridor and transit line where lodging uses are anticipated and appropriate
- Integration of development with existing parking lot layout on property owned by others

Based on policies in the *2025 Plan* and City Council's 2036 Vision Considerations as well as the ability to comply with standards in the Lodging Expansion District, staff recommends approval of the conditional zoning for the construction of a new lodging facility.

The Planning & Zoning Commission recommended approval by a 4-1 vote with the condition to exclude the driveway easement from the area used to calculate the open space requirement. *As noted above, the applicant has revised plans, exceeding the requirement while including the driveway area.*

In response to Councilman Smith, Councilwoman Mayfield said there is not a corridor plan for Tunnel Road; however, once the Comprehensive Plan is adopted she hoped that we work quickly to put in place the zoning and requirements that will get us the kind of development the Comprehensive Plan says we want.

Mr. Marvin Mercer, civil engineer for the project, said that they held a neighborhood meeting which was attended by several property owners in the area. He explained that at first they did not meet the open space requirements; however, they have now included a green roof and they are well over the open space requirements. He urged City Council to approve the project.

Mr. T. C. Morphis said that the only concern the Planning & Zoning Commission had was open space and that has been addressed now. This project meets both the Comprehensive Plan and Council's 2036 Vision. He urged Council to approve the project.

Ms. Twinkle Patel, applicant, explained her history in the hotel business. She said this will be an extended stay hotel with no food service. Because of no food service, patrons from their hotel will frequent the several neighboring eating establishments. They will maintain a stairway access to Ingles. They will add a crosswalk to the McDonalds and they are working with the owners of the Innsbrook Mall to repave and restripe the disrupted area. They are working with local artists for art work for the rooms and lobby area. The project will include a bicycle lane, a dog park, charging stations, recycling/dumpster, LED lights and a green roof. Even though she and her family currently reside in Maggie Valley, N.C., they will move to Asheville and manage the hotel full-time. She asked for the Council's support because this will add vibrancy to the area.

Mayor Manheimer opened the public hearing at 7:13 p.m.

The following individuals spoke in support of the conditional zoning for 49 Tunnel Road because the Patels are committed to community involvement, treat their employees well, run a well-maintained operation, and will support surrounding businesses:

Mr. Billy Chase, Maggie Valley Planning Board Chairman
Mr. Joe McGuire, former co-owner of the property
Ms. Haney, employee of Patel family in Maggie Valley
Mr. Steve Perkins, representing the Teleco Credit Union on Tunnel Road
Ms. Linda Richardson, representing the owners of the Innsbruck Mall
Owner of Mikado Japanese Steak House on Tunnel Road

Mayor Manheimer closed the public hearing at 7:19 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mayfield moved to approve the conditional zoning request for Milestone 1, LLC for the property located at 49 Tunnel Road from Regional Business (RB) to Lodging Expansion District Conditional Zone (LODG EXP CZ), and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in that: (1) The proposal supports the strategies found in the City's comprehensive plan on infill development, multi-modal transportation elements and tourism; and (2) The design includes landscaping and green roof, reducing the impervious surface area. This motion was seconded by Councilman Bothwell and carried unanimously.

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Closed Session

At 7:21 p.m., Councilman Young moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit involving the following parties: City of Asheville v. VG Enterprises, LLC and Siemens Real Estate Holdings, LLC; and Jim Siemens, individually v. City of Asheville. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3); and (3) To establish or to instruct the City's staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the terms of a contract for the acquisition of real property by purchase, option, exchange or lease. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(5). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 8:04 p.m., Vice-Mayor Wisler moved to come out of closed session. This motion was seconded by Councilwoman Mayfield and carried unanimously.

D. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES TO INCENTIVIZE SMALL-SCALE RESIDENTIAL DEVELOPMENT

ORDINANCE NO. 4608 - ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES TO INCENTIVIZE SMALL-SCALE RESIDENTIAL DEVELOPMENT

Interim Transportation Planning Manager Vaidila Satvika said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinance to incentivize small-scale residential development. This public hearing was advertised on August 11 and 18, 2017.

He said these proposed wording amendments are intended to revise regulations affecting residential development citywide to encourage more compatible, small-scale infill housing.

In February 2016, the Department of Planning and Urban Design presented City Council with a list of potential amendments to encourage small-scale residential infill. These UDO amendments would give more flexibility to landowners to help address the city's gap in housing supply as identified in the 2015 Housing Needs Assessment. The proposed changes would provide more housing units, provide different types of housing units, and change the pattern of residential development to use land more efficiently.

The following strategies were proposed to be studied in greater detail:

- Cottage Developments
- Multifamily Districts
- Lot Standards
- Tiny House Zoning
- Higher Density Residential Buffer Zone
- Conservation Development
- Sustainable Development

Since then, it was determined that staff should focus on fewer topics in order to bring about timely changes as a first phase so as not to overwhelm staff and the public.

Staff determined that changes to lot width standards and multifamily regulations had the greatest potential, and has developed the following recommendations to support small-scale residential infill:

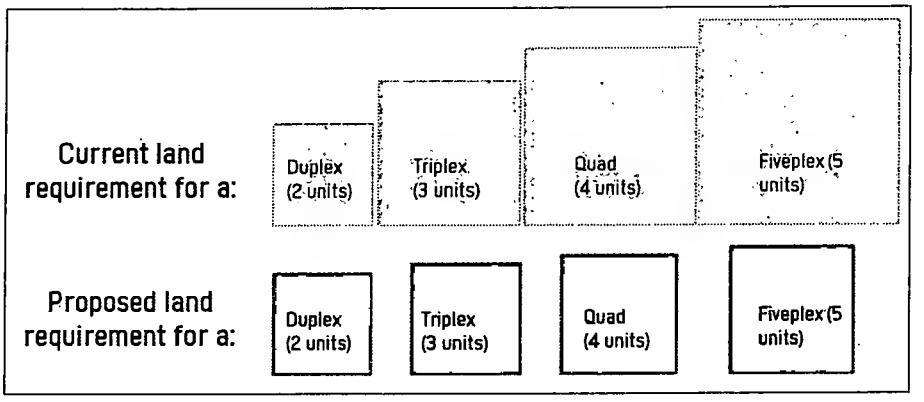
1) **Minimum dimensional standards**. Reduce the minimum lot width for parcels in all residential districts by twenty (20) percent. This change would help residential districts to get closer to reaching allowable densities which for the most part are not being met. This change primarily makes land more accessible for development, where lot width is a key constraint. The steep slope ordinance would continue to protect land above 2220' elevation and 15% grade. It is anticipated that these changes could potentially "create" 9% new parcels that would be distributed throughout the city incrementally, over many years. The following chart shows the current versus proposed standards:

Dimensional Standards - Lot Width

		RS2	RS4	RS8	RM6	RM8	RM16
Min Lot Width*	Current	100'	80'	50'	70'	50'	50'
	Proposed (20% less)	80'	60'	40'	60'	40'	40'

*RS4 proposed minimum lot width rounded from 64' to 60'; RM6 rounded from 56' to 60'

2) **Incentivize small-scale multifamily in multifamily zoning districts.** For multifamily zoning districts, update the density standards to allow extra multifamily units for each 1,000 square feet of additional lot area above the minimum lot standard, provided that parking and other requirements can be met. This proposal mimics an earlier Asheville zoning rule that contributed to diverse neighborhoods, like Montford and the Charlotte Street area where single-family properties are mixed in among small-scale multifamily buildings. Under this proposal, the maximum number of dwelling units per building is twelve and minimal design guidelines would guide residential multifamily buildings to fit in to neighborhoods, having them resemble large residential homes.

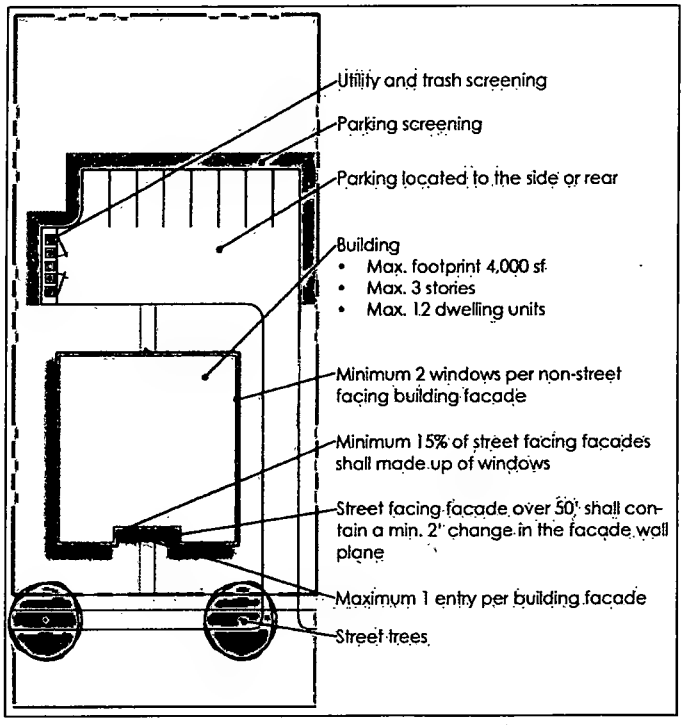


Proposed design requirements would address neighborhood compatibility for small-scale multifamily homes and include:

a. One ground-floor entrance per street-facing facade
b. Minimum two windows per building facade
c. No street-facing facade or roof to exceed 50 feet in length without variation
d. Parking to be provided to the side or rear and screened
e. Increased side setback for structures with more than four units (from 6' to 10')
f. Orientation of structures to the street
g. Maximum height of three stories or 40 feet, whichever is less

Visual: Neighborhood-Scale Multifamily Design Standards

To ensure neighborhood compatibility, design elements hide parking, control building scale, and reduce driveway impacts to differentiate vehicular space from pedestrian areas.

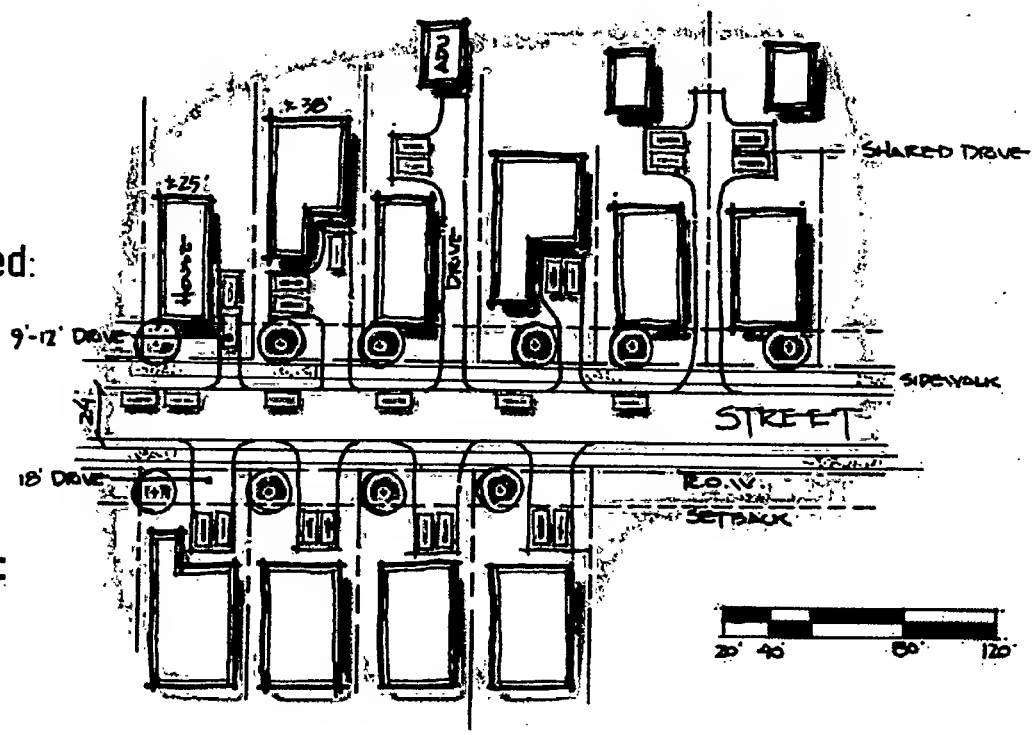

Utility and trash screening
Parking screening
Parking located to the side or rear
Building
• Max. footprint 4,000 sf
• Max. 3 stories
• Max. 12 dwelling units
Minimum 2 windows per non-street facing building facade
Minimum 15% of street facing facades shall made up of windows
Street facing facade over 50' shall contain a min. 2' change in the facade wall plane
Maximum 1 entry per building facade
Street trees

3) **Related UDO changes.** The following proposed amendments are in support of the amendments noted above and help to clarify related regulations:

a. Clarifying definitions (Sec. 7-2-5)
b. Clarifying number of buildings permitted on residential lots (Sec. 7-10-1)
c. Updating off-street parking requirements (Sec. 7-11-2)
d. Removing duplicative, substandard *Alternative Access* regulations (Sec. 7-11-2)
e. Reducing driveway maximums and encouraging shared driveways (Sec. 7-11-2)
f. Revising flag lots to set maximum lot size based on zoning district (Sec. 7-11-2)
g. Permitting duplexes on standard lots in multifamily districts (Sec. 7-8)
h. Adding "townhomes" as a permitted use in RS8 (Sec. 7-16)

Driveways (e above): There have been some questions raised from some members of the public and the Affordable Housing Advisory Committee (AHAC) about reducing driveway widths for single-family development. The proposal aims to reduce the amount of area used for vehicular access close to the street in order to reduce the vehicle and pedestrian conflict points and to provide more on-street parking because wide driveways reduce on-street parking opportunities. The visual below highlights the difference between the current and proposed effect on the streetscape. This change may help to shift the built environment as well to better locate parking areas away from the street. These changes also provide multifamily flexibility by allowing driveways to be reduced from the current minimum width of 24 feet, especially appropriate for small-scale multifamily (i.e. a triplex).

Although we believe this change will benefit the public by shifting the development form, we understand that it may pose challenges where the land quickly falls away or becomes steep. A solution may be to provide an exemption for properties over a certain grade, such as 20%. See attached driveway standards chart and options for City Council to consider.



Updating off-street parking requirements (c above): There has recently been pushback from some members of the public and development community relating to the proposal to increase the off-street parking requirements within one mile of the Central Business District (CBD) from none required to a 50% reduction. Staff included this consideration after the removal of proposed impervious surface standards. A minor increase in parking requirements could provide some relief to the concern that the infill housing recommendations are not responding to the potential negative community effects of infill development, including existing concerns from some neighborhoods regarding the loss of on-street parking.

One consideration that was supported earlier by the Multimodal Transportation Commission (MMTC) was to link a parking reduction to transit (e.g. a 50% off-street parking reduction to projects near bus stops). Considering that a transit master plan is beginning next month and concluding in the spring of 2018, staff recommends holding off on linking parking reductions within proximity to transit stops until after that study is completed. An alternative would be to not pursue staff's proposed change to parking within a mile of the CBD.

The bulk of the above considerations were presented at two public forums that each attracted approximately 100 participants. In addition, a survey was conducted through Open City Hall to gauge the public's interest. By and large, public feedback on the small-scale infill housing considerations has been favorable.

Most public concern relating to residential infill revolved around issues of neighborhood compatibility, possible stormwater, parking, and infrastructure impacts. We believe that these concerns have been addressed with these wording amendments that aim to balance neighborhood context and housing need. We have confirmed infrastructure capacity with relevant departments.

At the April 26, 2017, Multimodal Transportation Commission (MMTC) meeting, the Commission voted unanimously to recommend the transportation-related changes to the Planning & Zoning Commission, which focused on reducing residential driveway widths and reducing residential off-street parking requirements for projects close to bus stops. Since that time, staff revisited the current parking exemption for residential uses within one mile of the CBD and instead proposed a 50% parking reduction for residential uses in order to address neighborhood concerns related to limited on-street parking in some areas of the city.

At their July 6, 2017, meeting the Affordable Housing Advisory Committee (AHAC) reviewed these considerations and supported the infill housing proposals but not the proposed changes to driveway width reductions. AHAC also supported linking parking reductions to proximity to transit.

The Planning & Zoning Commission voted unanimously to support all of the above recommendations on August 2, 2017, and, in addition, recommended that staff continue to explore the following: (1) Permitting duplexes and triplexes in some single-family zoning districts; (2) Reducing minimum area standards by 20%; (3) Greater driveway flexibility; and (4) To not increase the parking requirements within a mile of the CBD.

The Housing & Community Development Committee (HCD) reviewed the proposed wording amendments at their August 15, 2017, meeting and agreed that more flexibility is needed for driveways and encouraged staff to continue to explore changes that garner more community consensus. HCD was also against the proposed off-street parking requirement increase within a mile of the CBD. The Committee unanimously recommended that:

- the proposed changes to the off-street parking exemption within a mile of the CBD **not** be implemented, and
- driveway standards should only be changed as follows:
  - ✓ Single-family driveway minimums width standards should be reduced to 9 feet while the maximum should not be changed (18 feet)
  - ✓ Multifamily driveway minimum width standards for properties within 150 feet of a street should be reduced to 9 feet while the maximum should not be changed (36 feet)
  - ✓ Multifamily driveway minimum width standards for properties beyond 150 feet of a street should be reduced to 20 feet while the maximum should not be changed (36 feet)

This wording amendment is consistent with the City's 2025 Comprehensive Plan in the following areas: (1) It provides compatible redevelopment and infill development; (2) It supports walkable neighborhoods by incentivizing location-efficient housing; and (3) It contributes to the development of transit-supportive densities via more efficient land use.

This initiative aligns with the 2036 Council Vision in the following areas: (1) It promotes more abundant and varied housing options that will help to relieve Asheville's housing affordability crisis; (2) It provides more location efficient housing—close to jobs and transit

service—to reduce the costs and environmental impacts associated with automobile dependence; and (3) It supports a more equitable and diverse community by giving current property owners greater flexibility to provide housing for the growing community.

Staff recommends approval of the wording amendment modifying residential zoning districts and associated changes as they would incentivize neighborhood compatible, small-scale residential development that is consistent with the Comprehensive Plan and other adopted plans.

The Planning & Zoning Commission voted unanimously to support all of the above recommendations on August 2, 2017, and, in addition, recommended that staff continue to explore the following: (1) Permitting duplexes and triplexes in some single-family zoning districts; (2) Reducing minimum area standards by 20%; (3) Greater driveway flexibility; and (4) To not increase the parking requirements within a mile of the CBD.

Regarding the driveway standards, Councilman Smith, Chair of the HCD Committee said that one of their questions was whether there would be exemption possibilities for affordable housing. Therefore, the HCD Committee recommended holding off on this piece until the City Attorney's Office can respond. City Attorney Currin said that there can be exemption possibilities for affordable housing, but they will have to decide how to define the exemption. Councilman Smith said that the HCD Committee would be happy to look at this piece again.

Mayor Manheimer suggested, and it was agreed to by City Council, to reduce the minimum driveway widths without reducing maximum driveway standards (which would allow people to continue to do side-by-side parking).

Mayor Manheimer suggested, and it was agreed to by City Council, to not increase the off-street parking requirements within one mile of the CBD.

After a discussion about why the 20% reduction to the minimum lot area was dropped from the proposed ordinance before Council, it was the consensus of Council that they supported that reduction and requested that part be remanded back to the Planning & Zoning Commission for recommendation.

Mayor Manheimer opened the public hearing at 8:25 p.m.

The following individuals spoke in general support of amendment as a first step, and voiced several of the following comments/questions/concerns, some being, but are not limited to: support to include the 20% reduction to minimum lot area; disappointed in leaving the parking alone within one mile of the CBD; support to include the new impervious surface standards for all residential districts; need to address infrastructure; and support for permitting duplexes and triplexes in single-family zoning districts:

Ms. Billie Laughlin, resident in the 5 Points Neighborhood
Ms. Barber Melton, member of the Coalition of Asheville Neighborhoods, member of of the Affordable Housing Advisory Committee, and member of the Neighborhood Advisory Committee
Mr. Blake Esselstyn, resident in the 5 Points Neighborhood and member of the Comprehensive Plan Advisory Committee
Mr. Scott Dedman, Executive Director of Mountain Housing Opportunities
Mr. Mike Wasmer, resident in South Asheville
Mr. Joe Archibald

Mayor Manheimer closed the public hearing at 8:44 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mayfield moved approve the revised wording amendments to UDO Articles II, VIII, X, XI, and XVI according to the ordinance, which revise the zoning standards to incentivize small-scale residential development and to also approve the Planning & Zoning Commission and HCD recommendations to reduce minimum driveway widths without reducing maximum driveway standards, and to not increase the off-street parking requirements within one mile of the CBD, and find that the request is reasonable, is in the public interest, and is consistent with the Comprehensive Plan and other adopted plans in the following ways: the amendment (1) promotes more abundant and varied housing options in residential neighborhoods; and, (2) supports walkable neighborhoods and more efficient land use through compatible residential infill. This motion was seconded by Councilman Bothwell and carried unanimously.

In response to Councilman Smith, City Manager Jackson said that he will have Transportation Director Ken Putnam contact the 5 Points Neighborhood to see how they can work together to alleviate their parking programs.

Councilman Young moved to direct staff to prepare an ordinance for the reduction of lot size and the corresponding density requirements and to bring it back to Council for consideration as soon as possible. This motion was seconded by Councilman Smith and carried unanimously.

ORDINANCE BOOK NO. 31 – PAGE 301

V. UNFINISHED BUSINESS:

A. ANALYSIS OF THE SOUTHERN PORTION OF THE RIVER ARTS DISTRICT MULTI-USE PATH

Interim Assistant City Manager Jade Dundas said that during the June 27, 2017, Council meeting, City Council authorized the City Manager to execute a contract for construction of the modified River Arts District Transportation Improvement Project (RADTIP). Further, City Council unanimously directed staff *to commit to planning a community engagement effort which will* (1) *prioritize the future phasing of greenway projects* (interpreted to mean projects not being delivered through the original TIGER VI scope*) and* (2) *prioritize reengineering of the multi-use path between the old 12 Bones and Amboy Road to accommodate an appropriate width to compensate for the loss of the protected bike lane, with said process being completed within 60 days.* (Interpreted to mean perform a feasibility analysis.) Council also requested staff to work with Norfolk Southern Railroad to ensure safe bicycle accessibility through the at grade crossing at the spur line to the North.

Immediately following this Council directive, staff began working with the RADTIP roadway engineering consultants and Construction Manager at Risk (CMAR) to analyze several layout and width options of the Southern section multi-use path. Three of these concepts were presented to the public at two different public drop-in style meetings. These meetings were jointly hosted by City staff and volunteer members of the Multimodal Commission, Greenway Committee and Asheville Area Riverfront Redevelopment Commission. Three concepts were outlined. Also a brief update on the prioritization of future greenways and the bicycle improvements to the Norfolk Southern railroad crossing was provided.

At these public meetings, and through Open City Hall online polling, attendees were asked to provide feedback on the multi-use path layout options on the Southern section of the RADTIP.

Regarding the financing of future construction phases, Council has an upcoming opportunity to consider this in context within the City-wide Capital Improvements Plan. Staff will present on update on the current CIP - including a forecast of future capacity, and review of cashflow and potential revenue sources - to the Finance Committee in September.

As mentioned previously, Council has been provided an analysis of the various concepts which have been reviewed by the public. The analysis includes a Level of Service (LOS) evaluation which considers a future projected usage of 100 users per hour on the multi use paths of 10, 12 and 16 feet. The analysis indicates that a 10 path will accommodate 100 users per hour which is nearly double the current traffic on the nearby French Broad multi use path.

Additionally, Council has been provided with the breakdown of costs, staging, scope of work, and a summary of uses for the three concepts. Also provided is a visual depiction of the various options. This exact information was used in the public presentation process.

Specific recommendations were provided by the Multimodal Commission, the Greenways Committee, and the Asheville Area Riverfront Commission. All three groups were in support of the construction of concept 1.

The current adopted budget for the TIGER VI RADTIP; funded in part through a combination of federal, state, and local grants includes installation of a multi-use path which will vary in width between 10-12' on this Southern section. It is important to note that the delivery of a multi-use pedestrian and bicycle connection throughout the southern section of the project is mandatory in order to meet the requirements of the federal grant. Because the current budget includes funding for the Phase I Concept 1, there is no immediate additional fiscal impact. The delivery of any other proposed Concept or phase will result in additional funds that do not currently exist in the project budget.

Staff recommends that Council confirm the authorization to proceed with Phase I, Concept 1 as previously approved. This concept has already been bid, and was approved by City Council. The greenway portion of this project (phase 1) can be built without the need for additional funding. Construction of a 10' greenway allows the project to meet the requirements of the TIGER IV grant from the Federal Highway Authority. This concept will meet the level of service expectations for the projected uses. Concept 1 received positive feedback through the public process and is supported by the various commissions and committees that were tasked with the review of concepts.

Mr. Dundas briefly summarized the following three Concepts:

1. Concept 1 is a 10-12' wide multi-use path and projected bicycle lanes.

Phase I	Build a 10-12' wide multi-use path only - existing on-street bicycle lanes to remain
Phase II	Build the remainder of RADTIP improvements with new sidewalks, curb and gutter, and the original design for protected bicycle lanes

Scope

Phase I constructs a 10-12' wide multi-use path adjacent to the French Broad River along Lyman Street. Due to the limited amount of space between the street and the river, Lyman street pavement will be shifted in front of Riverview Station to the east. Drainage in this area will be accommodated via open swales, much like the existing roadway.

Phase II constructs the remainder of RADTIP improvements as originally designed. In addition to the previously installed 10-12' wide multi-use path, this phase will include sidewalks on the east side of Lyman and two 5' protected bicycle lanes adjacent to Lyman Street (two-way protected bicycle lane). All of Lyman Street will be reconstructed in this phase with a new road alignment, curb and gutter, re-built driveways, and landscaping.

Bicycle Access
In Phase I, Lyman Street will include the existing 3-5' wide bicycle lane from Amboy Rd to Riverside Drive. Bicyclists will be able to choose between the existing on-street bicycle lanes or the 10-12' multi-use path. In Phase II, bicyclists will be able to use the newly-constructed protected bicycle lanes or the multi-use path.

Pedestrian Access
In Phase I, Pedestrian access is available on the 10-12' multi-use path. In Phase II, pedestrian access is accommodated on new sidewalks on the east side of Lyman, and on the multi-use path.

Estimated Cost

Phase I	No additional cost (included in the current construction budget)
Phase II	$4.6M
Total Additional Cost	$4.6M (in 2017 dollars)

Analysis
- In phase I, the existing on-street bicycle lanes are adjacent to traffic, narrow in places, and cross a number of driveways on the east side. Many cyclists are likely to be more comfortable on the multi-use path.
- In phase II, cyclists of differing skill levels will be able to use the new protected bicycle lanes, which will be protected from traffic and driveways. This will provide a high level of service to higher-speed and commuter bicyclists. Less experienced cyclists will still have the option to use the multi-use path.
- The first phase does not include sidewalk on the east side of Lyman. This will limit access for businesses along the street. This stretch of Lyman is seeing an increase in activity and in the number of destinations. The absence of sidewalks and street trees in the first phase reduces the development incentive that would be offered by the full buildout.
- The Phase II portions of this concept are already designed and engineered, and environmental reviews are complete.
- The protected bicycle lane adds about 4-5 feet of extra concrete to the overall width of the roadway because of the island that separates the protected bike lane from traffic.

2. Concept 2 - 10-12' wide multi-use path with standard on-street bicycle lanes

Phase I	Build a 10-12' wide multi-use path and a portion of re-located road sections. Existing on-street bicycle lanes will remain.
Phase II	Build the remainder of RADTIP improvements with new sidewalks, curb and gutter, and a modified design for two 5' on-street bicycle lanes.

Scope
Phase I constructs a 10-12' wide multi-use path adjacent to the French Broad River along Lyman Street. Due to the limited amount of space between the street and the river, Lyman Street in front of Riverview Station will shift to the east. In this phase the relocated section of roadway in front of Riverview Station will be re-built to include sidewalk, curb and gutter, landscaping, and room for future on-street bicycle lanes.

Phase II constructs the remainder of RADTIP improvements with a modified design. In addition to the previously installed 10-12' wide multi-use path, this phase will include sidewalks along the east side of Lyman and two 5' on-street bicycle lanes. The remainder of Lyman Street will be reconstructed in this phase with a new road alignment, curb and gutter, re-built driveways, and landscaping.

Bicycle Access

In Phase I, Lyman Street will continue to include the existing 3-5' wide bicycle lane from Amboy Rd to Riverside Drive. Bicyclists will be able to choose between the existing on-street bicycle lanes or the 10-12' multi-use path. In Phase II, bicyclists will be able to use the newly constructed on-street bicycle lanes or the multi-use path.

Pedestrian Access
In Phase I, Pedestrian access is available on the 10-12' multi-use path and on sidewalks in some locations (areas of road re-location). In Phase II, pedestrian access is accommodated on new sidewalks on the east side of Lyman, and on the multi-use path.

Estimated Cost

Phase I	$1 - 1.5M	(due to the proposed road re-construction)
Phase II	$2.6 - 3.1M	
Total Additional Cost	$3.6 - 4.6M	(in 2017 dollars)

Analysis

- In phase I, the existing on-street bicycle lanes are adjacent to traffic, narrow in places, and cross a number of driveways on the east side. Many cyclists are likely to be more comfortable on the multi-use path.
- In phase II, the quality of the bicycle lanes will be improved, but will not be separated from traffic and on the east side (northbound), must cross driveways. Less experienced cyclists will still have the option to use the multi-use path. In this concept, the on-street bicycle lanes do not require as much width or concrete as protected bike lanes.
- Phase I does not include sidewalk on the east side of Lyman. This will limit access for businesses. This stretch of Lyman is seeing an increase in activity and in the number of destinations. The absence of sidewalks and street trees in the first phase reduces the development incentive that would be offered by the full buildout.
- The Phase II portions of this concept would require additional design and engineering work.

3. Concept 3 - 12-16' wide multi-use path and no on-street bicycle lanes

Phase I	Build a 12-16' wide multi-use path and a portion of re-located road sections. The sections of re-located roadway will not have bicycle lanes.
Phase II	Build the remainder of RADTIP improvements with new sidewalks, curb and gutter, and a modified design with no on-street bicycle lanes.

Scope
Phase I constructs a 12-16' wide multi-use path adjacent to the French Broad River along Lyman Street. Due to the limited amount of space between the street and the river, Lyman Street in front of Riverview Station will shift to the east. In this concept the relocated section of roadway in front of Riverview Station will be built to include sidewalk, curb and gutter, landscaping, but will not have any on-street bicycle lanes.

Phase II constructs the remainder of RADTIP improvements with a modified design. In addition to the previously installed 12-16' wide multi-use path, this phase will include sidewalks along the east side of Lyman but will not include on-street bicycle lanes. The remainder of Lyman Street will be reconstructed in this phase with a new road alignment, curb and gutter, re-built driveways, and landscaping.

Bicycle Access
In Phase I, a wide multi-use path of up to 16 feet will serve most bicyclists. Bicyclists will still be able to choose between the multi-use path and riding on the road, but the newly-constructed road sections will not have bicycle lanes. So if riding on the road, bicyclists

must share the road with traffic. Similarly, in Phase II, the wider multi-use path will serve most bicyclists. Some users may choose to ride on the road, but will share the travel lane with other traffic.

Pedestrian Access
In Phase I, Pedestrian access is provided on the 12-16' multi-use path and on sidewalks in some locations (areas of road relocation). In Phase II, pedestrian access is accommodated on new sidewalks on the east side of Lyman, and on the multi-use path.

Estimated Cost

Phase I	$2 - 2.5M (due to road re-construction and wider multi-use path)
Phase II	$2 - 2.5M
Total Additional Cost	$4 – 5M (in 2017 dollars)

Analysis

- In Phase I, the existing on-street bicycle lanes will be removed in some areas resulting in shared lane conditions. Many cyclists are likely to be more comfortable on the multi-use path, which will have extra width to accommodate the increased number of users.
- In phase II, there will not be any on-street bicycle lanes, so most users will be sharing the multi-use path. The new design of the road will not require as much width, pavement or concrete.
- The first phase does not include sidewalk on the east side of Lyman. This will limit access for businesses. This stretch of Lyman is seeing an increase in activity and in the number of destinations.
- The Phase II portions of this concept would require additional design and engineering work.
- The wider path is along the river bank and could result in additional tree clearing, but the impacts have not been fully evaluated.

Councilman Bothwell felt that it would be ideal to do Phase I and Phase II at the same time because Phase II will tear up some of what we have done in Phase I. We might save money doing it all together. He wondered if there was a window of opportunity that we might pull the funding together in time to do all of that at once. Mr. Dundas said that they will try to find every opportunity that they can to identify and apply for the funding necessary.

City Manager Jackson said that he would like to move entirely through the capital planning process (which is normally part of the budget cycle) in September (starting with the Finance Committee) and wrap that up with a Council worksession before the end of the calendar year.

The following individuals spoke in support of Concept 1, hoping that both Phase I and Phase II could be done at one time:

Ms. Kimberly Williams, member on the Greenway Committee
Mr. Rich Lee, Vice-Chair of the Greenway Committee and member of the Multimodal Transportation Commission
Mr. Mike Soule, Executive Director of Asheville on Bikes

Councilman Bothwell moved to proceed with Concept 1 (Phase I - Build a 10-12' wide multi-muse path only - existing on-street bicycle lanes to remain; and Phase II - Build the remainder of RADTIP improvements with new sidewalks, curb and gutter, and the original design for protected bicycle lanes. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

B. RESOLUTION NO. 17-197 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH ASHEVILLE GROWN BUSINESS ALLIANCE, US CELLULAR CENTER, LATINO ADVOCACY COALITION, BUNCOMBE COUNTY PARTNERSHIP FOR CHILDREN, SKUNK TRUNK, LAND OF THE SKY ASSOCIATION OF REALTORS, SNOOK THEATRE, MT. ZION MISSIONARY BAPTIST CHURCH AND PEOPLE'S PARK FOUNDATION FOR FEE WAIVERS FOR POP-UP PROGRAMMING AT 68 HAYWOOD STREET TO TAKE PLACE BETWEEN AUGUST 2017 AND DECEMBER 2018

Downtown Development Specialist Dana Frankel said that this is the consideration by City Council for fee waivers to support execution of pop-up programming at 68 Haywood Street resulting from the Request for Expressions of Interest process initiated in June.

Recommended by the Haywood Street Advisory Team and authorized by City Council, staff is pursuing the implementation of temporary uses at City-owned properties at 33 Page Avenue and 68 Haywood Street downtown. The primary objective is to activate the subject sites on an interim basis while permanent solutions are being planned and implemented. A secondary goal is to test particular uses and installations in order to learn more about their function, successes and impacts in that location and in the community at large in order help inform both short and long-term decision-making.

At the March 28, 2017, City Council meeting, Council supported a proposed implementation and management plan. Staff returned to City Council on May 23, 2017, and provided an update on progress and next steps, including the issuance of a Request for Expressions of Interest (RFEI) for pop-up programs to take place at 68 Haywood Street during the course of a year. On July 21, 2017, staff circulated a memorandum with updates including a timeline for programs to begin in late August following City Council review and authorization at the August 22 City Council meeting.

She provided a project timeline including milestones completed to date as well as projected future milestones.

On June 2, a RFEI was released as an initial mechanism for reviewing, selecting and scheduling pop-up programs for 68 Haywood Street. Thirteen submissions were received, including a range of proposed cultural, recreational and commercial activities.

A review team made up of staff from Planning and Urban Design, Community and Economic Development and Parks and Recreation, along with a representative from the Downtown Commission and a representative from the Haywood Street Advisory Team Sub-Committee reviewed and scored the submissions using the following criteria (defined in the RFEI): Alignment with City Council's Strategic Operating Plan; community benefit; compatibility with the surrounding neighborhood; organizer capacity; prior history; audience diversity; City services/cost impact.

Based on the total scores, each submission was ranked and was given priority for scheduling based on that ranking. One submission was routed directly to the existing outdoor special event permitting process (American Idol scheduled for 8/27), another re-directed as a possible public art project, one City-generated submission will be considered for future implementation, and one was not ready to initiate programs at this time.

Beginning in September, the site will be made available for use through the City's existing outdoor special event process. Fees would be charged consistent with those established in the outdoor special event process for use of public space, unless directed otherwise by City Council.

The nine programs listed below (in order of ranking) are positioned for implementation. Fees were calculated consistent with those established in the outdoor special event process for use of public space (including application fee, alcohol fee, parking meter fee, property use, security, temporary use permit, fire permit, inspection, etc.). Other requirements such as insurance coverage are also being handled consist with the existing outdoor special event process.

Asheville Grown Business Alliance – Venture Local Fair
Dates: 5/26/18, 6/23/18, 7/28/18, 8/25/18, 9/22/18, 10/27/18
Total Fees: $2,938
US Cellular Center – Fan Fest
Dates: 10/27/17, 10/28/17, 11/4/17, (three dates TBD)
Total Fees: $8,224 ($1,920 to be covered by USCC for security)
Latino Advocacy Coalition – Community Open Stage
Dates: 4/7/18, 8/16/18, 10/7/18
Total Fees: $2,495
Buncombe Partnership for Children – Adventure Play
Dates: 10/14/17, 11/11/17, 12/16/17, 1/13/18, 2/10/18, 3/10/18, 4/28/18
Total Fees: $2,851
Skunk Trunk's Bazaar Bazaar
Dates: 9/3/17, 10/8/17, 11/5/17, 12/3/17, 1/7/18, 2/4/18
Total Fees: $1,685
Land of the Sky Association of Realtors – Housing Fair
Dates: 3/17/18
Total Fees: $585
Snook Theatre – The Ballad of R&J
Dates: 5/29/18, 5/30/18, 5/31/18, 6/1/18, 6/2/18, 6/7/18, 6/8/18, 6/9/18, 6/14/18, 6/15/18, 6/16/18, 6/21/18, 6/22/18, 6/23/18, 6/28/18, 6/29/18, 6/30/18
Total Fees: $8,561
Mt. Zion Missionary Baptist Church – Car Show
Dates: 8/26/17
Total Fees: $543
People's Park Foundation - Recreational and Educational Activities
Dates: on-going beginning 8/28/17
Non-exclusive use/no fees or permits required

As presented to City Council in May, staff would return to Council if programs selected through the RFEI process requested support from the City, including waived fees. Administratively, it would be possible for the application, property use, and other administrative fees be waived for the first round of programs.

The Parks and Recreation Board, Downtown Commission, Public Art and Cultural Commission and US Cellular Center Commission have all been informed and consulted regarding the process for programming.

Pro:

- Initiates programming on the site; supports organizations involved with programming; enables the City and community to learn more about the site in order to inform next steps

Con:

- Requires financial support and staff capacity to administrate and promote the programs

The fiscal impact should fees be waived is $23,914 in lost administrative revenue.

For non-administrative costs such as security ($640) and lost revenue from parking meter closures ($1,408) expenses are proposed to be covered by the Community and Economic Development Department.

Staff recommends City Council consideration of waiving administrative fees for these initial pop-up programs.

Vice-Mayor Wisler confirmed that this is not a policy change for fee waivers and this is only a one-time fee waiver. She was troubled that some of these organizations are not non-profits and make money.

In response to Councilwoman Mayfield, Ms. Frankel said that in the RFEI the organizations were asked if they needed City support. She was not sure if some did not get the fee waiver that they would be able to do their programming.

Mayor Manheimer noted that we have been consistent in not allowing fee waivers but this is an experimental area and we are trying to activate it. However, in the future, staff is not to ask if they need City support. If they qualify as a non-profit for a 75% fee waiver, that is something that they will automatically receive.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Smith moved for the adoption of Resolution No. 17-197. This motion was seconded by Councilman Bothwell and carried on a 6-1 vote, with Councilman Young voting "no".

RESOLUTION BOOK NO. 39 – PAGE 108

C. RESOLUTION NO. 17-198 - RESOLUTION ALLOCATING THE USE OF $10 MILLION IN AFFORDABLE HOUSING BOND FUNDS FOR DIRECT PROJECT INVESTMENT, IN ANTICIPATION OF GENERAL OBLIGATION HOUSING BONDS BEING ISSUED

Community Development Manager Heather Dillashaw said that this is the consideration of a resolution allocating the use of $10 million in affordable housing bond funds for direct project investment, in anticipation of General Obligation Housing Bonds being issued.

The passage of the affordable housing general obligation bond will provide much needed resources to help mitigate Asheville's affordable housing crisis. $25 million was approved. Of that amount, $10 million was targeted by Council for project investments, and $15 million for the repurposing of City-owned land for affordable housing. This report proposes uses for the $10 million, based on stakeholder and focus group input, research, staff analysis and most recently a public input session at the Dr. Wesley S. Grant Southside Center on August 8, 2017.

The Housing and Community Development Committee reviewed the proposed allocations and recommends these allocations to City Council for approval. For planning purposes, a strategy is crucial for effective implementation of these funds once the bonds are issued. Staff recommends investing in a diverse portfolio meeting Council's vision, promoting a flexible approach to pipeline development in line with the allocation. The amounts for each category are projections, and can be shifted at City Council's direction if needed during implementation of the bond projects. The proposed allocation table is shown below.

Proposed Allocation of Funds for Direct Investment in Affordable Housing	Funding	Unit Goal	Average Per Unit
Housing Trust Fund	$5,000,000	250	$20,000
Land Banking	$3,000,000	150	$20,000

Community Land Trust Start-up	$1,000,000	35	$20,000
Down-Payment Assistance	$1,000,000	50	$20,000
	$10,000,000	485	

Pros:

- $10 million of additional investment in affordable housing allows for a diverse set of strategies to address Asheville's affordable housing needs.
- 485 new affordable units are projected to be created

Con:

- None at this time

The full $10 million will be available through the Affordable Housing General Obligation Bond funding as the bonds are issued.

Staff recommends City Council accept HCD's recommendations for the use of $10 Million of Affordable Housing General Obligation Bond funds.

When Councilman Bothwell asked if the Down-Payment Assistance is a grant, Ms. Dillashaw said that has not be determined at this time. She said they will see what is the most effective.

When Mayor Manheimer asked for public comment, no one spoke.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Mayfield moved for the adoption of Resolution No. 17-198. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 109

VI. NEW BUSINESS:

A. RESOLUTION NO. 17-199 - RESOLUTION REPEALING RESOLUTION NO. 95-59 ADOPTING THE AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE FOR THE CITY OF ASHEVILLE, AND SUPPORT THE IMPLEMENTATION OF A CITY ADMINISTRATIVE POLICY

Risk Manager Brad Stein said that this is the consideration of a resolution to repeal Resolution 95-59 related to Title II of the Americans with Disabilities Act (ADA).

In April 1995, Asheville City Council adopted Resolution 95-59 directing the designation of a City of Asheville (City) ADA Coordinator and an ADA Committee comprised of citizens to consider, respond to, and address ADA Title II complaints asserted against the City related to citizen access to City services, programs, facilities, and public transportation. There is not a current ADA Committee nor has the committee convened in many years.

To enhance the City's ADA Title II compliance and response to ADA Title II-related concerns, City staff recommends City Council repeal the outdated Resolution 95-59 and support the implementation of a City administrative policy to guide City staff on ADA Title II matters. City staff will post Department of Justice compliant ADA Title II notices and related documents including: Grievance Procedure, Notice of the City of Asheville Compliance with the ADA Title II Statement, and an ADA Title II Appeal Form.

Pro:

- Repeal of Resolution 95-59 aligns with 2036 City Council Vision Goals of: Supporting a Diverse Community, Transportation and Accessibility, and Connected and Engaged Community as the proposed ADA Title II administrative policy and related document postings improve access to City services and City ADA Title II compliance.

Con:

- None.

Staff recommends City Council repeal Resolution 95-59.

When Councilwoman Mayfield asked how this was vetted throughout the community or through any City Council committee, Mr. Stein said that this is an internal process; however, if we encounter problems, the City policy can be revised. City Attorney Currin noted that the City Attorney's Office worked on this and we also went through a substantial process regarding reasonable accommodations.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Bothwell moved for the adoption of Resolution No. 17-199. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 39- PAGE 110

B. CONFIRMATION OF PLANNING & ZONING COMMISSION CANDIDATE QUESTIONS

The following individuals applied for vacancies on the Planning & Zoning Commission to date: Joe Archibald, Nick Hinton, Carter Webb, Sandra Kilgore, Robert Carroll and Paul Harkrider. In addition to these individuals, the current incumbent (Laura Berner Hudson) is interested in reappointment.

It was the consensus of City Council that all applicants, including the incumbents, respond in writing to the following five questions: (1) What is your opinion regarding the current policies surrounding Short Term Rentals; (2) Please take time to review the City's draft comp plan. How strongly does your own vision align with that plan, and in what ways might it differ. What role would or should the comp plan play in your and the commission's decision-making?; (3) Name one Planning & Zoning Commission decision in the last 18 months you've agreed with and one you've disagreed with or would have struggled with. Please explain your rationale for each; (4) What are some of the positive or negative effects of Asheville's zoning regulations?; and (5) How has existing zoning promoted/inhibited the construction of affordable housing in Asheville? What changes could be made to further the creation of affordable housing?

After all written responses have been received, the City Clerk will send all documents to City Council to narrow the field for interviews (including the one incumbent). Those interviews will take place in the afternoon of September 26, 2017, with appointments to be effective immediately.

C. BOARDS & COMMISSIONS

Regarding the Buncombe County Tourism Development Authority, the following individuals have applied for a vacancy: Andrew Celwyn, Ken Stamps, Jennifer Lauzon, Jessica Tomasin, Elizabeth Button, Patrick Conant and Peter Pollay. It was the consensus of Council to interview Andrew Celwyn, Jennifer Lauzon and Elizabeth Button on September 12, 2017.

RESOLUTION NO. 17-200 – RESOLUTION APPOINTING MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Affordable Housing Advisory Committee.

The terms of Laura Collins, Jayden Gurney and Barry Bialik expire on September 1, 2017.

The following individuals applied for the vacancy: Gerry Leonard, Derek Towle, Daniel Summerlin, Dewana Little, Elena Mansour, Emily Gelb, Leslie Hennessee, Parker Smith and Marcia Bacoate.

Vice-Mayor Wisler moved to (1) reappoint Mr. Bialik to serve an additional three-year term, term to expire September 30, 2020, or until his successor is appointed; (2) appoint Dewana Little and Parker Smith to each serve a three-year term, terms to expire September 30, 2020, or until their successors have been appointed appoint and (3) interview Randall Barnett and Leslie Hennessee. This motion was seconded by Councilman Smith and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 111

RESOLUTION NO. 17-201 - RESOLUTION APPOINTING MEMBERS TO THE MULTIMODAL TRANSPORTATION COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that the term of Till Dohse, at-large member on the Multimodal Transportation Commission, expired on July 1, 2017.

The following individuals have applied for a vacancy: Helen Hyatt, Han Winogrond, Keaton Edwards, Carson Dellinger, Tina Wexler, Scott Dickens, Andrew Stephen Kirby and Randy Warren.

On July 25, 2017, it was the consensus of Council to interview Han Winogrond and Randy Warren.

After Council spoke highly of all candidates, Han Winogrond received 2 votes and Randy Warren received 5 votes. Therefore, Randy Warren was appointed to serve a three-year term, term to expire July 1, 2020, or until his successor has been appointed.

RESOLUTION BOOK NO. 39 – PAGE 112

RESOLUTION NO. 17-193 - RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART & CULTURAL COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that Sharon Trammel has resigned as a member of the Public Art & Cultural Commission, thus leaving and unexpired term until June 30, 2018.

The following individuals have applied for a vacancy: Michael Carlebach, Laura Sellers, Gerry Leonard, Emma Hutchens, Theodore Windish, Travis Smith, Shelley Schenker, Susan Dunlap, Chris Patton, Allen Roda, Johanna Hagarty and Ali McGhee.

It was the consensus of the Boards & Commissions Committee to appoint Ali McGhee.

Vice-Mayor Wisler moved to appoint Ali McGhee to serve the unexpired term of Ms. Trammel, term to expire June 30, 2018, or until her successors has been appointed. This motion was seconded by Councilman Bothwell and carried unanimously.

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RESOLUTION NO. 17-194 - RESOLUTION APPOINTING A MEMBER TO THE SUSTAINABILITY ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that Bridget Herring has resigned as a member of the Sustainability Advisory Committee on Energy & the Environment, thus leaving and unexpired term until December 31, 2019.

The following individuals have applied for a vacancy: Michael Whitmire, Kenneth Dierks, Travis Smith, Gerry Leonard, Andrew Malone, Lateef Cannon, Zephyr Jost, Larry Haas, David Penrose, Renee Mazurek, Anna Priest, Catherine Rosfjord, Red Moonsong, Patrick Ciccotoo, Rick Freeman, Frank Wolf, Bob Roepnack, E. Benjamin Edwards, Kelly Gloger, Lin Orndorf and Ursula Jorch.

At the July 25, 2017, Council meeting, it was the consensus of Council to interview Anna Priest and Ursula Jorch.

After Council spoke highly of all candidates, Anna Priest received 4 votes and Ursula Jorch received 3 votes. Therefore, Anna Priest was appointed to serve the unexpired term of Ms. Herring, term to expire December 31, 2019, or until her successors has been appointed.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Council made various announcements including (1) Board & Commission Open House to hear about the various Boards & Commissions offered by the City on September 7, 2017, from 6-8 p.m. at the Dr. Wesley Grant Sr. Southside Center; (2) Groundbreaking for the River Arts District Transportation Improvement Project on August 23, 2017, at 9:00 a.m. at Jean Webb Park; and (3) first meeting of the Blue Ribbon Commission on Human Relations Commission on August 23, 2017, at 5:00 p.m. in the Public Works Facility.

Mr. Robert Louis Hardy requested the Walton Street Pool and Park be designated a historic site.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:55 p.m.

Magdalen Bowman
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – September 12, 2017 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Cecil Bothwell; Councilman Brian D. Haynes; Councilman Gordon D. Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and Deputy City Clerk Sarah Terwilliger

Absent: Councilwoman Julie V. Mayfield (personal)

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

On behalf of the City Council, Mayor Manheimer thanked those working so hard to clean up after the storm and get our town back in order.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING SEPTEMBER 15 - October 15, 2017, AS "HISPANIC HERITAGE MONTH"

Mayor Manheimer read the proclamation proclaiming September 15 - October 15, 2017, as "Hispanic Heritage Month " in the City of Asheville. She presented the proclamation to Mr. Luis Carlos Serapio of Descubre Asheville, who briefed City Council on some activities taking place during the month.

II. CONSENT AGENDA:

Councilman Bothwell asked that Consent Agenda Item "F" be removed from the Consent Agenda for discussion and an individual vote.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON AUGUST 22, 2017

B. RESOLUTION NO. 17-202 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A ONE-YEAR CONTRACT WITH WILDE ACRE LANDSCAPING, INC. FOR GROUNDS MAINTENANCE SERVICES IN VARIOUS PARKS, GREENWAYS AND FACILITIES IN THE NORTH AND EAST ONE DISTRICTS; AND TO EXERCISE THE OPTION TO RENEW THE CONTRACT FOR ONE ADDITIONAL TWELVE MONTH PERIOD

Summary: The consideration of a resolution authorizing the City Manager to: (1) enter into a one-year contract with Wilde Acre Landscaping, Inc. for grounds maintenance services in various parks, greenways and facilities in the North and East One districts in the amount of $93,600; and (2) exercise the option to renew the contract for one additional twelve-month period based on the contractor's satisfactory performance and available budget.

The Parks and Recreation Department (Department) contracts with multiple vendors for ground maintenance services for the six districts within the City's park system. In 2016 the City issued an Advertisement for Bids for ground maintenance services within the districts that comprise the City's park system to include mowing, trim and edge, and leaf and debris removal. The City contracted with four ground maintenance contractors in a one-year contract with the

option to renew for two consecutive years. In preparation to renew the second year of a three-year contract, the contractor for the North and East One districts declined to renew its contract.

On June 26, 2017, the City issued an Advertisement for Bids for ground maintenance services in the North and East One districts. The City received two bids however the Locust Property Management bid was deemed non-responsive due to not providing the following documents as specified in the Advertisement for Bids 1) submittal checklist, 2) Minority Business forms, and 3) certificate of insurance.

1. Wild Acre Landscaping, Inc., Asheville, North Carolina ($93,600)
2. Locust Property Management, Mint Hill, North Carolina ($89,600)

After thorough review and evaluation, staff selected Wilde Acre Landscapes, Inc. as the lowest, responsible bidder. The base bid accepted is $93,600.

Pro:
- Supports the efficient delivery of core park maintenance services.

Con:
- None

The $93,600 funding required to support this grounds maintenance contract is budgeted in the FY 2017-2018 Department operating budget as part of the Parks Maintenance division budget.

Staff recommends City Council to adopt a resolution authorizing the City Manager to: (1) enter into a one-year contract with Wilde Acre Landscaping, Inc. for grounds maintenance services in various parks, greenways and facilities in the North and East One districts in the amount of $93,600; and (2) exercise the option to renew the contract for one additional twelve-month period based on the contractor's satisfactory performance and available budget.

RESOLUTION BOOK NO. 39 - PAGE 113

C. RESOLUTION NO. 17-203 - RESOLUTION AMENDING THE 2017 CITY COUNCIL MEETING SCHEDULE TO CANCEL THE FORMAL MEETING ON TUESDAY, SEPTEMBER 26, 2017, AND RESCHEDULE IT TO TUESDAY, OCTOBER 3, 2017

RESOLUTION BOOK NO. 39 - PAGE 114

D. ORDINANCE NO. 4609 - ORDINANCE CHANGING THE SPEED LIMIT TO 25 MILES PER HOUR ON AZALEA ROAD FROM US 25A SWEETEN CREEK ROAD TO ROSSCRAGGON ROAD; AZALEA ROAD EAST FROM US 70 TUNNEL ROAD TO NC 81 SWANNANOA RIVER ROAD; BEVERLY ROAD WEST FROM SR 3548 HAYWOOD ROAD TO RIVERVIEW DRIVE; CARTER COVE ROAD FROM SR 2053 BEAVERDAM TO END OF CITY MAINTENANCE; DELAWARE AVENUE FROM SR 3412 SAND HILL ROAD TO SULPHUR SPRINGS ROAD; ENKA CRESCENT STREET FROM NC 112 SAND HILL ROAD TO ENKA PINE STREET; ENKA OAK STREET FROM ENKA CRESCENT STREET TO ENKA PINE STREET; ENKA ORCHARD STREET FROM NC 112 SAND HILL ROAD TO ENKA PINE STREET; ENKA PINE STREET FROM ENKA CRESCENT STREET TO ENKA ORCHARD STREET; ROYAL PINES DRIVE FROM US 25 HENDERSONVILLE ROAD TO US 25A SWEETEN CREEK ROAD; SHELBURNE ROAD FROM NC 191 BREVARD ROAD TO SR 3412 SAND HILL ROAD; AND WEST SUMMIT

AVENUE FROM US 25 HENDERSONVILLE ROAD TO THE END OF CITY MAINTENANCE

Summary: The consideration of an ordinance to enact and/or change the speed limits on various sections of streets in the City of Asheville.

According to state law (NCGS # 20-141), the statutory speed limit in North Carolina is 35 mph inside municipal corporate limits for all vehicles and 55 mph outside municipal corporate limits for all vehicles except for school buses and school activity buses.

Furthermore, local authorities may authorize by ordinance higher speeds or lower speeds than the statutory 35 mph speed limit on locally-maintained streets provided that the higher speed limit cannot exceed 55 mph. Speed limits authorized by local authorities are effective when the appropriate signs are erected.

City staff recently completed traffic engineering investigations and determined that a 25 mph speed limit on Azalea Road from US 25A Sweeten Creek Road to Rosscraggon Road, Azalea Road East from US 70 Tunnel Road to NC 81 Swannanoa River Road, Beverly Road West from SR 3548 Haywood Road to Riverview Drive, Carter Cove Road from SR 2053 Beaverdam to End of City Maintenance, Delaware Avenue from SR 3412 Sand Hill Road to Sulphur Springs Road, Enka Crescent Street from NC 112 Sand Hill Road to Enka Pine Street, Enka Oak Street from Enka Crescent Street to Enka Pine Street, Enka Orchard Street from NC 112 Sand Hill Road to Enka Pine Street, Enka Pine Street from Enka Crescent Street to Enka Orchard Street, Royal Pines Drive from US 25 Hendersonville Road to US 25A Sweeten Creek Road, Shelburne Road from NC 191 Brevard Road to SR 3412 Sand Hill Road, and West Summit Avenue from US 25 Hendersonville Road to the End of City Maintenance would be reasonable and safe.

Pros:

- City staff has been able to respond favorably to citizen's requests.
- The new speed limits will be consistent with roads of like character and design.
- Based on the 85th percentile speeds, most drivers would adhere to the recommended speed limits on these roads.

Con:

- None.

The initial cost to install the appropriate speed limit signs is about $1,200 and is included in the current operating budget for the Transportation Department.

City staff recommends that City Council approve an ordinance enacting a 25 mph speed limit on Azalea Road from US 25A Sweeten Creek Road to Rosscraggon Road, Azalea Road East from US 70 Tunnel Road to NC 81 Swannanoa River Road, Beverly Road West from SR 3548 Haywood Road to Riverview Drive, Carter Cove Road from SR 2053 Beaverdam to End of City Maintenance, Delaware Avenue from SR 3412 Sand Hill Road to Sulphur Springs Road, Enka Crescent Street from NC 112 Sand Hill Road to Enka Pine Street, Enka Oak Street from Enka Crescent Street to Enka Pine Street, Enka Orchard Street from NC 112 Sand Hill Road to Enka Pine Street, Enka Pine Street from Enka Crescent Street to Enka Orchard Street, Royal Pines Drive from US 25 Hendersonville Road to US 25A Sweeten Creek Road, Shelburne Road from NC 191 Brevard Road to SR 3412 Sand Hill Road, and West Summit Avenue from US 25 Hendersonville Road to the End of City Maintenance.

Vice-Mayor Wisler asked how many streets have a 25 mph speed limit or less and can we make all streets be 25 mph and higher than that be an exception. Traffic Engineer Jeff Moore said that he would have to get the information about how many streets have a speed limit of 25 mph or less but that 25 mph is pretty much the standard speed for residential streets. The default

on all streets is 35 mph. To make 25 mph the standard for all streets, each individual street would have to have an engineering study. Since some residential streets are lower than 25 mph, having a city-wide 25 mph might have unintended consequences.

Mayor Manheimer said that instead of taking the time and expense to have an engineering study on, it was the consensus of Council to have the City Attorney's Office investigate if we need a local bill or a state-wide change and then forward the matter to the Public Safety Committee for review.

ORDINANCE BOOK NO. 31 - PAGE 316

E. RESOLUTION NO. 17-204 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SAM SCHWARTZ CONSULTING LLC TO PROVIDE CONSULTING AND ENGINEERING SERVICES TO EVALUATE AND ADVISE CITY COUNCIL ON THE DESIGN OF THE I-26 CONNECTOR PROJECT

ORDINANCE NO. 4610 - BUDGET AMENDMENT FOR THE I-26 CONNECTOR PROJECT CONSULTING SERVICES CONTRACT

Summary: The consideration of 1) a resolution authorizing the City Manager to enter into a contract with Sam Schwartz Consulting, LLC to provide consulting and engineering services to evaluate and advise City Council on the design of the I-26 Connector project and 2) a budget amendment in the General Capital Projects Fund in the amount of $200,000 from the City's Capital Improvement Program (CIP) pay-go funds to fund the contract.

City Council authorized the City Manager to solicit qualifications from professional consultants to evaluate and advise City Council on the design of the I-26 Connector project via Resolution No. 16-278 dated December 13, 2016.

Transportation Department staff prepared the Request for Qualifications (RFQ) documents including the need for the consultant team to demonstrate multi-disciplinary expertise in roadway design and engineering, structure design, noise studies and mitigation, traffic forecasts and simulations, constructability methods, pedestrian and bicycle connectivity, greenway planning, urban planning, aesthetics planning, and storm water mitigation. The RFQ was released on February 22, 2017, and the proposals were due on March 17, 2017, at 2:00 pm. The selection process would last for 30 days and City Council was scheduled to approve a contract with the successful consultant team on April 25, 2017.

The City received one proposal. The Selection Committee, which included five members; three staff members and two Multi-Modal Transportation Commission members, interviewed the consultant team. In consultation with legal and purchasing staff, it was determined that the firm was not responsive in that they did not demonstrate expertise on their team in all of the required technical areas outlined in the RFP. As a result, the consultant team was notified that the City was stopping the process and would be moving forward to release a new RFQ.

A new RFQ was prepared with a more limited scope that emphasized expertise regarding urban design, land planning, redevelopment, and aesthetics. This RFQ was released on June 21, 2017, and proposals were due on July 13, 2017, at 2:00 pm. The City received two proposals, one from Sam Schwartz Consulting, LLC and the other one from Toole Design Group. The Selection Committee interviewed both firms on August 4, 2017, and unanimously selected Sam Schwartz Consulting, LLC as the firm to negotiate a contract with. This firm clearly demonstrated a high level of responsiveness to the City's needs throughout the interview process. The proposal was well written and demonstrated a good understanding of the City's needs and a clear action plan to accomplish the various tasks. The team members listened to the Selection Committee and discussed ideas and experiences that demonstrated that their entire

team has a comprehensive knowledge of Asheville and a natural chemistry between the team members.

Pros:

- Provide planning and design expertise to tweak the I-26 Connector project.
- Provide assistance as the City goes through the aesthetics process.

Con:

- None

The format of the contract will be a fee-based, oriented-task contract with an estimated not to exceed budget of $200,000. Funding will come from the City's Capital Improvement Program (CIP) pay-go funds that were budgeted in FY 2017-18. The budget amendment will allow those funds to be transferred into the General Capital Projects Fund for this specific project.

Staff recommends that City Council adopt 1) a resolution authorizing the City Manager to enter into a contract with Sam Schwartz Consulting, LLC to provide consulting and engineering services to evaluate and advise City Council on the design of the I-26 Connector project and 2) a budget amendment in the General Capital Projects Fund in the amount of $200,000 from the City's CIP pay-go funds to fund the contract.

RESOLUTION BOOK NO. 39 - PAGE 115
ORDINANCE BOOK NO. 31 - PAGE 318

F. MOTION TO APPROVE THE REQUEST FOR QUALIFICATIONS FOR THE DESIGN SERVICES FOR THE CITY-OWNED PROPERTIES ON HAYWOOD STREET AND PAGE AVENUE AND THE ASSOCIATED TIMELINE

This item was removed from the Consent Agenda for discussion and an individual vote.

Summary: The consideration of a motion to approve the Request for Qualifications for the design services for the City-owned properties on Haywood Street and Page Avenue and the associated timeline.

On March 8, 2016, the Asheville City Council approved a visioning process for the future use of city-owned properties located at 68-76 Haywood Street and 33-39 Page Avenue to be completed by an Advisory Team of 18 community members. A final Visioning Report developed by the Advisory Team was shared with the City Council on March 28, 2017. At that meeting, Council directed staff to issue a Request for Qualifications (RFQ) to hire the services of a consultant team to develop design options for the properties. The RFQ represents the first phase of the project to develop a plan for the site and implement as appropriate.

Scope of Work: As a Phase I step to determine the development program for the site, an RFQ has been developed using the Visioning Report as the primary source document for developing up to three design proposals. The current language for the Scope of Work from the RFQ is provided for specific consideration:

The City of Asheville is seeking the services of a consultant team to:

- Develop up to three design proposals for the identified subject properties and study area. The consultant team shall utilize the Visioning Report in the preparation of the design options, which will include mixed-use and other compatible programmatic elements that complement the uses of the site and surrounding areas. These design proposals should consider pedestrian and vehicular circulation and access, major views from the properties, and site and surrounding context. The design proposals should also incorporate the various passive and active uses identified in the Visioning Report.

Streets and other right of way areas should be included or reconfigured with a focus on pedestrian safety which has been an identified challenge as a part of the comprehensive redevelopment of the site. These design options will be shared with the community and City Council for initial support and direction.

- Review site due diligence materials provided for the properties that will help to inform the design options and cost considerations.
- Prepare a constructability assessment
  - Conceptual design layouts
  - Circulation, access and parking assessments
  - Neighborhood compatibility
  - Other development factors
- Prepare preliminary cost estimates for the construction of each of the three design options
- Advise the city regarding future management strategies including management models for potential public/ private partnerships to support a successful development plan and program for the subject properties
- Prepare cost estimates (for construction and on-going operations/maintenance) based on recommendations for public/private partnerships and management strategies for each of the design options (there could be multiple development plan/program strategies for each of the design options)
- Create a public engagement process to allow for additional community comment and input on the different design options.
- Develop a final conceptual design based on community feedback and Council direction that will be approved by the City Council.
- Include team members with specific engineering and design expertise who will be able to advise the design process about the different goals and uses recommended in the Vision Report for complex urban sites
- Provide a concise, user-friendly and illustrative report and presentation that graphically and narratively conveys the recommendations in a web based format
- Present the recommendations to City Council and Council subcommittees and involved commissions (as needed)

Schedule for release of the RFQ:

Review by PED:	August 15, 2017
Approval by City Council:	September 12, 2017
RFQ Release Date:	September 18, 2017
Deadline for Submittals:	November 3, 2017
Design Team Selection for Interviews:	November 17, 2017
Interview Timeframe:	Week of December 11, 2017
Selection of Consultant:	Week of December 18, 2017
Contract Negotiation:	By January 12, 2018
Contract Award:	By February 2, 2018
Commencement of Project:	March 5, 2018
Early Draft Concepts:	June 2018

The anticipated contract award will require approval by City Council and is expected in February 2018. There are no funds set aside for this project in the current budget year.

The Planning and Economic Development Committee reviewed the report and scope of services on August 15, 2017, recommended approval and directed staff to include additional emphasis on linking design outcomes to the Visioning Report. Staff has incorporated these changes and recommends approval for the release of the RFQ.

G. RESOLUTION NO. 17-205 - RESOLUTION ADOPTING A SECTION 3 POLICY FOR THE CITY OF ASHEVILLE IN COMPLIANCE WITH HUD REQUIREMENTS FOR COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP FUNDS

Summary: The consideration of a resolution adopting a Section 3 Policy within the City's Community Development Block Grant (CDBG) and HOME Investment Partnerships programs of financial assistance administered by Department of Housing and Urban Development (HUD).

Section 3 is a provision of Housing and Urban Development Act of 1968 that helps foster local economic development, neighborhood improvement, and individual self-sufficiency. The purpose of Section 3 is to provide, to the greatest extent feasible, job training, employment, and contracting opportunities for low and very low income residents in connection with projects and activities in their neighborhood.

The City Community and Economic Development Department implements the Section 3 policy through the awarding of contracts to contractors, vendors and suppliers, to create employment and business opportunities for Section 3 residents and other qualified low and very low-income persons. These regulations can be found in 24 CFR, part 135.

A HUD monitoring of City CDBG and HOME Investment Partnerships programs on July 11-13, 2017 included a review of Section 3 plans and activities. Section 3 is currently referenced in Asheville's CDBG and HOME policy manuals, and the City requires Section 3 plans for all relevant projects managed by subrecipients of CDBG and HOME funds. HUD determined through the monitoring visit that this was not sufficient for Section 3 policy, and is requiring a separate, more detailed Section 3 policy for the City to be in compliance with HUD's Section 3 requirements.

The Housing and Community Development Committee reviewed the proposed Section 3 Policy on Tuesday, August 15, 2017, and recommends adoption by City Council.

Pro:

- This policy will provide opportunities for employment, training and contracting for low and very low income residents. In addition, the policy will place the City in compliance with HUD's regulation 24 CFR, part 135.

Con:

- None

There is no fiscal impact to the City, however; Section 3 compliance is relevant to CDBG and HOME federal funds allocated to the City of Asheville each fiscal year.

Staff recommends City Council approve HCD's recommendation to adopt the City of Asheville Section 3 policy.

RESOLUTION BOOK NO. 39 - PAGE 116

H. RESOLUTION NO. 17-206 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR FUNDS THROUGH THE U.S. DEPT. OF JUSTICE 2017 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT - LOCAL SOLICITATION, AND IF AWARDED, ENTER INTO SAID AGREEMENT

Summary: The consideration of a resolution authorizing the City to apply for the funds through the US Dept, of Justice 2017 Edward Byrne Justice Assistance Grant – Local Solicitation in the amount of $54,574, and if awarded, enter into said agreement.

The City of Asheville Police Department (APD) requests authorization to apply for the Byrne JAG – Local Solicitation. This is a predetermined amount of funds based on the Part 1 Uniform Crime Reporting Crimes. The Asheville Police Department and Buncombe County Sheriff's Department will be allocated $54,574 based on the award matrix, with the City of Asheville receiving $43,975 and Buncombe County receiving $10,599. The distribution of funds will be approved through a signed Memorandum of Understanding.

Funds will be used to create a task force of police officers to deter and interrupt violent Part I crimes in the City. With the use of JAG funds, Asheville Police Department (APD) will strategically deploy a task force of police officers to work flexible hours who are assigned to interrupt and resolve emerging violent Part I Crimes in the City. The City of Asheville will rely on the JAG program to enable the City to have the flexibility to deploy police officers to take an intensive approach to fighting serious crimes. This approach has been used in the past to reduce auto thefts as well as to combat public housing gun violence, robbery and burglary. The officers will be selected from various patrol groups and with the use of JAG funds, APD will now be able to compensate officers with overtime pay as well as fill their normal patrol assignments.

The City will be awarded $43,975 to pay overtime to police officers for the purpose of combating, intercepting, and resolving emerging violent Part I Crimes. The Buncombe County Sheriff's Department will be awarded $10,599 to purchase rifles for deputies to train them in the BCSO that are not currently assigned riffles. This accounts for the total allocation of $54,574 for this grant.

This is a 100% funded non-local match grant that will enable the APD to allow the City to have the flexibility to deploy police officers and take an intensive approach to fight serious crime. This approach has been used to reduce auto thefts and to combat robbery and burglary. In the past, it has been successful in reducing the number of these types of incidents within the City.

This action will not go before the Finance Committee prior to City Council because the application deadline is before the next Finance Committee meeting.

Pro:

- Increasing flexibility to deploy police officers to take an intensive approach to fighting serious crimes.
- To increase surveillance and investigative methods as well as making proactive analysis, among other best practices, as part of their overall crime prevention tasks.

Con:

- Additional burden on budget for future operations associated with the cost of overtime to deploy police officers to combat emerging violent Part I crimes.

There is no local match required.

Staff recommends City Council a resolution authorizing the City Manager to apply for grant funds through US Dept. of 2017 Edward Byrne Justice Assistance Grant - Local Solicitation, in the amount of $54,574, and if awarded, enter into said agreement.

RESOLUTION BOOK NO. 39 - PAGE 117

I. RESOLUTION NO. 17-207 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TINDALE OLIVER FOR DEVELOPMENT OF A TRANSIT MASTER PLAN

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with Tindale Oliver for development of a Transit Master Plan.

The original Transit Master Plan (TMP) was adopted in October 2009. Since that time there has been significant growth and development in Asheville and the surrounding area which has placed increasing pressure on the current structure and route networks of the City's transit system (ART). There are also significant limitations placed on the system by the current facilities which are ageing and do not have the capacity to support the City's future transit needs. The new TMP will provide near-term solutions to issues related to route timing and long-term recommendations for future system design and service expansion, as well as projections of future facility and staffing needs.

In addition to the broader goals listed above, the TMP will explore a number of other tasks, including: fare structure and collection methods, strategic regional connections, emerging transit technology, and pilot projects. The TMP will also evaluate route extensions beyond the City limits and will explore opportunities to partner with the County and other organizations on these projects. In order to review these areas and provide meaningful recommendations, the consultant team will perform significant data collection and public engagement efforts to ensure they have the best information available to guide decision making. The consultant team is also required to perform an analysis of any proposed changes, to determine the potential impact those changes might have to existing riders.

On April 10, 2017, a Request for Proposals (RFP) for a TMP consultant team was issued with proposals due on June 12. Nine consulting firms submitted proposals. The Evaluation Committee that was selected to review the proposals was composed of: the Transit Projects Coordinator, the interim Transportation Planning Manager, three Transit Committee members, one representative from the French Broad River Metropolitan Planning Organization (FBRMPO), and one representative from the N.C. Dept. of Transportation (NCDOT). The initial review resulted in two finalists which both participated in an interview process with the Evaluation Committee. At the conclusion of the interviews, Tindale Oliver was the highest ranked firm and the committee's recommendation to City Council.

The anticipated commencement date of the contract is October 1. Plan development, including data analysis and public engagement, will occur between October 2017 and March 2018. The draft plan will then be reviewed by NCDOT, FBRMPO, Transit Committee, Multimodal Transportation Commission, City Council, and members of the public. This last round of public feedback will be incorporated into the plan and a final draft of the plan will be submitted for City Council adoption in July 2018.

This was reviewed and endorsed at the Finance Committee meeting on August 22, 2017.

Pros:

- Improved efficiency of the transit system
- Provides a plan for future expansion of service
- Will ensure an equitable distribution of transit service

Con:

- Will utilize $24,000 in local funds to match the federal grant.

The Transit Master Plan project has a total budget of $120,000. City Council approved this budget at its March 28, 2017, meeting. Eighty percent of the budget is comprised of Federal Highway Administration funds for Surface Transportation Planning Programs. The remaining 20% of the budget is comprised of local funds that came from the FY 2016-17 Transit Fund operating budget.

Staff recommends City Council adopt a resolution authorizing the City Manager to enter into an agreement with Tindale Oliver for development of a Transit Master Plan.

RESOLUTION BOOK NO. 39 - PAGE 118

J. RESOLUTION NO. 17-208 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BREWGRASS FESTIVAL

RESOLUTION NO. 17-209 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ROOT BALL

RESOLUTION NO. 17-210 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE OKTOBERFEST

RESOLUTION NO. 17-211 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE VEGANFEST

Summary: The consideration of resolutions authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Brewgrass Festival, the Root Ball, Asheville Oktoberfest, and Asheville VeganFest.

- Asheville Brewers Alliance has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Brewgrass Festival and allow for consumption at this event.

  The Brewgrass Festival will be held on Saturday, September 16, 2017 from 12:00 p.m. to 6:00 p.m. within the boundaries of Memorial Stadium as per the area limits referenced on the accompanying site map.

- Asheville Greenworks has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Root Ball and allow for consumption at this event.

  The Root Ball will be held on Sunday, September 23, 2017 from 6:30 p.m. to 10:00 p.m. within the boundaries of 14 Riverside Drive as per the area limits referenced on the accompanying site map.

- The Asheville Downtown Association has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at Asheville Oktoberfest and allow for consumption at this event.

  Asheville Oktoberfest will be held on Saturday, October 7, 2017 from 1:00 p.m. to 6:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

- Brother Wolf Animal Rescue has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at Asheville VeganFest and allow for consumption at this event.

Asheville VeganFest will be held on Sunday, June 10, 2018 from 11:00 a.m. to 6:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for Asheville Brewers Alliance, Asheville Greenworks, Asheville Downtown Association, and Brother Wolf Animal Rescue

Con:

- Potential for public safety issues

Staff recommends City Council adopt a resolution authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Brewgrass Festival, the Root Ball, and Asheville Oktoberfest, and Asheville VeganFest.

RESOLUTION NO. 17-208 - RESOLUTION BOOK NO. 39 - PAGE 119
RESOLUTION NO. 17-209 - RESOLUTION BOOK NO. 39 - PAGE 122
RESOLUTION NO. 17-210 - RESOLUTION BOOK NO. 39 - PAGE 125
RESOLUTION NO. 17-211 - RESOLUTION BOOK NO. 39 - PAGE 128

K. ORDINANCE NO. 4611 - BUDGET AMENDMENT TO FUND FOUR WATER INSTALLATIONS FOR USE IN THE ASHEVILLE EDIBLES COMMUNITY GARDEN

Summary Statement: The consideration of a proposed policy to provide water installations on City property for the use of the Asheville Edibles Community Garden Program; and a budget amendment in the Water Resources Fund in the amount of $12,000 to fund four installations through the Sustainability (General) Fund .

The Asheville Edibles Community Garden Program was launched April 2017 allowing usage of City owned properties for the cultivation of plants, herbs, fruits, flowers, or vegetables. The Office of Sustainability, Parks and Recreation Department, and Economic Development's Real Estate team collaborated to identify potential sites that could be allowed usage of by local garden growers for community food production.

Although the community garden program allows idle City property to be utilized for gardening purposes, it does not cover the cost of installing water spigots. The table below provides cost estimates for water installation per site.

Water Installation Costs		
Service	Responsible Party	Cost
Labor and Service + Parts	Water Resources Department	$500 - $700
System Maintenance and Capital Fee	Water Resources Department	$1,087.00
Service Charge	Water Resources Department	$55.00
Hose Bib + Yard Hydrant	Water Resources Staff	$500 - $700 per site location
Backflow Assembly	Water Resources Staff	
Meter Connection	Water Resources Staff	

The Finance Committee unanimously approved support for water installations on City properties for the use of the Asheville Edibles Community Garden Program to move forward to full City Council.

The Asheville Edibles Community Garden Program supports City Council's 2036 Vision as a Well Planned and Livable Community while also supporting the efforts of a Clean and

Healthy Environment; additionally, the Edibles Program can be found within the City's Food Policy Action Plan, Resolution 13 – 17.

Pros:

- Supports the viability of the City's Asheville Edibles Community Garden Program
- Reduces barriers in utilizing community garden spaces
- Goodwill with residential community

Cons:

- Fiscal impact of installation and maintenance
- Unplanned Sustainability Fund expenditure

This program would be subsidized by the Sustainability Fund, which is primarily funded through the General Fund. Water spigot installation costs range $2,800 - $3,000 per site location. Given an estimate of four installations per year, $12,000 represents the greatest investment that would be necessary in a given fiscal year. The FY 2017-18 Adopted Sustainability Fund Budget did not include funding for water spigot installations for community gardens. For FY 2017-18 costs will be covered as needed through reallocations within the Sustainability Division operating budget. A budget amendment is required to show the transfer from the Sustainability Fund to the Water Resources Fund to cover the cost of the installations. If additional groups apply for installation, staff will bring an additional budget amendment forward to cover those costs.

Staff recommends establishing a policy for water installation at City identified community garden sites employing a turnkey installation provided by the Water Resources Department and reimbursed using Sustainability (General) Fund dollars. Staff also recommends adoption of a budget amendment in the Water Resources Fund in the amount of $12,000 to fund four installations through the Sustainability (General) Fund .

ORDINANCE BOOK NO. 31 - PAGE 320

L. RESOLUTION NO. 17-212 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ECONOMIC DEVELOPMENT PARTNERSHIP WITH THE ASHEVILLE-BUNCOMBE REGIONAL SPORTS COMMISSION FOR THE HAUTE ROUTE

Summary: The consideration of a multi-year performance based economic development partnership with the Asheville Buncombe Regional Sports Commission (Sports Commission) for the Haute Route.

The City is a partner in the Sports Commission. The Sports Commission identifies and attracts sports events and related meetings to Asheville to enhance the health, wellness and quality of life for area residents and sports enthusiasts and that will generate a positive economic impact by promoting the region as a recognized sporting destination. The Sports Commission, a non-profit organization, has requested in-kind support from the City of Asheville through the Community and Economic Development Department for the production of the Haute Route. The Haute Route is a three-day international bicycle race. In July 2017, Haute Route introduced their 7-day event to the United States in Colorado with outstanding reviews from officials from Boulder and Colorado Springs. The Sports Commission plans to submit a proposal to host the Haute Route and if selected, the City of Asheville would be one of only three cities selected for 2018 to serve as the sites of their new three-day race which would concentrate on Asheville and the surrounding areas.

This event attracts high net worth participants who are decision makers in their companies. Most of the participants are CEOs and company directors, CFOs, financial professionals, lawyers, engineers, doctors and senior IT professionals with an average annual

income of $144,000. In addition, 30 journalists from 12 countries will attend the event at the expense of the event organizers to provide coverage of the event and to profile the area.

The Economic Development Coalition (EDC) will have the opportunity to have a booth in the vendor/registration area for the event. Working with the Sports Commission to set qualified appointments, the EDC/Sports Commission will procure 15 appointments/contacts during the event and provide additional potential business leads. The Sports Commission expects that this event will expose more elite cyclists to Asheville with the possibility of moving to the area to live and train. Currently, the United Healthcare Cycling Team is located and currently trains in Asheville and the Carmichael Training Systems has recently opened a new location in the area. Post-event reports and an economic impact study to be conducted by the Sports Commission would be used as measurement tools to evaluate outcomes in the areas of economic impact/job creation leads and job growth.

The Planning & Economic Development (PED) Committee reviewed this request at its August 16, 2017, meeting and recommends support of establishing a multi-year, performance-based partnership agreement with the Sports Commission for the Haute Route.

Pros:

- Furthers Economic Development initiatives in the areas of targeted job growth and job creation;
- Meets strategic plan goals of leveraging investment in special event partnerships; promoting an environment for investment;
- Performance driven investment;
- Supports economic impact in the form of hotel sales and occupancy taxes, retail and sales tax generation;
- Supports development of an identified economic cluster in the City;
- Supports public/private cooperation as well as support for a strategic partnership;

Con:

- Has an impact on department costs for the utilization of in-kind services including lost revenue for rentals, permits, parking fees, and, property use fees

The $10,000 maximum investment of in-kind support per year will come from existing line items within the adopted 2017-18 budget, and no budget amendment is requested. Future revenue impacts will be considered in the budget process.

Staff recommends that City Council concur with the PED recommendation to authorize the City Manager to sign a three-year, performance based economic development partnership agreement between the City of Asheville and the Sports Commission for Haute Route, not to exceed $10,000/year value of in-kind support if Asheville is selected as a host city pursuant to the proposal that the Sports Commission plans to submit.

RESOLUTION BOOK NO. 39 - PAGE 131

M. RESOLUTION NO. 17-213 - RESOLUTION ACCEPTING SOULSHINE COURT AS A CITY STREET

Summary: The consideration of a resolution to accept Soulshine Court as a City street.

Asheville Area Habitat for Humanity, Inc. recently completed a 26-unit single-family residential community that is served by Soulshine Court and is located in West Asheville and they have offered this street for dedication to the City for public use.

Soulshine Court from SR 1319 (Johnston Blvd) to its dead-end is a developer-constructed street that has an average width of 22 feet with 24-inch valley curb, a 5-foot sidewalk along one side of the street, a length of 0.11 mile, and a right-of-way width of 45 feet. In addition, street lights are in place along the entire length of the street.

Transportation Department staff, Fire Department staff, Planning Department staff, and Public Works Department staff inspected the subject street and determined that it was constructed according to current standards as indicated in the City of Asheville's Standard Specifications and Details Manual.

Following City Council's approval of this resolution, the subject street will be added to the official Powell Bill List.

Pros:

- The City of Asheville will receive Powell Bill Funds from the North Carolina Department of Transportation (NCDOT) to help maintain the street.
- The street provides access to residential properties.

Con:

- Powell Bill Funds will not cover 100% of the total cost to maintain the street.

There will be no initial financial impact to the City, although the responsibility of maintenance will belong to the Public Works Department. The City will receive Powell Bill Funds in the future to help maintain the street.

Staff recommends that City Council accept Soulshine Court as a City street.

RESOLUTION BOOK NO. 39 - PAGE 132

N. RESOLUTION NO. 17-214 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH CALIBRE SYSTEMS INC. TO PERFORM THE FACILITIES CONDITION ASSESSMENT AND DIAGNOSTIC STUDY

Summary: The consideration of a resolution authorizing the City Manager to enter into a professional services contract with CALIBRE Systems, Inc. for the architectural, engineering, and consulting services necessary to perform the Facilities Condition Assessment and Diagnostic Study.

The Facilities Condition Assessment and Diagnostic Study (FCADS) was included in the Fiscal year 2016-17 Budget with a non-recurring allocation of $300,000. The goal of this study is to provide the City with a comprehensive understanding of the current conditions of specified City-owned facilities, diagnostic assessment of the facilities maintenance & management function and its processes, recommendations for future improvements both to processes and to existing facilities, and estimates of capital investments required to address deferred maintenance, preventive maintenance, and life cycle costs. The Finance Committee was briefed on this topic at its meeting on February 28, 2017. Topics at this briefing included purpose of the study, updated scope of work, status of procurement, cooperation with the Sustainability Office, and related topics.

In response to the Request for Qualifications, the following thirteen firms submitted packages:

CALIBRE Systems Inc. (Alexandria, VA)	GLE (Atlanta, GA)
GHD (Charlotte, NC)	ECS (Asheville, NC)
Terracon (Charlotte, NC)	NH&A (Charlotte, NC)

Dewberry (Raleigh, NC)	AEI Consultants (Walnut Creek, CA)
EMG (Pinehurst, NC)	Sud Associates (Asheville, NC)
ISES (Duluth, GA)	MHA Works (Asheville, NC)
Stewart Cooper Newell (Gastonia, NC)	

The review team utilized a scoring matrix to assess the qualifications of the proposed firms. Three firms scored high enough to be short-listed for on-site interviews, including CALIBRE, GHD, and Terracon. The professional team of CALIBRE is well-qualified in all required disciplines, with extensive experience in facilities condition assessments and diagnostic/consulting services. Scoring by the review team indicated CALIBRE as the highest-rated offeror in this procurement.

Negotiations were undertaken with the selected firm, and it demonstrated its flexibility and an understanding of the City's needs on all parts of this study. The complete base scope of work can be contracted for $270,484.40, which does not exceed the budget of $300,000.

On a related note, the original RFQ for the Facilities Condition Assessment and Diagnostic Study was modified on behalf of the Sustainability Office to include energy audits and alternative energy retrofits as potential "add alternates" to assess both the feasibility of having the selected firm provide these supplemental services as well as the potential costs. The CALIBRE team is also qualified to perform these services, and they have provided a scope of work and cost proposal that is under evaluation by the Sustainability Office as it assesses costs and the availability of credits that may help offset those costs. The contract is proposed to include a requirement that CALIBRE hold firm the pricing for these supplemental services for a stipulated period of time, which will allow Sustainability to finalize its assessment of feasibility including costs and credits. It is important to note that Sustainability has a separate budget for the potential supplemental services, and coordination with a third-party utility company provider is needed to determine the applicability of credits for the energy audits that will help stretch Sustainability's budget funds.

The proposed work fulfills a key portion of City Council Goal #36 by assessing the condition of City facilities, analyzing deferred maintenance, and determining costs for deferred and preventive maintenance plus life cycle costs.

Pros:

- Allows the performance of a key study critical to implementing Council Goal #36;
- Multi-disciplinary team includes architecture, engineering, energy, cost estimating, and other relevant disciplines needed to deliver a turn-key product; and
- Flexible delivery of services that will allow the City to authorize work on the base scope of work now while allowing additional time for decision-making on supplemental services related to Sustainability.

Con:

- None identified.

Funding was approved by City Council in the Fiscal Year 2016-17 Budget, and the proposed expenditures are within the existing budget.

City staff recommends City Council adopt a resolution authorizing the City Manager to enter into a professional services contract with CALIBRE Systems, Inc. in the amount of $270,484.40 for the architectural, engineering, and consulting services needed to perform the Facilities Condition Assessment and Diagnostic Study.

RESOLUTION BOOK NO. 39 - PAGE 134

O. RESOLUTION NO. 17-215 - RESOLUTION GRANTING THE CONVEYANCE OF 565 SQUARE FEET OF PERMANENT SUBSURFACE EASEMENT FOR FOUNDATION FOOTINGS EXTENDING INTO THE CITY RIGHT-OF-WAY AND PROPOSING TO ACCEPT AN OFFER FOR SALE OF 163.52 SQUARE FEET OF AIR RIGHTS AT 15 PAGE AVENUE TO FIRC HAYWOOD PARK HOLDINGS LLC; AND DIRECTING THE CITY CLERK TO ADVERTISE FOR UPSET BIDS FOR THE SALE OF AIR RIGHTS, AND IF NO OTHER BIDS ARE RECEIVED OR ACCEPTED, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO CONVEY BOTH THE EASEMENT AND AIR RIGHTS

Summary: The consideration of a resolution granting the conveyance of 565 square feet of permanent subsurface easement for foundation footings extending into the city right of way and proposing to accept an offer for sale of 163.52 square feet of air rights at 15 Page Avenue to FIRC Haywood Park Holdings LLC (FIRC); and directing the City Clerk to advertise for upset bids for the sale of air rights, and if no other bids are received or accepted, authorizing the City Manager to execute any and all documents necessary to convey both the easement and air rights.

The City of Asheville controls the sidewalk and street right-of-way located at 15 Page Avenue and in turn controls any encroachments into the overhead airspace above the sidewalk. At this time, FIRC is nearing the completion of the construction of a new structure which will function as a hotel. As part of the hotel construction, FIRC built horizontal parapets along the face of the building that extend into the public right of way. In that these parapets are a permanent part of the structure, this intrusion into the public air space must be treated as a sale of property, and therefore the City requires that the sale of air rights via the upset bid process. In addition, FIRC installed footings for the foundation that extend beneath the sidewalk at varying depths along the property boundary. There are footings that extend into the public right-of-way along the Page Avenue side of the building, the Battery Park Avenue side of the building, and the rear alley that all total 565 square feet.

The Cambria Suites Hotel project was approved in May of 2014 by the City Council and construction began shortly thereafter. The project architect determined that as built, there were intrusions into the city's rights-of-way both above and below ground that would need to be remedied in order to provide clear title. The City approved the original plans and these additional intrusions were only discovered after the building was nearing completion. Under normal circumstances, if subsurface intrusions are discovered during the permitting process, the City requests that the project be redesigned to avoid the need for subsurface easements. At this time, the structure is built and it is impractical to remove or modify the building footings. The owners are requesting this conveyance from the City to finalize their project and allow them to open for business in the very near future. Staff has reviewed this request, and although typically permanent easements into the City's right-of-way are discouraged, the depths of the footings that extend into the right-of-way are minimal. The City's Public Works Director has determined that the granting of these easements will not substantially impair or hinder the street as a way of passage in compliance with N.C.G.S. 160A-273. There are existing utilities already along these City streets, so it is not in conflict with future plans for utility installation or right-of-way improvements. The air rights are modest and therefore do not pose any issues.

On August 31, 2017, a qualifying bid was received from FIRC in the amount of $1,472 for the purchase of 163.52 square feet of air space for the purpose of accommodating the parapets that extend from the building into the City's right-of-way. This bid was based on the tax assessed value of the land in lieu of a formal appraisal calculating the value of the air rights. If the City Council approves the following resolution, the City Clerk will be directed to publish an advertisement for upset bids for a period of 10 days, in which any interested party may upset the current bid of $1,472. The statutes require that a qualifying bid must increase the current offer by 10% of the first $1,000 and 5% of the remainder (i.e. $124 or higher). Since the function of the

upset bid process is to confirm fair market value, this resolution provides that if no qualifying, competing bid is received, then the City Council agrees to convey this specified area of air rights to FIRC for $1,472.

With respect to the below-grade easements, City staff recommends that the easements be valued using the tax assessed land value discounted at 50% because the improvements are subsurface. This is the discount method used by MSD for their underground sewer easements. The easement was calculated using figures provided by FIRC's project architect. The total amount of square footage is 565 square feet and the value attributed to this easement is $25,425.

Pros:

- The sale of the air rights will correct the issues with the title, allowing the building to open and generate tax revenues.
- The granting of the easement will also correct the issues with the title, allowing the building to open and generate tax revenues.
- Revenues from this real estate transaction will go into the General Fund.

Cons:

- The City approved the original plans and these additional intrusions were only discovered after the building was nearly complete.
- It is not preferable to have subsurface easements within the City's right-of-way.

Financial proceeds associated with this disposition are to benefit the City's General Fund.

City staff recommends City Council adopt a resolution granting the conveyance of 565 square feet of permanent easement for existing subsurface footings in the city right of way and proposing to accept an offer for sale of 164 square feet of air rights at 15 Page Avenue to FIRC; directing the City Clerk to advertise for upset bids for the sale of said air rights; and if no other bids are received or accepted, authorizing the City Manager to execute any and all documents necessary to convey the easement and air rights.

RESOLUTION BOOK NO. 39 - PAGE 135

P. RESOLUTION NO. 17-216 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MAIL MANAGEMENT SERVICES LLC TO PROVIDE MAIL MANAGEMENT SERVICES

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with Mail Management Services, LLC to provide mail management services for the City of Asheville.

In the FY 2017-18 adopted budget, a total of $317,000 was appropriated across department accounts to provide for city-wide postage and mail services. Allocations include $70,000 in General Services/City Hall Operations, $225,000 in Water Resources, and $22,000 in Public Works/Stormwater.

The City provides municipal services to more than 60,000 accounts, which primarily encompasses the following: water meters, business license, permits, and general correspondence to residents and visitors. The customer base is divided into multiple billing cycles and by general information correspondence each month.

In response to a Request for Proposals, the following firms submitted proposals:

Mail Management Services (Asheville, NC)	PreSort Plus (Taylors, SC)

The review team utilized a scoring matrix to assess the proposals of the prospective firms, with factors including cost, experience and qualifications of firm and staff. The proposal submitted by Mail Management Services demonstrated that the firm and its staff have excellent qualifications and experience directly related to the services being procured. Although PreSort gained points with slightly lower costs on key charges/fees, Mail Management Services scored higher on the remaining factors with very high service levels and verified performance. Scoring by the review team indicated the submittal from Mail Management Services as the highest-rated proposal.

The initial contract term is proposed for one year, with the option upon approval by the City for up to four one-year renewals, for a maximum potential duration of five years. Should the City renew the contract, this allows us to control our costs for up to five years. The multi-year contract is subject to the annual appropriation process. If the adopted budget for any given fiscal year does not include an appropriation for the service, the City shall have the right to terminate the contract.

Pros:

- Allows performance of a mandatory activity (mail service) necessary for the operation of municipal services, including billing;
- Facilitates key communication mechanism (written correspondence) to & from citizens, businesses, visitors, and other stakeholders; and
- Provides long-term cost containment while maintaining verifiable high level of service delivery.

Con:

- None identified.

$317,000 was approved in the City's FY 2017-18 budget for mail management services in both the General Fund and Enterprise Funds.

City staff recommends that City Council adopt a resolution authorizing the City Manager to contract with Mail Management Services, LLC in the amount of $317,000 to provide mail services for the City of Asheville.

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Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda, minus Consent Agenda "F". This motion was seconded by Councilman Smith and carried unanimously.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

F. MOTION TO APPROVE THE REQUEST FOR QUALIFICATIONS FOR THE DESIGN SERVICES FOR THE CITY-OWNED PROPERTIES ON HAYWOOD STREET AND PAGE AVENUE AND THE ASSOCIATED TIMELINE

Summary: The consideration of a motion to approve the Request for Qualifications for the design services for the City-owned properties on Haywood Street and Page Avenue and the associated timeline.

On March 8, 2016, the Asheville City Council approved a visioning process for the future use of city-owned properties located at 68-76 Haywood Street and 33-39 Page Avenue to be completed by an Advisory Team of 18 community members. A final Visioning Report developed by the Advisory Team was shared with the City Council on March 28, 2017. At that meeting, Council directed staff to issue a Request for Qualifications (RFQ) to hire the services of a consultant team to develop design options for the properties. The RFQ represents the first phase of the project to develop a plan for the site and implement as appropriate.

Scope of Work: As a Phase I step to determine the development program for the site, an RFQ has been developed using the Visioning Report as the primary source document for developing up to three design proposals. The current language for the Scope of Work from the RFQ is provided for specific consideration:

The City of Asheville is seeking the services of a consultant team to:

- Develop up to three design proposals for the identified subject properties and study area. The consultant team shall utilize the Visioning Report in the preparation of the design options, which will include mixed-use and other compatible programmatic elements that complement the uses of the site and surrounding areas. These design proposals should consider pedestrian and vehicular circulation and access, major views from the properties, and site and surrounding context. The design proposals should also incorporate the various passive and active uses identified in the Visioning Report. Streets and other right of way areas should be included or reconfigured with a focus on pedestrian safety which has been an identified challenge as a part of the comprehensive redevelopment of the site. These design options will be shared with the community and City Council for initial support and direction.
- Review site due diligence materials provided for the properties that will help to inform the design options and cost considerations.
- Prepare a constructability assessment
    - Conceptual design layouts
    - Circulation, access and parking assessments
    - Neighborhood compatibility
    - Other development factors
- Prepare preliminary cost estimates for the construction of each of the three design options
- Advise the city regarding future management strategies including management models for potential public/ private partnerships to support a successful development plan and program for the subject properties
- Prepare cost estimates (for construction and on-going operations/maintenance) based on recommendations for public/private partnerships and management strategies for each of the design options (there could be multiple development plan/program strategies for each of the design options)
- Create a public engagement process to allow for additional community comment and input on the different design options.
- Develop a final conceptual design based on community feedback and Council direction that will be approved by the City Council.
- Include team members with specific engineering and design expertise who will be able to advise the design process about the different goals and uses recommended in the Vision Report for complex urban sites
- Provide a concise, user-friendly and illustrative report and presentation that graphically and narratively conveys the recommendations in a web based format

- Present the recommendations to City Council and Council subcommittees and involved commissions (as needed)

Schedule for release of the RFQ:

Review by PED:	August 15, 2017
Approval by City Council:	September 12, 2017
RFQ Release Date:	September 18, 2017
Deadline for Submittals:	November 3, 2017
Design Team Selection for Interviews:	November 17, 2017
Interview Timeframe:	Week of December 11, 2017
Selection of Consultant:	Week of December 18, 2017
Contract Negotiation:	By January 12, 2018
Contract Award:	By February 2, 2018
Commencement of Project:	March 5, 2018
Early Draft Concepts:	June 2018

The anticipated contract award will require approval by City Council and is expected in February 2018. There are no funds set aside for this project in the current budget year.

The Planning and Economic Development Committee reviewed the report and scope of services on August 15, 2017, recommended approval and directed staff to include additional emphasis on linking design outcomes to the Visioning Report. Staff has incorporated these changes and recommends approval for the release of the RFQ.

When Councilman Bothwell was concerned that the language reads we are requesting proposals instead of qualifications, Director of Planning & Urban Design Todd Okolichany assured him that it is our intent to solicit qualifications only from designers, not actual proposals.

When Mayor Manheimer asked for comments from the public, no one spoke.

Councilman Smith moved to approve the Request for Qualifications for the design services for the City-owned properties on Haywood Street and Page Avenue and the associated timeline. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS: None.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED ON 3, 10, 12, 18 AND 99999 TRIED STREET FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO RS-8/CZ RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL ZONING FOR THE DEVELOPMENT OF A SINGLE-FAMILY PROJECT

ORDINANCE NO. 4612 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED ON 3, 10, 12, 18 AND 99999 TRIED STREET FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO RS-8/CZ RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL ZONING FOR THE DEVELOPMENT OF A SINGLE-FAMILY PROJECT

Mayor Manheimer said that this public hearing was held on August 22, 2017, and continued to this date in order for the applicant and the Shiloh Community Center to continue to meet to decide on the maintenance of open space portion of the property.

Urban Planner Jessica Bernstein briefed the Council on the information presented on August 22, stating that this is the consideration of an ordinance to conditionally zone property located on 3, 10, 12, 18 and 99999 Tried Street from RS-8 Residential Single-Family High Density District to RS-8/CZ Residential Single-Family High Density District/Conditional Zoning for the development of a single-family residential project with conditions related to lot area, lot width and right-of-way. This public hearing was advertised on August 11 and 18, 2017.

The project site consists of five parcels with a combined area of approximately 4.16 acres, located at 3, 10, 12, 18 and 99999 Tried Street in Shiloh. The site is zoned RS-8 as are adjacent parcels. The area is characterized by single-family houses. The project site is mostly vacant and was recently occupied by a manufactured home development. The site is adjacent to a tributary of Sweeten Creek with associated 100-year floodway and stream buffer requirements.

The applicant is proposing to create a new public road to provide access to twenty single-family home lots. The conditional zoning is requested as the lots as shown do not comply with current RS-8 standards.

There is a private street in place already; however this proposal is to alter that road layout as shown on plans. The new public street is proposed according to a modified road standard, with 32 feet of right-of-way (minimum) and 22 feet of pavement, terminating in a hammerhead turnaround. Sidewalks are shown along one side of Tried Street and along West Chapel Road heading west. The homes are accessed via individual driveways.

Street trees are required for this project and are shown. Open space (approximately 0.7 acres) and tree save area (approximately 1.05 acres) are also required due to the number of lots and this is also provided for on plan. The open space is proposed in a permanent easement across the rear of multiple parcels to preserve environmentally sensitive areas but a condition is requested to eliminate any public access to this open area.

The underlying zoning allows approximately 33 units based on the overall project area, however due to the limited use of land encumbered by the stream buffer and flood areas as well as the proposed road location, the applicant has designed the layout shown on plans. With this request, the density proposed is 20 units however some of the lots are smaller than the zoning district permits. The average lot size for this project is approximately 6,817 square feet (or 4,677 square feet with the outlier removed) and the average lot width is approximately 44 feet. The project is otherwise similar in look and layout to other single-family residential developments that would be allowed in the area, with those smaller lots incorporated.

Conditions - The applicant is requesting the following conditions (see Exhibit B.1 for full list of project conditions):

1. **Lot Area** - lots range from approximately 4,000 to 8,000 square feet (RS8 minimum lot size is 5,000 SF)
2. **Lot Width** - lots have a minimum frontage of 40 feet (RS8 minimum lot frontage is 50 feet)
3. **Right-of-Way Width** - proposed ROW of 32 feet with 22 feet of pavement for main street; minimum 40 feet ROW for hammerhead (typical standard is 50 feet ROW)
4. **Access to Open Space** – the project contains an adequate amount of preserved open space but due to ownership of the lot and development, the applicant proposes that public access to the area is restricted

The applicant held the required community meeting on April 25, 2017; the project was approved with conditions by the Technical Review Committee on June 5, 2017. If approved, the applicant will return to the TRC following the Major Subdivision review process for plat approval.

The Planning & Zoning Commission voted unanimously (6-0) to recommend approval of this project with the conditions as noted in the recommendation form as well as reflected in the Exhibit B.1 list.

There were a number of community members present at the meeting to offer public comment including questions regarding how this development would complement the existing fabric of the neighborhoods, concerns about gentrification and affordability of the homes and support of the development, the single-family home-ownership aspect and for the future homeowners to have the ability to expand or use their homes with the same rights as any other home owner in the RS-8 zoning district. This has been reflected in the conditions. Residents did wish to see privacy fences in certain area where the existing homes are closer to the proposed development and also desired to have single-story homes in locations where the grade may warrant a lower-height to maintain privacy.

While about half of the lots (11 out of 20) have less than the minimum area in the underlying and surrounding zoning district and almost all have less than the minimum lot frontage, the layout of the subdivision and proposed single-family development is visually similar to what would be allowed otherwise and is expected to be compatible with the surrounding neighborhood. The density of the overall proposal is appropriate and similar to the single-family development in the area.

This project is aligned with elements in the Comprehensive Plan (*2025 Plan)* in that it provides infill residential development in a layout that avoids the sensitive environmental area and further the *Plan* suggests that the City should be flexible with standards to enable infill lots to be developed. The project provides sidewalks and the developer has been engaging with the neighborhood association as recommended in the *Plan*. While the proposed density is lower than recommendations in the *Plan* with regards to infill development supporting transit, the density is more aligned with the neighborhood's desires.

There are aspects of the project that correspond to goals and visions in the *Shiloh Community Plan* such as the density is mostly consistent with the character of the community at just above four units per acre; avoiding and preserving area along the stream as green space; sidewalks on the new road and along part of West Chapel Road help to improve pedestrian accessibility in the project area; and the design of the houses as shown on plans with front porches and orientation towards the street is aligned with the visions of the plan.

Considerations:

- The single-family residential development is compatible with the character of the surrounding Shiloh neighborhood as far as density, use and layout.
- The project preserves sensitive environmental area and provides dedicated open space.
- Sidewalks will be provided on the new street and along part of West Chapel Road.
- The project does include some initial affordability.
- Most of the lots are smaller than the surrounding zoning allows but driveways are proposed at the current maximum width.

Based on policies in the *2025 Plan,* City Council's 2036 Vision Considerations and compatibility with elements in the Shiloh Neighborhood Plan, staff recommends approval of the conditional zoning for the residential single-family project with the conditions noted in the B.1 list.

The Planning & Zoning Commission recommended approval by a 6-0 vote with the conditions as detailed previously in this report and in the B.1 conditions.

She recalled that the applicant explained they were trying to avoid the creation of a homeowners association for the 21st open space lot so no additional cost would be taken on by the individual homeowners. After reviewing the alternative proposals, the applicant has now

revised their request to create the 21st home lot. There are 20 parcels for single-family home development and the 21st lot that is not for development - just for open space. They will have to create a homeowners association to manage that. They are still talking with the Shiloh Neighborhood Association so there is a possibility they could take over the management and maintenance of that parcel, but there is no condition any longer to restrict access to the parcel.

When Vice-Mayor Wisler asked if the open space would be available to the public or only to the people in the homeowners association, Ms. Bernstein said that the homeowners association could restrict the area for their members and their guests.

Mr. Mike Vance, representing Mountain Housing Opportunities, provided Council with a brief overview of their projects in the area. They would like to increase their production to 30 homes per year and this development is their first major subdivision for single-family homeownership in Asheville. They are only committing to 20% affordable homes as they don't have all the funding to make all 20 homes affordable; however, they fully expect that half of all homes in this development will be sold affordably.

Mayor Manheimer opened the public hearing at 5:27 p.m. and asked that comments be limited to the open space requirement, and when no one spoke, she closed the public hearing at 5:27 p.m.

At the suggestion of Councilman Smith, it was the consensus of Council to ask the Housing & Community Development Committee visit flexibility in open space, especially as space becomes more and more of a premium in the City.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the conditional zoning request for Mountain Housing Opportunities, Inc. for properties located at 3, 10, 12, 18 and 99999 Tried Street from Residential Single-Family High Density District (RS-8) to Residential Single-Family High Density Conditional Zone (RS-8 CZ), including the requested conditions and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in that: (1) The proposal supports the strategies found in the City's comprehensive plan on infill residential development and affordability; (2) The design provides sidewalks and dedicates open space; and (3) The development is compatible to the character of the neighborhood as indicated in the Shiloh Community Plan. This motion was seconded by Councilman Smith and carried unanimously.

ORDINANCE BOOK NO. 31 - PAGE 322

B. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES TO ESTABLISH PROVISIONS FOR TEMPORARY USE OF GRAVEL PARKING LOTS IN THE CENTRAL BUSINESS DISTRICT

ORDINANCE NO. 4613 - ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES TO ESTABLISH PROVISIONS FOR TEMPORARY USE OF GRAVEL PARKING LOTS IN THE CENTRAL BUSINESS DISTRICT

Principal Planner Shannon Tuch said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinance to add a new option for temporary gravel lots in the City's Central Business District. This public hearing was advertised on September 1 and 8, 2017.

Increased development pressure in Asheville's CBD has resulted in a deficit of convenient parking options, especially at certain hours and in certain locations. The lack of monthly parking for downtown residents and workers has reached a critical level of concern.

In an effort to understand the current parking challenges, and to explore options to improve parking availability, city staff along with members of the Parking and Transportation Committee and the Downtown Design Committee both of whom are established committees of the Downtown Commission have been meeting regularly. This amendment is one outcome from those discussions.

The City's Unified Development Ordinance (UDO) regulates the construction of parking lots, either in conjunction with another use or as a stand-alone use. Parking lot requirements include specifications as to number and size, accessible spaces required, landscaping and surface treatments. While these requirements generally apply to all parking lots, the level of improvements required to establish a new parking lot can vary depending on the size of the property, zoning and location and other site features. The only standard that is not uniformly applied is the requirement for surface treatments. Gravel or road bond is a permissible surface treatment for parking lots in all areas of the city except the CBD. Due to accessibility, walkability, stormwater and aesthetic concerns, parking lots in the CBD must be paved. The requirement for pavement contributes to the cost of the new parking lot and is believed to act as a deterrent to creating surface lots, especially in a district where surface parking is generally regarded as a short-term or temporary use, and where these permanent improvements are not always desired.

Temporary parking has historically been limited to special events until 2009 when a new standard to allow temporary parking and construction staging was added to the UDO (Ord. No. 3743). The 2009 amendment was designed to support economic development and allows for the establishment of temporary parking (and construction staging) when associated with an active building permit. When the construction project ends, the temporary parking is to be returned to an unimproved condition. This provision continues to be used for various construction projects around the city, including Asheville's downtown where new and increased development pressures are inspiring reconsideration to allow temporary parking lots beyond construction projects. It has also been recognized that there are likely numerous existing gravel lots that have been established without approval and providing an option to operate a gravel parking lot on a temporary basis may help provide a path to compliance.

The Downtown Commission reviewed this proposal at their April 21, 2017, and May 12, 2017, meetings. The Commission voted to support the amendment (6-0) at their meeting on June 9, 2017. During these discussions and final vote, the Commission provided general support for the concept but also expressed concern that the standards to allow temporary lots not open the door or encourage the use of property for surface parking beyond a limited time period, and that a more permanent solution would be needed. It was also noted that the greatest need is for monthly parking and that an amendment to allow temporary parking would be open to all parking and could not be restricted to monthly parking only. To address these concerns, the proposed amendment will:

- Allow temporary gravel lots for one year only, with the ability to renew for one additional year.
- Require paved driveway apron, as required in the UDO and the Standard Specifications and Details Manual (SSDM).
- Require that driveways (beyond the apron) that exceed 5% in grade shall be paved.
- Maintain CBD standards for driveway width and other requirements for temporary lots
- Continue to allow temporary parking and construction staging when associated with an active building permit.
- Require a design that prevents loose stone, aggregate or other materials from leaving the site.

- Include a requirement for a 10 foot wide planting strips for large temporary parking areas greater than 10,000 square feet.

UDO controlled improvements for sidewalks, landscaping and paving will not be required, while improvements for stormwater and/or accessibility that are controlled by other state or federal standards will not be exempted.

This proposal was reviewed and approved by the Planning and Zoning Commission at their August 2, 2017, meeting. Members voting in opposition of the amendment cited concerns with: enforcement when the permit expired, loose aggregate that impacts stormwater and mobility, and the need for a more comprehensive parking solution with which this amendment could be in conflict. All wording amendments receive final review by City Council.

This wording amendment complies with City's Comprehensive Plan as it relates to ensuring that zoning codes and local economic development incentives are reviewed and modified to meet a dynamic local economic development condition (Goal II, p. 200) and that local infrastructure meet the needs of business and industry (Goal IV, p. 201).

The wording amendment aligns with the 2036 Council vision in the areas of (1) Transportation & Accessibility, and (2) Thriving Local Economy - by supporting the creation of infrastructure that makes it easier for citizens to live and work downtown, and for visitors to find and enjoy Asheville's downtown.

Other considerations:

- Temporary parking may **not** be limited to monthly parking where there is the greatest need.
- There are numerous gravel parking lots in the CBD currently, many of which are believed to have been unlawfully established.
- May provide a path for compliance for unlawfully established gravel lots.
- Allows for a temporary use of underutilized or vacant property downtown.
- Solution is intended to be temporary and a more permanent, long-term solution is needed to address parking and access to Asheville's downtown.

The Planning & Zoning Commission, by a 5-2 vote, recommended approval.

Mayor Manheimer opened the public hearing at 5:33 p.m.

The following individuals spoke in support of the amendment in the short-term but stressed that a long-term solution for parking in the downtown area should be a top priority for Council:

Michael Whalen, Manager of the Orange Peel and downtown resident
Carmen Cabrera, representing the Mast General Store
Owner of 67 Biltmore Eatery and Catering
Owner of Malaprops and Downtown Books and News
Karen Ramshaw, employee of Public Interest Projects
Jonathan Wainscott

Mayor Manheimer closed the public hearing at 5:56 p.m.

It was the consensus of Council to instruct the City Manager to follow-up with Buncombe County to see if the County's parking deck on Coxe Avenue may have some public parking that might be available on nights and weekends; and to also check to see if there is some information about the Tourism Development Authority going in on some parking garage.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the wording amendment adding standards for temporary parking lots in the CBD and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: (1) modifies development standards to support a changing local economy and, (2) supports the creation of necessary parking infrastructure in the downtown. This motion was seconded by Councilman Bothwell and carried unanimously.

ORDINANCE BOOK NO. 31 – PAGE 327

C. PUBLIC HEARING TO CONSIDER ZONING 421 AIRPORT ROAD HIGHWAY BUSINESS DISTRICT

ORDINANCE NO. 4614 - ORDINANCE ZONING 421 AIRPORT ROAD HIGHWAY BUSINESS DISTRICT

Principal Planner said that this is the consideration of an ordinance to zone 421 Airport Road (which was annexed into the City on June 27, 2017, to Highway Business District. This public hearing was advertised on September 1 and 8, 2017.

The subject property is approximately 1.26 acres and has mild to moderate topography with frontage on Airport Rd. While in Buncombe County's jurisdiction, the owner applied for and obtained construction permits for a commercial project – the site is currently under construction.

The applicant has requested the Highway Business (HB) zone be assigned to this property.

A conditional zoning to HB-CZ for the property located at 12 Loop Rd., 352 & 360 Airport Rd. was approved on January 10, 2017.

The property was zoned Employment (EMP) when under the jurisdiction of Buncombe County. No other special zoning considerations apply.

The purpose of the HB zoning district is to address the needs of commercial development along major thoroughfares. Automobile oriented development is prevalent within this district and a wide range of commercial uses is permitted.

The subject property is adjacent to other HB zoning to the west and the use and development pattern is consistent with other HB zoned properties along the Airport Rd. corridor. The adjacent Buncombe County zoning includes more Employment zoning (north and west) and Commercial Service zoning (south). Both zoning districts allow for a wide range of commercial and employment related uses including, but not limited to: office, health care facilities, hotels, retail, restaurants, and service and repair businesses.

The Asheville City Development Plan 2025 states that as a development tool the city should, "promote voluntary annexation of developing and developed areas by offering high quality urban services . . .". Related to this goal the plan also encourages compatible "adaptive reuse, redevelopment and infill development" and states, "areas within the existing urban fabric that are vacant should be targeted for compatible infill development that takes advantage of existing infrastructure."

This action aligns with the 2036 Council Vision in the following area: *A Thriving Local Economy* – the proposed zoning supports compatible, commercial development along a major transportation corridor.

Considerations:

- City property directly contiguous to the subject property is zoned HB.
- The HB zoning designation is consistent with both the EMP and CS zoning districts of Buncombe County.
- Assigning a zoning designation is required as part of the voluntary annexation process.

Based on the above findings and the analysis provided in the report, staff finds the request to assign the HB (Highway Business) zoning designation to the subject property is appropriate and consistent with the existing commercial neighborhood and broader city goals.

At their regular meeting on August 2, 2017, the Planning & Zoning Commission voted unanimously in support of the initial zoning request. Initial zoning requests are first reviewed by the Planning & Zoning Commission with final review performed by City Council.

Mayor Manheimer opened the public hearing at 5:59 p.m. and when no one spoke, she closed the public hearing at 5:59 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Bothwell moved to approve the assignment of Highway Business (HB) zoning to the subject property and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: 1) promotes voluntary annexation as a development tool that offers high quality city services to urbanizing areas; and, 2) supports smart growth through compatible infill development that takes advantage of existing infrastructure. This motion was seconded by Councilman Young and carried unanimously.

ORDINANCE BOOK NO. 31 – PAGE 329

D. PUBLIC HEARING TO RECEIVE COMMENTS ON THE PROPOSED LIMITED OBLIGATION BOND FINANCING FOR VARIOUS CAPITAL PROJECTS AND ACQUISITIONS AS WELL AS THE REFINANCING OF EXISTING DEBT; AND TO ALSO HEAR PUBLIC COMMENT ON THE SPECIAL OBLIGATION BONDS AS PART OF THE OVERALL PLAN OF FINANCE

Director of Finance and Management Barbara Whitehorn said that this is the a public hearing to receive public comments on the proposed Limited Obligation Bond (LOB) financing for various capital projects and acquisitions as well as the refinancing of existing debt. While a public hearing for the Special Obligation Bonds is not required by law, City Council will also hear public comment on the Special Obligation Bonds (SOBs) as part of the overall plan of finance. This public hearing was advertised on September 2, 2017.

Ms. Whitehorn then explained the common types of debt cities use: (1) General Obligation Bonds (must be voted on through referendum; secured boy property tax revenue); (2) Limited Obligation Bonds (secured by City-owned property); and (3) Special Obligation Bonds (secured by sales and other taxes - not levied by municipality; projects must be located in a Municipal Service District. She said that the City finances Capital Projects with (1) short term debt (18-59 months; during construction also called "interim" or "construction debt"; usually LOBs); and (2) long-term debt (20 years; refunds (refinances) existing short-term debt; LOBs, SOBs and/or GOs).

She explained what is happening right now: (1) General Capital Improvement Plan long-term debt issuance, which is not related to the 2016 General Obligation Bond referendum; (2) Short-term LOBs issues in early 2016 (a) credit line for a maximum of $45 million; and (b) about

$33 Million spent; (3) Issuing long-term debt in October, 2017 (a) refunding short-term LOBs; and (b) issued as LOBs and SOBs; (4) Long-term LOBs issued in 2012 (a) potential savings if refinanced; and (b) about $655,000 savings; and (5) Breakdown of October issuance (a) $14.8 Million LOBs refunding short-term 2016 LOBs; (b) $18.2 Million SOBs refunding short-term 2016 LOBs; and (c) Approximately $12 Million refunding long-term 2012 LOBs. She used a chart showing an illustrative of 2017 LOBs and SOBs. She then provided a project list.

Under the provisions of Section 160A-20 of the General Statutes of North Carolina, installment financing contracts involving real property require a public hearing in which the public may comment on the proposed financing.

On August 22, 2017, City Council approved:

1. Resolution authorizing the City to refinance a portion of the 2016 Limited Obligation Bond (approximately $18 million), refinance all or a portion of the currently outstanding 2012 Limited Obligation Bonds ($11.685 million), and make application to the Local Government Commission of not to exceed $31.2 million Limited Obligation Refunding Bonds (the "2017 LOBs Refunding"), Series 2017, and
2. Resolution authorizing the City to refinance a portion of the 2016 Limited Obligation Bond and make application to the Local Government Commission for the issuance of not to exceed $20 million Special Obligation Refunding Bonds (the "2017 SOBs Refunding"), Series 2017, of the City of Asheville, North Carolina.

Pros:

- Anticipated total debt service savings of the refunding of the 2012 Limited Obligation Bonds based on current market conditions is approximately $655,000. Actual savings level will be determined on the date the 2017 Limited Obligation Refunding Bonds are sold, which is scheduled for October 12, 2017.
- Converts the 2016 Installment Financing Agreement from short-term variable-rate into long-term fixed rate debt which will set total cost of the 2016 projects financed.

Con:

- None noted.

As noted above, anticipated total debt service savings of the 2012 Limited Obligation Bonds based on current market conditions is approximately $655,000. Annual debt service payments of the City will increase by the issuance of new long-term fixed rate debt of the 2017 LOBs Refunding and the 2017 SOBs Refunding. The final amounts of the new debt service payments will be determined on the sale date of October 12, 2017.

Staff recommends that City Council receive public comment regarding the financing during the public hearing.

Mayor Manheimer said that the City Council adopted a resolution on August 22, 2017, which called a public hearing on an installment financing (which is being done through a limited obligation bond financing structure) and a related special obligation bond financing for September 12th. The notice of the public hearing was published on September 1, 2017. The public hearing is being held to hear public comments on the proposed installment financing as required by the North Carolina statutes, as well as the special obligation bond financing being done in conjunction, to refinance a number of projects financed in 2016 through an interim installment financing. The proposed installment financing also includes refinancing a portion of a financing done in 2012 to achieve debt service savings. The proposed installment financing is for a principal amount not to exceed $31.2 million and the proposed special obligation bond financing is for a principal amount not to exceed $20 million. The City Council will hear public comments

this evening and the plan is for the Council to consider the final approvals for both financings on October 3.

In response to Vice-Mayor Wisler, Ms. Whitehorn said that hopefully this will allow us an upgrade on our bond rating with Moody's, noting that we are as high as we can get with S&P with a AAA rating.

Mayor Manheimer opened the public hearing at 6:13 p.m.

Mr. Chris Peterson felt that the City has too much debt and Council should be paying more attention to the budget.

Mr. Jonathan Wainscott spoke against these actions and that the City already has too much debt.

Ms. Jan Howard Kubiniec expressed concerned that she was unaware of some of the projects on the project list.

Mayor Manheimer closed the public hearing at 6:21 p.m.

Councilman Bothwell felt that Council is investing heavily in infrastructure projects now is that past councils were unwilling to take on more debt to fix the infrastructure.

Mayor Manheimer noted that during the many presentations about the General Obligation Bonds last fall she talked about the current state of debt, which at that time was relatively small compared to other cities similar to Asheville. The concern was that we were too conservative in making investments into fixing infrastructure and building out new infrastructure. She was pleased we are continuing with this process and have put together a strong capital plan.

Councilman Bothwell moved to proceed with this process for final approvals for both financings being considered by City Council on October 3, 2017. This motion was seconded by Councilman Young and carried unanimously.

V. UNFINISHED BUSINESS:

A. CONFIRMATION OF INTERVIEW CANDIDATES FOR THE PLANNING & ZONING COMMISSION

Regarding the Planning & Zoning Commission, the following individuals applied for a vacancy and completed the necessary paperwork: Joe Archibald, Nick Hinton, Carter B. Webb, Sandra Kilgore, Robert Carroll and Paul Harkrider; and the one seated member Laura Berner Hudson. At the recommendation of the Boards & Commissions, Vice-Mayor Wisler moved to interview Joe Archibald, Carter B. Webb, Sandra Kilgore, Robert Carroll, Paul Harkrider and the incumbent Laura Berner Hudson. Interviews will be held on October 3, 2017. This motion was seconded by Councilman Bothwell and carried unanimously.

VI. NEW BUSINESS:

A. RESOLUTION NO. 17-217 – RESOLUTION APPOINTING MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Affordable Housing Advisory Committee.

The terms of Randall Barnett and Mae Creadick expired on September 1, 2017.

The following individuals applied for the vacancy: Gerry Leonard, Derek Towle, Daniel Summerlin, Dewana Little, Elena Mansour, Emily Gelb, Leslie Hennessee, Parker Smith and Marcia Bacoate.

On August 22, 2017, it was the consensus of Council to interview Randall Barnett and Leslie Hennessee.

Vice-Mayor Wisler moved to reappoint Randall Barnett and appoint Leslie Hennessee to each serve a three-year term respectively, terms to expire September 30, 2020, or until their successors have been appointed. This motion was seconded by Councilman Smith and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 138

B. RESOLUTION NO. 17-218 – RESOLUTION APPOINTING A MEMBER TO THE RECREATION BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Recreation Board.

Mr. Zachary Eden, member of the Recreation Board, resigned, thus leaving an unexpired term until June 30, 2018.

The following individuals applied for the vacancy: Jeff Luttrell, Ron Nelson and Ken Miller.

Vice-Mayor Wisler moved to appoint Jeff Luttrell to serve the unexpired term of Mr. Eden, term to expire June 30, 2018, or until his successor has been appointed. This motion was seconded by Councilman Bothwell and carried unanimously.

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C. RESOLUTION NO. 17-219 - RESOLUTION APPOINTING A MEMBER TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that the term of John Ellis (individual actively involved in the tourist business and who has participated in tourism promotion but who does not own or operate a hotel, motel or other taxable tourist accommodation) expires on August 30, 2017.

The following individuals have applied for a vacancy: Andrew Celwyn, Ken Stamps, Jennifer Lauzon, Jessica Tomasin, Elizabeth Button, Patrick Conant and Peter Pollay.

On August 22, 2017, it was the consensus of Council to interview Andrew Celwyn, Jennifer Lauzon and Elizabeth Button.

After Council spoke highly of all candidates, Andrew Celwyn received 4 votes, Jennifer Lauzon received 1 vote and Elizabeth Button received 1 vote. Therefore, Andrew Celwyn was appointed to serve a three-year term ((individual actively involved in the tourist business and who has participated in tourism promotion but who does not own or operate a hotel, motel or other taxable tourist accommodation), term to expire August 30, 2020, or until his successor has been appointed.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Ms. Brynn Estelle and Mr. Casey Campfield expressed concern over the Family Research Council's draft 5 point plan to legislate transgender people out of public life. They asked the City of Asheville to stand with the transgender people and fight on their behalf against bigoted laws like House Bill 2 and House Bill 142.

Mr. Robert Louis Hardy said that he would be asking for reimbursement of a revival tent; and was disappointed at the condition of the Walton Street Park vs. the condition of the Kenilworth Park and Tennis Courts.

Mr. Grant Millin said that he is in the process of developing a non-profit and hoped to include a program supporting justice, equity diversity inclusion for Americans with disabilities. He provided Council with a resolution entitled "Americans with Disabilities Act Compliance and Public Transparency" and asked for Council adoption of the resolution. He felt there is a lack of attention by City Council regarding this matter.

At the request of Councilman Smith, it was the consensus of Council to ask the Governance Committee investigate what the City is doing regarding Spanish language translation and specific strategies to accomplish Hispanic inclusion.

Closed Session

At 6:42 p.m., Councilman Young moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Councilman Bothwell and carried unanimously.

At 6:55 p.m., Councilman Bothwell moved to come out of closed session. This motion was seconded by Councilman Young and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:55 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – October 3, 2017 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Cecil Bothwell; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilman Gordon D. Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

Mayor Manheimer asked for a moment of silence for the families and friends of victims from the Las Vegas shooting and for all the people who struggle through every day.

A. PROCLAMATION PROCLAIMING OCTOBER 5, 2017, AS "ENERGY EFFICIENCY DAY" IN THE CITY OF ASHEVILLE

Councilwoman Mayfield read the proclamation proclaiming October 5, 2017, as "Energy Efficiency Day " in the City of Asheville. She presented the proclamation to Sustainability Officer Amber Weaver, who updated Council on some activities taking place during the day.

B. PROCLAMATION PROCLAIMING OCTOBER 7, 2017, AS "WOMANSONG DAY" IN THE CITY OF ASHEVILLE

Vice-Mayor Wisler read the proclamation proclaiming October 7, 2017, as "Womansong" in the City of Asheville. She presented the proclamation to Assistant Director Althea Gonzalez and Debbie Blackman, Wise Woman on the Ruling Council, and others, who sang about how social change can happen through music.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 12, 2017

B. RESOLUTION NO. 17-220 - RESOLUTION AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN DUKE ENERGY PROGRESS' SMALL BUSINESS ENERGY SAVER PROGRAM AND TO ENTER INTO SOLE SOURCE PROVIDER CONTRACT WITH LIME ENERGY FOR THE PURCHASE AND INSTALLATION OF ENERGY EFFICIENT LIGHTING IN FIRE STATION #2 AND FIRE STATION #7/NORTH ASHEVILLE COMMUNITY CENTER

Summary: The consideration of a resolution authorizing the City Manager to participate in Duke Energy Progress' Small Business Energy Saver Program and to enter into sole source provider contract for the purchase and installation of energy efficient lighting in Fire Station #2 and Fire Station #7/North Asheville Community Center.

The electric utility Duke Energy Progress' Small Business Energy Saver (SBES) Program pays for energy efficiency upgrades up front, and covers up to 80% of the total project costs.

Fire Station #2 and Fire Station #7/N. Asheville Recreation Center provide an opportunity to utilize the SBES program while yielding a combined estimate of $2,945.06 in annual energy savings. In terms of carbon reductions, the project will yield 21.3 MTCO2e towards our annual 4% carbon reduction goal the City has adopted.

Staff has analyzed the potential and costs for the project and determined that the SBES Program is a unique opportunity to leverage significant up front capital funding from Duke Energy Progress. The total cost to the City for Fire Station #2 would be $7,525.74; however, utilizing Duke Energy Progress' utility incentive program, the project offsets the cost by 36%. The total cost of the project, to the City, is $4,780.80. The total cost to the Fire Station #7/N. Asheville Recreation Center would be $12,435.50; however, utilizing Duke Energy Progress' utility incentive program, the project offsets the cost by 32%. The total cost of the project, to the City, is $8,511.36. These costs include parts, labor and project management. Funding for these projects will come from the Green Revolving Fund in the amount of $13,292.16.

The SBES Program is run through a single authorized contractor, Lime Energy. In order to participate in the SBES Program, the City needs to pursue a single source provider contract with Duke Energy Progress / Lime Energy. This is allowable as per N.C.G.S. 143-129(e)(6) which states that "the governing body of a political subdivision of the state shall approve the purchase of apparatus, supplies, material or equipment without formal bidding when (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration."

Pros:

- Supports Resolution 11-77, reducing the City's municipal carbon footprint
- Leverages a DEP incentive which contributes to $6,669.08 of the total project cost

Con:

- None Identified

As noted above the total cost of both projects is $8,511.36, with funding utilized from the Green Program budget. Once complete, the upgrade will produce a combined estimated of $2,945.06 savings on energy per year.

Staff recommends City Council adopt a resolution authorizing the City Manager to enter into a sole source contract to purchase and install energy efficiency lighting as part of Duke Energy Progress' Small Business Energy Savers Program.

RESOLUTION BOOK NO. 39 - PAGE 141

C. RESOLUTION NO. 17-221 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A CONTINUUM OF CARE CONSOLIDATED GRANT APPLICATION AND, IF AWARDED, TO SIGN ALL NECESSARY DOCUMENTS WITH THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT TO ACCEPT THE FUNDS SUBSEQUENTLY AWARDED

Summary: The consideration of a resolution authorizing the submission of the Fiscal Year (FY) 2017 Continuum of Care Consolidated Grant Application and authorizing the City Manager to sign all necessary documents with the U.S. Department of Housing and Urban Development to accept the funds subsequently awarded.

Approval for submitting the FY 2017 Department of Housing and Urban Development Continuum of Care (CoC) Consolidated Grant Application for the annual CoC Competition on behalf of NC 501 Asheville-Buncombe Continuum of Care (CoC), accepting any funds subsequently awarded and authorizing the City Manager to sign awarded HUD contracts. The City of Asheville serves as the Continuum of Care (CoC) Lead for the Asheville-Buncombe CoC (NC 501). Each CoC Lead is responsible for submitting the community's consolidated application for project funding during the CoC Competition. For FY 2017-18, the Asheville-Buncombe CoC is eligible to apply for $1,170,932 in renewal funding. The renewal projects currently assist in housing more than 141 formerly homeless individuals with case management support. HUD CoC funding also provides the financial support necessary to operate the Homeless Management Information System (HMIS) in NC 501. An additional bonus of $70,256 is available to expand a Permanent Supportive Housing project and $35,128 is available for a CoC Planning Grant. The Planning Grant assists the Community and Economic Development Department in staff costs for CoC responsibilities related to homelessness.

The Homeless Initiative Advisory Committee (HIAC) appoints annually an ad-hoc Finance Subcommittee, comprised of individuals and agencies who did not apply for CoC funds, to review, score and rank the Continuum of Care project applications and make funding recommendations to the HIAC with an order of project priority. The Finance Sub-Committee's funding and ranking recommendations were approved unanimously by the HIAC. The HIAC recommended the following projects and order of priority to the Housing and Community Development Committee for the 2017 CoC Consolidated Grant Application.

Tier 1	GIW/ Funding	Project Type	Rank
Shelter Plus Care Asheville-Buncombe: Homeward Bound of WNC	$ 315,742	Permanent Supportive Housing	1
Permanent Supportive Housing Extreme Needs: Homeward Bound of WNC	$ 218,798	Permanent Supportive Housing	2
Homeless Management Information System: City of Asheville	$ 67,500	HMIS	3
Permanent Supportive Housing Extreme Needs 2: Homeward Bound of WNC	$ 56,244	Permanent Supportive Housing	4
Permanent Supportive Housing Extreme Needs 3: Homeward Bound of WNC	$73,311	Permanent Supportive Housing	5
Permanent Supportive Housing Extreme Needs 5: Homeward Bound of WNC	$ 152,197	Permanent Supportive Housing	6
Bridge to Recovery: Homeward Bound of WNC (Straddle between Tier I and Tier II)	$ 216,884	Permanent Supportive Housing	7

Tier 2	GIW/Funding	Type	
Bridge to Recovery: Homeward Bound of WNC	$ 70,135	Permanent Supportive Housing	
New Project: Expansion for Shelter Plus Care (Bonus) Homeward Bound of WNC	$ 70,256	Bonus Project	8

No rank required	Funding	Type	

CoC Planning Project: City of Asheville	$ 35,128	Planning Grant	n/a

NC-501 Annual Renewal Demand (ARD) is determined by HUD: $1,170,932

Project Applications must be ranked as part of the Consolidated Grant Application into Tier I or Tier II. The Tier percentages are pre-determined by HUD annually and a project may straddle between two Tiers to maximize an award of total funding:

- Tier I: is 94% of NC-501's ARD ($1,100,676)
- Tier II: is the difference between Tier I and NC-501's ARD ($70,135) plus the amount available for the CoCs permanent housing bonus (6% of NC 501's ARD =$70,256)
- CoC Planning Project ($35,128) – No rank required for Priority Listing
- Total of all grants for FY 2017 if awarded: $1,276,195

The Permanent Supportive Housing, the expansion bonus project, HMIS, and the CoC Planning grants, all support or subsidize quality affordable housing and align with the 2036 Council Vision on ending chronic homelessness and supporting an effective network of community service providers in the CoC. This recommendation also complies with the goals of the Five Year Strategic Plan on Homelessness in Buncombe County. The Housing and Community Development Committee recommended the approval of the order of project priority and submission of the FY 2017 Consolidated Grant Application; the adoption of a resolution approving the submission of the FY 2017 Continuum of Care Consolidated Grant Application and authorizing the City Manager to sign all necessary documents with the U.S. Department of Housing and Urban Development to accept the funds subsequently awarded.

Pro:

- Continuum of Care funding is a key funding resource for permanent supportive housing for homeless individuals and families, as well as operating the Homeless Management Information System, which is necessary for NC 501 to receive this vital funding.

Con:

- Program funding does not meet the full demand for the housing subsidy needed to assist all the low-income homeless households in the community that need secure permanent housing.

Program funding is entirely from the US Department of Housing and Urban Development, through the State of North Carolina. Existing Community Development division staff will administer the program. Matching funds for the CoC Planning Grant will come from Buncombe County. No general funds are requested to support this program.

Staff recommends City Council adopt a resolution authorizing the submission of the FY 2017 Continuum of Care Consolidated Grant Application and authorizing the City Manager to sign all necessary documents with the U.S. Department of Housing and Urban Development to accept the funds subsequently awarded.

RESOLUTION BOOK NO. 39 - PAGE 142

D. ORDINANCE NO. 4615 - FIRST READING OF ORDINANCE GRANTING A FRANCHISE AGREEMENT TO HERE TO THERE ADVENTURES FOR THE OPERATION OF A PEDAL BICYCLE TAXI SERVICE WITHIN THE CITY OF ASHEVILLE

Summary: The consideration of an ordinance granting a second franchise agreement for the operation of a pedal bicycle taxi service within the City of Asheville.

Asheville Bike Taxi, LLC has been operating a pedal bicycle service in downtown Asheville since November 2012 and there have been no reported traffic-related safety issues with the service. Asheville Bike Taxi, LLC has recently changed ownership and staff is currently working with the new owner to finalize the paperwork.

Staff has been working with an individual that is interested in starting another pedal bicycle taxi service within the City of Asheville under the business name of Here To There Adventures, LLC that would operate in the same service area as Asheville Bike Taxi, LLC. That service area includes the Central Business District, the River Arts District, and the Historic Montford District. In addition, it would be allowed to use SR 3548 (Clingman Avenue) from Clingman Avenue Extension to Hilliard Avenue in order to gain access to the River Arts District. The North Carolina Department of Transportation has confirmed that the subject service can use state-maintained streets except for fully-controlled access streets like the interstate system.

The service is prohibited from operating on public streets that have a speed limit of 35 mph or higher. The one exception is the section of Clingman Avenue that provides access to the River Arts District. This section of street has a bicycle climbing lane and the pedal bicycle taxis are required to use it.

The hours of operation would be Monday through Thursday 4:00 pm until 12:00 am with three vehicles operating, Friday 4:00 pm until 3:00 am with three vehicles operating, Saturday 12:00 pm until 3:00 am with one vehicle operating between 12:00 pm and 4:00 pm and three vehicles operating between 4:00 pm and 3:00 am, and Sunday 12:00 pm until 12:00 am with three vehicles operating.

A total of three vehicles will be available; two 2-seaters and one 4-seater and the business will employ five individuals.

The business owner understands and acknowledges that third-party advertising is not allowed on the outside of the vehicles.

This item was reviewed by the Public Safety Committee on August 28, 2017 and they unanimously recommended that it move forward to City Council for review and approval.

Franchise agreements require two readings at City Council meetings with the first one scheduled for October 3, 2017 and the second one scheduled for October 24, 2017.

Pros:

- Supports diversified job growth and business development.
- Enhances the visitor experience to downtown Asheville.
- Franchise agreement fees in the amount of $365 per year.

Con:

- Could impact vehicular traffic flow.

The City of Asheville receives franchise agreement fees in the amount of $365 per year.

Staff recommends that City Council approve an ordinance granting a franchise agreement to Here To There Adventures, LLC for the operation of a pedal bicycle taxi service within the City of Asheville.

ORDINANCE BOOK NO. 31 - PAGE 332

E. ORDINANCE NO. 4616 - BUDGET AMENDMENT FROM THE FEDERAL TRANSIT ADMINISTRATION FOR THE SECTION 5310 PROJECTS

Summary: The consideration of a budget amendment, in the amount of $324,507, across the Transit Operating and the Transit Project Funds, from the Federal Transit Administration, to set up the project budgets for the Enhanced Mobility of Seniors and Individuals with Disabilities Federal grant, Section 5310.

The City of Asheville is the designated recipient of the Enhanced Mobility of Seniors and Individuals with Disabilities program, which is a program of the Federal Transit Administration (FTA). This is a formula grant program oriented to improve mobility for seniors and individuals with disabilities by removing barriers to transportation service and expanding transportation mobility options.

This is a program of the Moving Ahead for Progress (MAP) 21 transportation bill passed by Congress in 2012 that consolidated the Elderly and Disabled program that distributed funds to the states and the New Freedom program that was a formula program in which the City was the region's designated recipient.

To be eligible, the program requires an intensive planning process and the development of a Coordinated Public Transportation and Human Services Transportation Plan or CTP-HSTP based on community participation. The CTP-HSTP was developed in conjunction with the French Broad Metropolitan Planning Organization (MPO), Buncombe, Henderson and Haywood Counties, human services agencies, public and private transportation providers, the North Carolina Department of Transportation and the general public to assess current transportation needs, identify gaps and to set goals.

The plan was approved on March 29, 2012 by the French Broad River MPO's governing body (the Board), which includes elected representatives from each of the eighteen local governments which make up the MPO. The CTP-HSTP set the region's priorities and identifies needs; the projects were selected on January 26th, 2017 through a competitive process led by the MPO.

City Council adopted Resolution No. 17-58 on March 28th, 2017 authorizing the City Manager apply to the French Broad River Metropolitan Planning Organization for Section 5310 Funds, and if awarded, to sign all the appropriate agreements.

The projects below were selected as city's sub-recipients for the 5310 program. The projects are listed as follows:

Sub-Recipient	Project	Amount funded	Sub-Recipient's match
Land of Sky -	Senior Companions Program	$23,706	$23,706
Henderson County	Vocational Solutions	$22,500	$22,500
Buncombe County	Supplemental Elderly and	$90,000	$22,500

	Disabled Assistance		
City of Asheville	ADA paratransit	$90,000	$22,500
Buncombe County	RIDE Program	$65,850	$65,850
City of Asheville	Program Administration	$32,451	N/A

Description of Projects:

Land of Sky (Senior Companions Program) - Provides companionship services to senior adults who are homebound and need additional assistance to stay independent in their homes for as long as possible.

Henderson County (Vocational Solutions) - Provides career and life skills training for adults with disabilities.

Buncombe County (Supplemental Elderly and Disabled Assistance) - Medical, shopping, and other trips for demand-response general public passengers who are disabled.

City of Asheville (ADA Paratransit) - Supports public transportation to meet specific needs for seniors and individuals with disabilities and ADA Paratransit services from Mountain Mobility.

Buncombe County (RIDE Program) - A curb-to-curb, subsidized transportation program that allows eligible participants to purchase private transportation services at a significant discount.

City of Asheville (Program Administration) - The funds will be used to administer the projects funded by this program and ensure compliance.

The city needs to set up project budgets in order to pass through the funds and will seek reimbursement directly from the FTA. The sub-recipients will be responsible for the match.

As the Designated Recipient, the City will be responsible for the Program Management to oversee the use of the funds according to FTA regulations. The program management will require the use of city resources, mainly staff. As Designated Recipient the City will use $32,451 for administration purposes, which will cover the program management expenses for approximately one year.

Pros:

- Project funding is provided by the FTA, 50% for operating projects and 80% of capital projects. The sub-recipients are responsible for the local match.
- The City is provided $32,451 for administration purposes, which does not require a local match.

Con:

- The grant totals $481,563, of which $324,507 are federal funds and $157,056 are the sub-recipient's matches.

The budget amendment, which reflects the Federal Funds totals $324,507 in the Transit Operating and Transit Project Funds. $32,451 will be reimbursed to the city for administrative costs. Asheville's local match for the provision of ADA paratransit services totals $22,500 and is already included in the existing FY 2017-18 Transit Operating Fund budget.

Staff recommends that City Council adopt a budget amendment in the amount of $324,507 from Federal Funds to budget for program cost for the 5310 projects funded.

ORDINANCE BOOK NO. 31 - PAGE 337

F. RESOLUTION NO. 17-222 - RESOLUTION ACCEPTING SHELBURNE DRIVE AND SHELBURNE WOODS DRIVE AS CITY STREETS

Summary: The consideration of a resolution to accept Shelburne Drive and Shelburne Woods Drive as City streets.

Shelburne Woods Development, LLC has developed a 9-unit single-family residential community off of Shelburne Drive in West Asheville that will be served by a newly constructed street known as Shelburne Woods Drive. In order to gain access to the nearest public street, which is SR 3412 (Sand Hill Road), Shelburne Drive, an existing privately-maintained street, had to be upgraded to current City standards.

Shelburne Drive from SR 3412 (Sand Hill Road) to Shelburne Woods Drive is a developer-constructed street that has an average width of 20 feet with 24-inch curb and gutter on the north side of the street, grass shoulder on the south side of the street, a length of 0.09 mile, and a right-of-way width of 25 feet (The right-of-way at the end of Shelburne Drive as it connects with Shelburne Woods Drive is 40 feet as shown in plat book 164 page 174).

Shelburne Woods Drive from Shelburne Drive to its dead-end (on both sides of Shelburne Drive) is a developer-constructed street that has an average width of 20 feet with grass shoulders, a length of 0.05 mile, and a variable right-of-way width of 35 to 37.5 feet.

Transportation Department staff, Fire Department staff, Planning Department staff, and Public Works Department staff inspected the subject streets and determined that they were constructed according to current standards as indicated in the City of Asheville's Standard Specifications and Details Manual.

Following City Council's approval of this resolution, the subject streets will be added to the official Powell Bill List.

Pros:

- The City of Asheville will receive Powell Bill Funds from the North Carolina Department of Transportation (NCDOT) to help maintain the streets.
- The streets provide access to residential properties.

Con:

- Powell Bill Funds will not cover 100% of the total cost to maintain the streets.

There will be no initial financial impact to the City, although the responsibility of maintenance will belong to the Public Works Department. The City will receive Powell Bill Funds in the future to help maintain the streets.

Staff recommends that City Council accept Shelburne Drive and Shelburne Woods Drive as City streets.

RESOLUTION BOOK NO. 39 - PAGE 143

G. RESOLUTION NO. 17-223 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FITCH AND ASSOCIATES TO

PROVIDE MASTER PLANNING SERVICES FOR THE ASHEVILLE FIRE DEPARTMENT

Summary: The consideration of a resolution authorizing the City Manager to execute a contract with Fitch and Associates, in the amount of $44,995, to provide master planning services for the Asheville Fire Department.

On April 21, 2017, the City issued a request for proposal (RFP) seeking a qualified consultant to develop a master plan for the Asheville Fire Department. Two firms, Fitch and Associates and Brooks Innovative Solutions, responded to the request. Representatives from the Fire Department reviewed the proposals and felt that both firms were qualified and should be interviewed. An RFP review committee was assembled utilizing internal and external resources to conduct interviews.

The group conducted phone interviews of both firms and scored their responses on a number of criteria including: demonstrated ability to perform the work, examples of data analysis and presentation, completeness of the proposal, and cost. Additionally reference checks were completed to confirm the information gather from the proposals and the interviews.

After the interviews and reference checks, Fitch and Associates is being recommended to complete the Fire master plan work. Fitch and Associates scored the highest and although price was only one criteria for selection, they presented the lowest price proposal at $44,995.

Fitch and Associates will perform master planning services which include a review of community characteristics, current services, and community expectations for service. They will complete and validate a risk assessment for the service area and measure the systems historical performance. They will also perform an analysis of the financial sustainability of the department. All of this will be completed using a comprehensive public engagement process.

The International Association of Fire Fighters (IAFF) has reached out to the City to offer the services of master plan development at no cost. This is a service that they provide to their member agencies. While the IAFF has been performs master planning in other communities and is trusted to produce good reports, the City has decided to pursue the completion of this work through a contract with Fitch and Associates. Working with Fitch provides a third party validation of past planning and will present a product that limits suspicion of bias that may be associated with working closely with groups that have an past affiliation with AFD.

This recommendation will be reviewed by the Finance Committee at the October 3, 2017, meeting and if there is anything other than unanimous support, it will be brought up at the Council meeting.

Pros:

- Allows the City to get a third party analysis of its Fire resources and operations.
- Evaluation of the inventory of stations and staffing to ensure that efficient and complete coverage is available.

Con:

- Expenditure on this analysis will impact the City funding availability for other expenditures.

Funding for this contract is included in the adopted general fund budget.

City staff recommends City Council authorize the City Manager to execute a contract with Fitch and Associates in the amount of $44,995 to provide master planning services for the Asheville Fire Department.

RESOLUTION BOOK NO. 39 - PAGE 145

H. RESOLUTION NO. 17-224 - RESOLUTION DIRECTING THE CITY CLERK TO ADVERTISE FOR THE SALE OF 10.37 ACRES OF REAL PROPERTY LOCATED AT 550 NEW AIRPORT ROAD TO AVL HOLDINGS, LLC; AND IF NO OTHER BIDS ARE RECEIVED OR ACCEPTED, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO CONVEY REAL PROPERTY SUBJECT TO AN EXISTING GROUND LEASE

Summary: The consideration of a resolution directing the City Clerk to advertise for upset bids for the sale of 10.37 acres of real property located at 550 New Airport Road to AVL Holdings, LLC; and if no other bids are received or accepted, authorizing the City Manager to execute any and all documents necessary to convey real property subject to an existing ground lease.

The City of Asheville owns 10.37 acres of property located at 550 New Airport Road. In 1980, the City entered into a 60 year ground lease for the property to be developed as a hotel. The property was improved with a 152 room facility containing approximately 32,217 square feet and opened in 1983 as a Holiday Inn. The existing lease has been assigned to different entities since its inception and the current tenant, Fletcher Hospitality, Inc. came into place in 2013 to operate the hotel as a Clarion Inn. The lease is structured as a gross sales lease and the City receives a 4.5% percent of gross receipts per year in ground rent. In fiscal year 2016-2017, the City received an annual sum of $161,250 to the City's General Fund.

The lease commenced once the original hotel improvements were completed and currently, the lease term has 26 years remaining within the total 60 year lease period. With the current configuration and age of the hotel improvements, it is evident that the property is not fully developed to its maximum capacity. The ground lease allows for further development of undeveloped site area; however, in conversations with the current tenant, the existing term and structure of the lease are prohibitive for development of the outparcels. The tenant cites concerns with being able to achieve financing for the type of dense improvements that the site could support and the inability to use ownership of the underlying land as collateral. The property was formerly part of the airport property and as such is subject to certain FAA requirements regarding development, of which the tenant is aware.

The tenant has come forward with the desire to purchase the site in fee simple under a different entity name-AVL Holdings, LLC. The City procured an appraisal of the site that included specific assumptions, as follows: (1) the hotel improvements are wholly owned by the tenant and therefore the appraisal is of the value of the land only and (2) the appraisal assumes that the land is unencumbered by the existing ground lease. The appraisal established a fair market value of the free and clear land as $7,164,000 and AVL Holdings, LLC has come forward with a bid to purchase the land at that price point.

If City Council approves the following resolution, the City Clerk will be directed to publish an advertisement for upset bids for a period of 10 days, in which any interested party may upset the current bid of $7,164,000. The statutes require that a qualifying bid must increase the current offer by 10% of the first $1,000 and 5% of the remainder (i.e., $7,522,250 or higher). The property is to be sold subject to the existing lease. If the current bidder succeeds within the upset bid

process, they will have the ability to terminate the lease, which will be assigned by the City as part of the purchase transaction, and redevelop the property to its highest and best use if they choose to do so.

Pros:

- Sale of the real estate asset allows for a one-time receipt of revenue in the amount of $7,164,000.
- The purchase price is at fair market value.

Con:

- If the property is sold, annual rental funds will cease and operating budget will need to be reduced by $160,000.

Should the upset bid conclude and the sale go through, the City will receive $7,164,000 in proceeds. This revenue is currently unbudgeted and further policy direction will be requested at the appropriate time to determine the allocation of those funds. Also as noted above, the City's General Fund would see a reduction of approximately $160,000 in annual revenue.

Staff recommends directing the City Clerk to advertise for upset bids for a property located at 550 New Airport Road, subject to an existing ground lease; and if no other bids are received or accepted, authorizing the City Manager to execute any and all documents necessary to convey real property.

RESOLUTION BOOK NO. 39 - PAGE 146

I. RESOLUTION NO. 17-225 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A ONE-YEAR EXTENSION WITH RIVERTOP CONTRACTING INC. FOR THE DOWNTOWN CLEANING PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute, on behalf of the City of Asheville, a one year extension in the amount of $250,026 plus a contingency of 15% ($37,504) with Rivertop Contracting Inc. for the contract known as Downtown Cleaning, and further authorizing the execution of any change orders to said contract which may arise during execution of said contract up to the budgeted amount of $300,000.

Rivertop Contracting started working the current extension on October 1, 2016, and will exhaust the funding by October 31 2017. The proposed extension will take effect at that time and will continue until the current funding is exhausted.

The City may elect to renew the contract for one additional one year period. Renewal shall be subject to approval by City Council.

Pros:

- Will result in the most heavily used areas of the CBD being pressure washed completely 4 times in the life of the contract and the lesser used areas being pressure washed completely 2 times in the life of the extension.
- Will result in undesirable vegetation being removed from City sidewalks, curblines and tree grates

Con:

- Contract management and contract administration will consume staff time.

$300,000 was budgeted for Downtown Cleaning in the general fund. This amount was approved by City Council and included in the Fiscal Year 2017-2018 budget.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute, on behalf of the City of Asheville, a one year extension of the current Downtown Cleaning contract in the amount of $250,026 plus a contingency of 15% ($37,504) with Rivertop Contracting, Inc. for the contract known as Downtown Cleaning and further authorizing the execution of any change orders to said contract which may arise during execution of said contract up to the budgeted amount of $300,000.

RESOLUTION BOOK NO. 39 - PAGE 147

J. RESOLUTION NO. 17-226 - RESOLUTION APPROVING A FEE GRANT PROGRAM FOR AFFORDABLE HOUSING DEVELOPMENT IN THE CITY OF ASHEVILLE

Summary: The consideration of a resolution authorizing the City Manager to accept the revised Fee Grant Program for Affordable Housing.

This staff report summarizes recommendations for revised Affordable Housing fee grant program including both federal HOME for-sale price limits with gap subsidy, and a lower for-sale price limit to encourage other housing homeownership models with limited or no gap subsidy. The Affordable Housing fee rebate program was implemented by the City to support a long-standing City goal to create and preserve Affordable Housing in the City. The fee rebate program was suspended in June 2017 by the Housing and Community Development Committee (HCD) due to lack of use as well as the need for City staff to explore alternative ways of funding this incentive. Since then, the Affordable Housing Advisory Committee (AHAC) has explored the HOME for-sale price limits and has suggested incorporating these price limits in a revised program. This policy proposal incorporates those for-sale price limits as well as those that encourage additional housing-types for home ownership.

The HCD reviewed this proposal at its September 19, 2017, meeting and recommends City Council approve the Fee Grant Program for Affordable Housing. Additionally, the AHAC and staff will continue to explore ways to increase capacity for incentivizing affordable homeownership.

Proposed Fee Grant Program:

1. Program Requirements: The City of Asheville's fee grant program provides a flat rate grant for City services including building permits, water connection and sewer facility fees associated with the construction or preservation of new affordable housing. In order to qualify for the program, the following criteria must be met:

a. Participation: Available to developers who currently participate in a federal, state, or local affordable housing program and for-profit developers, sole-proprietors, 501c3's not participating in a local or federal affordable housing program with a minimum fifteen (15) year affordability period mechanism in place.

b. Grant Amount: Over the last five years, there have been 116 for-sale rebates for a City average of $1,075 per unit and 261 rental rebates with a City average of $640 per unit. Based on these figures, staff proposes the following flat grants for the fee grant program:

	Rental (per unit)	For-Sale (per unit)
100% AMI	-	$2,000
80% AMI	$1,000	$2,500
60%AMI	$2,000	$3,000

c. Affordability Period: The unit(s) must have an affordability period based on the following criteria:

Housing Type	Affordability Period
Rental	25 Years
For-Sale	15 Years*

**City preference for for-sale properties is that affordability periods are held in perpetuity, and will take unique lending structures whose intent is perpetuity, into consideration.*

d. For Sale Price: The eligibility for for-sale units shall be based on the sales price of the unit with evidence of a closing statement and verified income eligibility of the buyer by City underwriting process. Household must have annual income of 100% AMI or less with household expenses no more than 30% of the total household income. To qualify, the for-sale price limits must either:

1.) Fall at or below the current HOME Purchase Price Limit (published annually for the U.S. Department of Housing and Urban Development) with adequate gap subsidies from a third party to maintain affordability for the income eligible household, or

2.) Meet the City's for-sale housing price limits with no gap subsidy requirement.

Sale prices are adjusted annually and will be available via the Community and Economic Development Department. At the time of policy creation, the For-sale limits were as follows:

1. **HOME Purchase Price with Gap Subsidy Requirement**

No. of Units*	Maximum Sales Price with Gap Subsidy**
1-unit	$224,000
2-unit	$286,000
3-unit	$347,000
4-unit	$430,000

**Number of units is based upon number of units: single-family and attached housing.*

***Gap subsidy is provided by a third party, and keeps the for-sale price at market rate households' housing expenses at or below 30% of the household income, including utilities.*

2. **Sales price with no gap subsidy requirement**

No. of Bedrooms	Maximum Sales Price with No Gap subsidy**
0 Bedrooms (Efficiency)	$124,000
1 Bedroom	$145,000
2 Bedroom	$172,000
3 Bedroom	$200,000

***"No Gap Subsidy" assumes a 10% down payment by the buyer. Underwriting of the buyer is still a requirement.*

e. Performance Based Program: Fees are only granted following the receipt of evidence that the program requirements have been met. At any time should the unit be out of compliance, the City reserves the right to recapture grant fees and collect 10% interest on those fees.

f. Housing Types: All housing types will be considered, including rental units and homeownership units.

3. Enforceability: If the Participant defaults in any of the Program Requirements of the Affordable Housing Fee Grant Program, or, sells, assigns, transfers or conveys all or any part of the Property without notifying the City and submitting a release or transfer request prior to the end of the affordability period terms, then the City, at its option, may without further notice, declare the entire fee grant, together with all interest accrued thereon, immediately due and payable with a 10% per annum penalty until paid. Failure to exercise this option shall not constitute a waiver of the right to exercise the same at any other time.

Pro:

- The recommendations are consistent with City's Comprehensive Affordable Housing Strategy.

Con:

- None noted.

Staff will work with existing 2017-18 budget to implement this program, monitor financial impact and report back in 6 months.

Staff recommends City Council adopt a resolution adopting Fee Grant Program for Affordable Housing.

RESOLUTION BOOK NO. 39 - PAGE 148

K. RESOLUTION NO. 17-227 - RESOLUTION APPROVING THE 2017 LIMITED OBLIGATION BONDS

RESOLUTION NO. 17-228 - RESOLUTION AND BOND ORDER FOR THE 2017 SPECIAL OBLIGATION BONDS

Summary: The consideration of an approving resolution for the 2017 Limited Obligation Bonds (LOBs) and a bond order for the 2017 Special Obligation Bonds (SOBs) to refinance the City's installment financing obligations related to projects financed in 2016 through short-term Limited Obligation Bonds.

On September 12, 2017, City Council convened a public hearing for the 2017 Limited Obligation Bonds and Special Obligation Bonds to be sold on October 12, 2017.

- Limited Obligation Bonds. The City has the power, pursuant to North Carolina General Statutes, to (1) purchase real and personal property, (2) enter into installment contracts in order to finance the purchase of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased to secure repayment of the purchase price. The purpose of the 2017 LOBs is the refinancing of the City's installment financing obligations related to a portion of the 2016 Projects and, to the extent the City can achieve debt service savings, a portion of the 2012 Projects, in an aggregate principal amount not to exceed $31,200,000.

  The City's obligations related to the 2017 Limited Obligation Bonds are subject to annual appropriation and will be secured through the master indenture including the City Hall building, the Municipal Building and the Public Works Administration Building.

- Special Obligation Bonds. The City is authorized, under G.S. 159I-30 to issue, subject to the approval of the Local Government Commission, special obligation bonds of the City, for the purposes specified under the Act. The purpose of the 2017 SOBs is the refinancing of the City's installment financing obligations related to a portion of the 2016 Projects, specifically those located within the City's established Municipal Service Districts, or Innovation Districts, and meeting the criteria for special obligation debt.

  Special Obligation Bonds are secured by taxes and fees not levied by the municipality. These include sales and utility taxes.

Debt Service costs are approximate until the final contract is complete; the true interest cost shall not exceed 5.00% for the LOBs and SOBs.

Pros:

- Provides funding of capital expenditures at a very favorable effective interest rate.
- Financing capital purchases spreads the cost of acquisition over the useful life of the asset.
- The financing conforms to the approved Financing Plan for capital expenditures.
- Debt Service savings on the 2012 LOBs.

Con:

- Financing the purchase increases nominally the lifetime cost of the acquisition due to the payment of interest and closing costs on the amount financed.

The annual debt service payments for this financing range between approximately $949,000 in the first year and approximately $819,000 in the fifth year. Funds are included in the City's FY 2017-18 proposed debt service budget to cover this cost.

City staff recommends that City Council (1) adopt the resolution approving the refinancing of a portion of the 2016 Projects and, to the extent the City can achieve debt service savings, a portion of the 2012 Projects, under the Contract, including Amendment Number Two, and the pay the costs of entering into financing, in an aggregate principal amount not to exceed $31,200,000; and (2) adopt the bond order approving Special Obligation Bonds to be issued pursuant to the GS

159I-30 to raise the money required, in addition to any funds which may be made available for such purpose from any other source, to (a) refinance a portion of the costs of the 2016 Projects and (b) pay the costs of issuing the Special Obligation Bonds for a principal amount not to exceed $20,000,000.

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RESOLUTION NO. 17-228 - RESOLUTION BOOK NO. 39 - PAGE 153

L. RESOLUTION NO. 17-229 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CHANGE ORDER WITH TENNOCO CONSTRUCTION COMPANY WHICH WOULD ALLOW FOR AN INCREASE FOR THE AUTHORIZED CONTRACT AMOUNT FOR THE CRAVEN STREET IMPROVEMENTS PROJECT

Summary: The consideration of a resolution increasing the signature authority for the City Manager by $28,854.96 to enter into a change order necessary for the final payment of seasonal pay items (plantings completed in the spring of 2017) and quantity over-runs for large pay item increases such as the soil nail walls associated with the greenway for the Craven Street Improvements Project with Tennoca Construction Company for a total contract amount of $7,115,425.62.

On June 12, 2012, City Council approved a contract with ColeJenest & Stone for professional services for the design of the Craven Street Improvement project. This project includes improvements to the existing two lane roadway by implementing a complete street approach to the design. The new facility includes bike lanes, sidewalks, stormwater improvements, stream restoration, greenway, parking areas and roadway improvements. The bids for the project were opened on June 17, 2014 and the City of Asheville determined Tennoca Construction Company to be the lowest responsive and responsible bidder for the project. On June 24, 2014, City Council approved the contract with Tennoca Construction Company, Inc. for $6,001,365.79 and authorized the City Manager to enter into change orders to this contract not to exceed $900,204.87 for a total budget amount of $6,901,570.66. On February 23, 2016, City Council authorized the City Manager to negotiate and execute change orders not to exceed $185,000 for a total amount of $7,086,570.66.

The City has five funding partners on this project, Golden Leaf Foundation has provided $300,000, the Economic Development Administration from the Department of Commerce has partnered to provide approximately $1.12M, the Clean Water Management Trust Fund through RiverLink has provided $365,000 and the Tourism Development Authority (TDA) has provided $150,000 toward this great project. Also, Metropolitan Sewerage District (MSD) partnered for $35,000 for efforts associated with the sewer line improvements along the greenway. The remaining cost of the project is being paid through the Stormwater Fund, Water Fund, Parking Funds and General Fund utilizing a combination of pay-go funds and debt proceeds.

Tennoca Construction Company has performed the construction services necessary to provide improved transportation connections (including pedestrian, bike and vehicular) to the Craven Street area.

The City and New Belgium Brewery (NBB) has an existing Memorandum of Understanding (MOU) in place, which has allowed the City and NBB to partner on cost saving measures for both the City project and the construction project of NBB.

The Craven Street Project is complete. This requested increase of $28,854.96 in the City Manager's authority to enter into a change order for the construction contract will allow for final

payment of seasonal pay items (plantings completed in the spring of 2017) and quantity over-runs for large pay item increases such as the soil nail walls associated with the greenway. This change order will utilize unencumbered funds which will be allocated toward the contract.

This project follows the commitment made to New Belgium Brewery to make improvements in this area. The project further benefits the environment by placing Stormwater Control Measures in place to provide water quality treatment in the area. The project also helps to develop multimodal transportation connections.

Pros:

- The Project has made improvements to the transportation options in this area, including vehicles, pedestrians and bike facilities
- Allows the contractor to be paid for their services
- Provides safe access for the citizens that visit this area
- Improves the environment through water quality devices and stream restoration
- Makes safety improvements to the intersection of Hazel Mill Road and Craven Street
- Provides bike lanes, sidewalk and a greenway to the area

Con:

- None

The current authorized construction contract amount totals $7,086,570.66. The additional contract authority of $28,854.96 that is requested will bring the total construction contract authority to $7,115,425.62. There is sufficient funds within the project to cover this change order.

City staff recommends City Council approve a resolution authorizing the City Manager to enter into a change order with Tennoca Construction Company which would allow for an increase in the contract amount from $7,086,570.66 up to an additional $28,854.96 for the existing contract with Tennoca Construction Company to a total authorized contract amount of $7,115,425.62.

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M. RESOLUTION NO. 17-230 - RESOLUTION ACCEPTING ADDITIONAL FISCAL YEAR 2016-17 EMERGENCY SOLUTIONS GRANT FUNDS AND PROVIDE FUNDS TO SELECTED AGENCIES

Summary: The consideration of a resolution authorizing 2016-17 Emergency Solutions Grant additional awards.

The State of North Carolina Division of Aging and Adult Services (DAAS), Housing and Homeless Unit has awarded Emergency Solutions Grant funds to the City of Asheville in order to fund local agencies to provide emergency shelter and rapid rehousing services for homeless individuals and families. Additional awards have been made for FY 2016-17 due to reallocation.

The State of North Carolina Division of Aging and Adult Services (DAAS), Housing and Homeless Unit issued an Additional Funds Notification in early August with the following criteria:

- Request for additional funds for activities that grantees already have.
- Cannot request more funds than the current FY 2016-17 award.
- Ability to spend the additional funds by 12/31/17.
- Agency must have attended the recent requisition webinar.
- Funding priority determined by current grant expenditure rates.

Helpmate and Salvation Army have been awarded additional support for Emergency Shelter Operations. The City of Asheville is also eligible to receive Homeless Management Information System funds. Homeward Bound did not request additional funds for Rapid Rehousing given the requirement to expend them before the end of the calendar year. All of the State's criteria have been met by the agencies being recommended for the grant awards in the amounts listed below.

2016-17 ESG Awards					
	Emergency Response	Rapid Rehousing	HMIS	Additional Funds	Total
Homeward Bound		$34,558			$34,558
Salvation Army	$20,125			$15,176	$35,301
Helpmate	$28,671	$28,000		$17,801	$74,472
City of Asheville			$2,000	$2,000	$4,000
TOTAL AWARD	$48,796	$62,558	$2,000	$34,977	$148,331

The Housing and Community Development Committee's recommended to accept an additional $34,977 in Emergency Solutions Grant funds from the State Division of Aging and Adult Services (DAAS), Housing and Homeless Unit for the projects awarded.

Pro:

- The Emergency Solutions Grant program is a key funding resource for emergency shelter and for rapid rehousing of persons experiencing homelessness.

Con:

- None noted.

Program funding is entirely from the US Department of Housing and Urban Development, through the State of North Carolina. Existing Community Development Division staff will administer the program. No general funds are requested to support this program.

Staff recommends City Council adopt a resolution authorizing the City Manager to accept an additional $34,977 in Emergency Solutions Grant funds from the State Division of Aging and Adult Services (DAAS), Housing and Homeless Unit for the projects awarded.

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N. ANNOUNCEMENT OF A REQUEST TO RENAME THE MONTFORD RECREATION CENTER TO THE TEMPIE AVERY COMMUNITY CENTER AND TO ACCEPT THE DONATION OF A HISTORICAL PLAQUE TO BE PLACED ON THE SITE TO HONOR THE CONTRIBUTIONS OF TEMPIE AVERY

Summary: Announcement of a request to rename the Montford Recreation Center to the Tempie Avery Community Center, a prominent African-American nurse and midwife who lived on the site of the Montford Recreation Center, and to accept the donation of a historical plaque to be placed on site to honor the contributions of Tempie Avery.

The City of Asheville has received a request from community member Cathryn McLeod, and Martha Warren (a descendant of Tempie Avery) to rename the Montford Recreation Center to the Tempie Avery Community Center, and to donate a historical plaque to be located on site.

Tempie Avery was a well-known and respected community member in both black and white communities in Asheville. She was a former slave of the Nicholas Woodfin family. After her emancipation, Avery worked as a nurse and midwife in both the black and white communities of Asheville. Avery was conveyed a plot of land at 34 Pearson Drive by the Woodfin family and resided there until her death in 1917. The present day Montford Recreation Center is located where her house was once located.

Pursuant to the City's policy on naming public facilities, Ms. McLeod submitted the renaming proposal including 200 signatures of people who reside within the city limits of Asheville. The City Clerk's office has verified with the Buncombe County Board of Elections that more than 30 signatures on the request are registered voters of the City.

Ms. McLeod presented the renaming proposal to the (1) Historic Resources Commission on August 9, 2017, (2) African American Heritage Commission on August 11, 2017, and (3) Recreation Board on September 11, 2017. The proposal received support from all three of the boards and commissions. The Recreation Board recommended the name become the Tempie Avery Montford Community Center as a means to retain the association to the Montford area.

The proposal was presented to the Montford Neighborhood Association on September 13, 2017, and received unanimous support.

Also pursuant to the City's naming policy, Council shall make the announcement at a scheduled public meeting as to provide for an opportunity to receive input from appropriate sources. Prior to voting, the Council may solicit the advice of surrounding property owners, residents, affected parties and other City officials or anyone else that the Council believes can contribute meaningful input.

In order to receive that input, Council will make a decision at its next regularly scheduled meeting.

The cost to the City to support the renaming of the Montford Recreation Center to the Tempie Avery Community Center is $8,000 - $10,000 for the center identification sign. The funds to support the cost are budgeted in the City's Capital Improvement Program for the Parks and Recreation Department. There is no cost associated with the historical plaque since it will be donated to the City.

The Historic Resources Commission and the African American Heritage Commission recommend renaming the Montford Recreation Center to the Tempie Avery Community Center, and to place a historical plaque on-site to honor Tempie Avery. The Recreation Board recommends the renaming of Montford Recreation Center to the Tempie Avery Montford Community Center, and to place a historical plaque on-site to honor Tempie Avery.

The following individuals spoke in support of renaming the Montford Recreation Center to the Tempie Avery Community Center in honor of Tempie Avery:

Mr. Joe Newman
Ms. Sharon Fahrer
Mr. Keir Walker, direct descendant of Tempie Avery
Ms. Cathryn McLeod
Ms. Martha Warren, direct descendant of Tempie Avery

Mayor Manheimer explained the pursuant to the City's naming policy, the public may provide input prior to Council's consideration of the renaming on October 24, 2017.

Councilman Young thanked those that did all the diligent work to bring this forward to Council. He was enamoured that African Americans have contributed so much to Asheville, and hoped that more stories will come out in the public eye and be encapsulated with recognition.

Councilwoman Mayfield hoped that this is the first of many opportunities to celebrate the history of people in our City that don't often get celebrated.

Councilman Bothwell noted that on October 9, 2017, at Noon at 68 Haywood, there will be a free public lecture on the African American history of Asheville.

K. RESOLUTION NO. 17-231 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH PHILLIPS & JORDAN INC. FOR THE NORTH FORK SPILLWAY AND EMBANKMENT IMPROVEMENTS PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a Construction Agreement with Phillips & Jordan, Inc., for the bid amount of $34,928,000.00 plus a contingency amount of $5,239,200.00 for a total project budget in the amount of $40,167,200.00 for the North Fork Spillway and Embankment Improvements Project.

The North Fork Dam was built in 1955 following a severe drought. Since that time, state regulations have been updated to require reinforcement of dams to ensure their integrity in the event of an emergency (e.g. severe flooding and damage from seismic activity). As a result, the North Carolina Department of Environmental Quality (NCDEQ) is requiring the City of Asheville to construct a second spillway at the North Fork Dam for two reasons: (1) the current spillway is not large enough to contain Probable Maximum Precipitation (or PMP, aka severe flooding from a major storm); and (2) growing concern with earthen dams needing to be buttressed, which are inflexible and will prevent the dam from falling over. Phase I of the project, which involved engineering and construction for the Intake Tower Structure and Water Conveyance Conduit Repairs, has been completed at a cost of $2.7 million. This work was required in order to move onto Phase II, which is the larger part of the project - the North Fork Spillway and Embankment Improvements.

The original estimate for this work was $40 million in 2012. After bidding the project, the actual cost for engineering, permitting, and construction will be approximately $49 million. Over the six year life of this project, there has been $14,594,925 set aside for the completion of a portion of the work. Additionally it has been planned that the balance of the project costs would be debt financed up to $40 million. At this point it appears that the total of $54,594,925 planned to fund the project will be more than enough to fully fund the work. This construction project must move forward to meet NCDEQ regulations and ensure the integrity of the dam.

On October 19, 2016, the Water Resources Department (WRD) issued a Request for Qualifications (RFQ) to prequalify general contractors for the North Fork Spillway and Embankment Improvements Project. The City's pre qualification process assesses contractors in several areas (e.g. experience, references, licensing, bonding, litigation/claims, safety record, historically underutilized business plan, etc.) to determine if they are qualified to bid on a project of this size and scale. Project engineers Schnabel Engineering South, P.C., and WRD staff prequalified 10 contractors to bid on the project.

On July 17, 2017, the WRD issued an Advertisement for Bids for the project. The scope of work for this project generally consists of excavation and construction of a new Auxiliary Spillway, installation of filter drains, seismic stability berms, and instrumentation on the main dam and saddle dam, construction of a parapet on the main dam, installation of a temporary raw water

bypass, construction of an extension to the outlet works conduit and associated piping and valving, construction of access roads and slope stabilization measures, erosion and sediment control, intake tower modifications, demolition of existing gates in the principal spillway and construction of new weirs and gate in the principal spillway, concrete overlay of the principal spillway chute, construction of a bridge over both spillways, and miscellaneous support structures, cofferdams, electronics, and mechanical systems at the North Fork Reservoir in Black Mountain, NC. The work will be performed within a period of 2.5 years.

In response to the Advertisement for Bids, the department received six bids on September 14, 2017. Companies responding were:

1. Phillips & Jordan, Inc.; Knoxville, TN – Bid: $34,928,000.00
2. ASI Construction, LLC; Pueblo West, CO – Bid: $35,447,808.00
3. Crowder Construction Company; Charlotte, NC – Bid: $37,935,209.50
4. Morgan Corporation; Duncan, SC – Bid: $41,661,149.00
5. Thalle Construction Company; Hillsborough, NC – Bid: $35,550,000.00
6. GLF Construction Corporation; Miami, FL – Bid: $40,975,270.00

Following a review of the bids by City Staff and the project engineers, Schnabel Engineering, Phillips & Jordan, Inc., was selected as the lowest responsible, responsive bidder for the bid amount of $34,928,000.00. A contingency amount of $5,239,200 has been added for a total project budget in the amount of $40,167,200.

Pros:

- This project is required to upgrade the North Fork dam and spillway to comply with State regulations.
- This project is aligned with the City and the WRD goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.

Con:

- There will be an increase in construction traffic and noise near the project location for approximately 2-2.5 years. The project engineers and WRD, with guidance from the City's Communication and Public Engagement Division (CAPE), held several community meetings to educate local residents about the project, agree on a construction hours, answer questions, and alleviate concerns. The City also has a dedicated Projects Webpage that provides additional information to the public.

The funding needed for this agreement is currently allocated within the North Fork WTP Dam/Tunnel Repairs Project in the Water Resources Capital Improvement Projects (CIP) Fund. The cost of this project will be funded with the issuance of debt proceeds (up to $40 million) and funds currently allocated in the CIP Fund Project Budget.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a Construction Agreement with Phillips & Jordan, Inc., for the bid amount of $34,928,000.00 plus a contingency amount of $5,239,200.00 for a total project budget in the amount of $40,167,200.00 for the North Fork Spillway and Embankment Improvements Project.

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L. MOTION TO SUPPORT OF A PROMOTIONAL CAMPAIGN TO ENCOURAGE LOCAL RESIDENTS TO SHOP DOWNTOWN FOR THE HOLIDAY SEASON

Summary: The consideration of a motion to support a promotional campaign to encourage local residents to shop downtown for the holiday season, including a program that would result in lost revenue to the Parking Enterprise Fund in the amount of $4,500.

In coordination with downtown stakeholders including the Asheville Downtown Association, Downtown Commission and Asheville Grown Business Alliance, and in alignment with City Council's Strategic Priorities of supporting a Thriving Local Economy and Connected and Engaged Community, staff is proposing a promotional program to encourage shopping and patronage at downtown businesses this holiday season. This year's program will be treated as a pilot, helping to inform future recommendations and other tools for supporting City Council's Priorities.

The promotional campaign includes refurbishing the City's holiday wreaths and expanding the Downtown Winter Lights program. Additionally staff is proposing that vouchers be distributed that offer one additional free hour of parking in the City's garages on the six Saturdays between the Holiday Parade and Christmas. As proposed, Parking Services would sponsor a total of 3,000 vouchers with the intent for 500 to be distributed for each Saturday of the program. The vouchers would be marked with a special symbol, and distributed to downtown merchants interested in participating via the Asheville Downtown Association and Asheville Grown Business Alliance. The vouchers would then be given to customers directly by the merchant businesses. Parking Services staff would honor the vouchers during manned hours (10 AM - 7 PM) on the following six Saturdays of 2017: November 18, November 25, December 2, December 9, December 16, December 23.

Feedback from the Asheville Downtown Association, Downtown Commission and Asheville Grown is that finding parking is a hinderance to local citizens shopping and patroning downtown businesses. Offering parking incentives is a tool that other cities deploy successfully during the holidays to support businesses and encourage use of off-street structured parking facilities. Stakeholders have recommended consideration of this type of program for several years, and the Downtown Commission endorsed the idea in 2016 and 2017.

These activities are designed as a measure to support City Council's Strategic Priority of a Thriving Local Economy. With the development of a toolbox underway, the goal is to support a diverse and healthy economy, including support for small, local, homegrown businesses. In addition to the wreath refurbishment and Downtown Winter Lights expansion, the parking tool can be deployed and tested as part of a multifaceted approach to supporting these businesses.

This program is also a result of work and coordination with neighborhood non-profit organizations and local businesses, aligned with City Council's Strategic Priority of supporting a Connected and Engaged Community. Not only was the program conceived in coordination with these organizations, but it's execution and success is reliant on, and builds upon continued partnership.

The Finance Committee will be reviewing this item at their October 3, 2017, meeting and if there is anything other than unanimous support it will be brought up in the Council meeting.

Pro:

- Incentive to encourage downtown shopping and support downtown businesses

Con:

- Lost revenue of $4,500 to the Parking Enterprise Fund

If approved, the parking voucher program will result in estimated lost revenue in the Parking Enterprise Fund of up to $4,500. This fiscal impact was contemplated during the budget process, and revenue estimates in the Parking Enterprise Fund were adjusted accordingly.

City staff recommends City Council support this cross-departmental program and resulting potential $4,500 loss of revenue to the Parking Services Enterprise Fund.

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilman Bothwell moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. FINAL REPORT ON THE ENTREPRENEURIAL IMPACT OF OUTDOOR SPECIAL EVENTS

Mr. Jon Fillman, Economic Development Specialist, said that on August 25, 2015, Asheville City Council adopted a resolution authorizing an application for grant assistance from the Appalachian Regional Commission (ARC) to fund an innovative research study that would seek to identify and quantify the entrepreneurial impact of outdoor special events in Asheville, while also developing a model that could be shared with surrounding communities in Western North Carolina. The City Manager accepted a grant from ARC for the project in May, 2016. Syneva Economics and Chipley Consulting were selected to execute the study, titled The Entrepreneurial Impact of Outdoor Special Events. The project period was one year in length, from July 15, 2016 - August 31, 2017.

He said that at the time of the initial grant application in 2015, the frequency of special events and festivals in Asheville, along with demand for resources, had increased by 20% over a five-year period. Though much attention had been paid to the relationship between recreation, tourism, and special events, the entrepreneurial impact study aimed to examine how local government and entrepreneurs could best employ special events to encourage business growth, predict contributor intent, entrepreneurial activity, motivation, satisfaction, and spending.

Mr. Tom Tveidt, representing Syneva Economics, said that the the findings of the study revealed a diverse and dynamic vendor community not easily assigned to any single category. There were a few surprises discovered such as that on-site sales generated at special events and festivals were not the primary motivator for business participation. Yet the study also revealed that an annual sales premium of 3.9% was experienced by businesses who participated in special events and festivals over those that did not. Directly and indirectly, that premium related to an additional 54.4 jobs and $2.7 million in annual economic impact. Overall, researchers found that vendors were extremely positive about the role of Asheville's outdoor special events to their business' success.

Recommendations from the study suggest a greater effort be placed on integrating vendor businesses into Asheville's business development ecosystem. This includes working with public and private partners to develop vendor training programs, the creation of an online vendor list and directory, making a targeted effort to encourage communication between vendors, and developing

incentive programs for event-producing organizations that assist in the effort - all of which help support City Council's goal to support small, local, homegrown businesses.

In response to Councilwoman Mayfield, Mr. Fillman said is their next steps are to focus on developing leagues. We have existing ecosystem for business development in Asheville. The problem is the vendors don't know what the resources are and they don't have those connections or inclinations to do the research. In creating these directories, and working with other local organizations, we will create these registration systems and to connect people to the existing resources. We want to help them grow their businesses from a financial perspective. Other organizations can disseminate information to local markets. We want to also establish a training league for mentoring, etc. and an environmental health and services league. We need to increase the services we provide as a community; and assign certain functions to our existing partners. He did not anticipate the need for an additional staff person to accomplish these next steps.

B. CAPITAL PROJECTS COMMUNICATIONS UPDATE

Interim City Manager Jade Dundas demonstrated from the City's website the Dashboard on Capital Projects and Bond Projects, and showed how accessible the information is for the different projects. We have soft launched this Dashboard and plan on having a larger outlet to market this via social media.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE ESTABLISHING REQUIREMENTS FOR UTILITY SUBSTATIONS

At the request of City staff, this public hearing has been withdrawn.

B. HAYWOOD ROAD FORM CODE

PUBLIC HEARING TO CONSIDER A SERIES OF TEXT AMENDMENTS TO ARTICLE VIII OF CHAPTER 7 OF THE CODE OF ORDINANCES PERTAINING TO DEVELOPMENT STANDARDS FOR THE HAYWOOD ROAD FORM CODE FOUND IN SECTION 7-8-28

Mayor Manheimer said that since the following two public hearings are related, she asked that the presentations be made simultaneously but that individual public hearings would be held.

Assistant Planning & Urban Design Director Alan Glines said that this is the consideration of an ordinance amending Article VIII of the Chapter 7 of the Code of Ordinance pertaining to development standards for the Haywood Road Form Code found in Section 7-8-28. This public hearing was advertised on September 22 and 29, 2017.

In September 9, 2014, the City Council adopted the Haywood Road Form Code as the first form district in the City. This applied to Haywood Road beginning almost at the French Broad River and proceeded for approximately 2.5 miles to Patton Avenue. The district established six zoning types based on the scale and characteristics of the area along the corridor.

Since the adoption of the ordinance, staff has reviewed a number of redevelopment proposals and have spoken with property owners, developers and design professionals concerning implementation of the code. Staff are proposing several changes to the code that affect the districts in the operation of the development requirements. For example, staff is seeking to

reduce the build-to-zone requirement, which is the percentage of the parcel that must be covered by a compliant building, from 80% to 90% (depending upon the district) to 70% to allow more flexibility for developers, while still retaining the intent of the requirement. The development must also provide sufficient parking by aligning the building size and uses with required parking.

Other development parameters are also being adjusted:

- **Build to zone – side street**-reduce the required percentage to a minimum building depth of 25 feet to provide more flexibility to redevelop a site
- **Building setbacks** – some adjustments in the form of minimum and maximum distance from the right-of-way line to account for overhead utility or other easements
- **Outdoor amenity space** - align it with other urban areas of the city for more consistency and to encourage redevelopment
- **Building height allowances** - lessen the minimum heights floor-to-floor for flexibility which is especially helpful for smaller building floorplates.
- **Building fenestration detailing** (such as windows and doors) - revise how to measure fenestration and adjust percentages to allow more flexibility in building design
- **Streetscape** - clarify limitations on changes to Haywood Road since it is a DOT roadway
- Allowing more **height options in HR4 Traditional** - parcels in this area are more limited in size and depth. Buildings would be allowed from one to three stories
- Allow a building setback of at least 10 feet to create a plaza space or expand sidewalks to satisfy the building **stepback requirement** for upper floors

The form code also includes a land use table, a parking standard and a sign allowance. The following changes are proposed:

- Allow Bed and Breakfast and Homestay in HR1 Core
- Remove use by right with special requirements for Live-work uses
- Remove single family use for the entire corridor area; add duplex to all districts
- Update for lodging facilities in the permitted use table to align with recent Council actions on review thresholds based on the number of guest rooms
- Add parking lots as a use in the use table
- Allow on-street spaces existing or proposed to count one-for-one toward the parking requirements
- Specify temporary use provision of the UDO are allowed in the district
- Some clarification for parking, bicycle parking and parking for newly established eating and drinking establishments

The draft code provides distinct red-line entries for the portions of the ordinance that are being adjusted. This will allow the specific changes to be distinguished individually in the review.

The current changes were reviewed on June 6, August 31, and September 19, 2017, with the West Asheville Business Association (WABA). There was interest in the code and some questions about the application of the ordinance. WABA was generally supportive of the changes.

Staff also reviewed the general concepts of this amendment with the East West Asheville Neighborhood Association (EWANA) at their meeting on June 14, 2017, and discussed changes to height for the HR4 Traditional district as well as the rezoning being contemplated for the same area along Haywood Road. There was some concern and questions about short term rentals as a permitted lodging use throughout the Haywood Road Form Code area.

Staff also mailed an informational letter outlining the proposed code and rezoning changes specifically in the area of Beacham's Curve in the HR4 Traditional and HR5 Live Work section to

neighbors within 200 feet of this specific area. This is the only section of Haywood Road where a rezoning is contemplated.

The Comprehensive Plan encourages denser sustainable infill development along existing corridors as a long term development plan in the city. Changes to the UDO that further these goals are encouraged along with processes that involve public participation. The Haywood Road Form Code includes mixed-use development and multimodal transportation along with a number of other community identified goals such as historic preservation, flexibility for property owners and economic health.

The proposed amendment aligns with input received from the community, design professionals and developers, while furthering the objectives of the Comprehensive Plan as noted above.

The Haywood Road Form District fits within City Council's vision for *A Well-Planned and Livable Community* and *A Thriving Local Economy.* The code provides a clear framework for reinvestment and redevelopment in an important area of the city. The code provides a greater level of clarity and predictability for both the community, property owners and developers. Lastly, the process used to develop the original code also aligns with Council's goal of a *Connected and Engaged Community,* through the high level of engagement and community outreach with property owners, business owners and residents.

The goal of the ordinance is to encourage development of a robust, mixed-use district that is transit oriented and pedestrian oriented.

Staff recommends the approval of the amendment for the Haywood Road Form Code and believes that the changes will provide a higher level of workability and flexibility in the code based on conversations with the community, developers, design professionals and other users of the ordinance since the adoption of the district in 2014. The Haywood Road Form Code amendment is reasonable and in the public interest and is consistent with the Comprehensive Plan by laying the framework for continued investment in mixed-use development, future job growth and housing.

The Planning and Zoning Commission reviewed the amendment and voted unanimously to recommend approval of the changes.

PUBLIC HEARING TO REZONE PROPERTIES FOR A SECTION OF HAYWOOD ROAD WITHIN THE HAYWOOD ROAD FORM CODE AREA FROM HR5 - LIVE WORK DISTRICT TO HR4 - TRADITIONAL DISTRICT

Assistant Planning & Urban Design Director Alan Glines said that this is the consideration of an ordinance to rezone properties for a section of Haywood Road within the Haywood Road Form Code area from HR5 - Live Work District to HR4 - Traditional District. This public hearing was advertised on September 22 and 29, 2017.

The area proposed for rezoning consists of 43 separate PINs along the north and south sides of Haywood Road closest to the French Broad River. The lots on the south side are mostly undeveloped except for several single family homes and a small restaurant. On the north side is a mix of uses including a new three-story structure and other older commercial, distribution and warehouse uses.

The parcels are zoned HR5 Live-Work and were zoned this way with the adoption of the Haywood Road Form Code on September 9th, 2014. The Haywood Road Form Code was developed with broad public engagement and a community charrette to develop the plan. The form code work came after the adoption of the Vision Plan report for Haywood Road.

During the development of the code, the consultant team was concerned about the potential limited amount of development interest along Haywood Road based on a market study that was performed. They did not want to have an unsuccessful corridor that might result if it was left with too many vacant parcels. Their recommendation was to create the HR5 Live-Work district to focus on small scale studio spaces and residential uses.

Staff has had approximately three years since the adoption of the original ordinance to study the operation of the code. Over this time staff have met with property owners, design professionals and other users of the plan to answer questions and hear concerns. Since this time the New Belgium Brewery was constructed and opened along Craven Street. In addition the River Arts District has expanded with additional energy and investment and the entire eastern end of Haywood Road is seeing a revival of new businesses and expansions of existing businesses. This area is also the location for new greenways and roadway improvements.

The HR5 Live-Work district permits a limited range of commercial activity and allows for multifamily housing. With the recent growth of activity located along Haywood Road at Beacham's curve and vicinity, the original concern that vacant underutilized parcels would reduce the economic success of the corridor seem to no longer apply.

This end of Haywood Road has recently received a lot of new investment with several eating and drinking establishments, a cider house and a brewery, a skin care company and an ice cream-making facility opening on the corridor.

HR4 Traditional allows a more complete range of commercial activities and is in place adjacent to the current rezoning request. A concurrent Haywood Road wording amendment for HR4 Traditional would permit new construction in the range of one to three stories which matches the HR5 Live-Work height allowance. The current standard for HR4 Traditional only permits two story buildings. There is a constraint unique to this section of Haywood Road to the east of Beacham's Curve in that there is insufficient space for on-street parking spaces. Any new development then, must provide for their parking needs on their own parcel which will moderate the scale of potential development.

In 2012 New Belgium Brewery was approved along Craven Street and was completed several years later. The Haywood Road Form Code was approved on September 9, 2014.

The normal process for reviewing rezoning requests is that they are considered by the Planning and Zoning Commission with a recommendation with final review by City Council.

Staff discussed the Haywood Road amendments and property rezoning at a meeting of the West Asheville Business Association (WABA) on June 6, August 31, and September 19. 2017. WABA asked questions about the operation of the code and what a zoning change would mean for the properties. Staff also attended a meeting of the East West Asheville Neighborhood Association (EWANA) on June 14, 2017, and answered questions about the rezoning and details about HR4 Traditional district. In early August 2017, staff sent an informational letter to property owners in the area of the proposed rezoning, expanding the area of coverage to the normal 200' notification buffer. Several neighbors and property owners called to get additional information.

The proposed zoning along Haywood Road to the west of the proposed zoning area is HR4 Traditional. The proposed rezoning is to HR4 Traditional from HR5 Live- Work. Surrounding neighborhood areas are zoned Residential Multifamily Medium Density District (RM8). The Haywood Road Form Code accounts for adjoining residential properties with both a planted buffer and height reductions adjacent to the residential edge. The proposed change will be compatible with the surrounding area.

There are policies throughout the *2025* Comprehensive Plan supporting the need for higher-densities and a mix of uses, where placemaking is an important goal and transit is in place to support new development. Other sections of the Plan recommend creating opportunities for economic development through higher densities while reinforcing a strong urban form that enhances the pedestrian environment.

The proposal aligns with the 2036 Council visions in the following areas: (1) *A Well-Planned and Livable Community* - through the enhanced community focused design standards that accompany the Haywood Road Form Code; (2) *Transportation and Accessibility* – due to the requirements for wider sidewalks, pedestrian-friendly design and densities to support expansion of transit; and (3) *Thriving Local Economy* - encouraging a wider mix of compatible commercial uses and opportunities for more intense development (including a higher residential density).

Considerations:

- Economic conditions in the rezoning area have changed supporting greater opportunities for investment and redevelopment
- The proposed zoning HR4 Traditional is adjacent to the rezoning area and will provide areas for community-scaled development
- Development requirements are in place to buffer residential areas from commercial impacts

Staff recommends approval of the proposed rezoning efforts to HR4 Traditional district finding that the request is reasonable and consistent with City-adopted plans and strategic goals for redevelopment in this area.

The Planning and Zoning Commission reviewed the rezoning request at their meeting on September 6, 2017, and recommended unanimous approval with a vote of 7-0.

The following is discussion both public hearings:

When Councilwoman Mayfield asked why are are not adding triplexes or quadplexes to all districts, Mr. Glines explained those are already allowed.

In response to Councilwoman Mayfield, Mr. Glines showed the Use Table and said that basically lodging is allowed along the entire corridor, except for HR-5 Live Work District.

When Councilwoman Mayfield asked about adding parking lots as a use, Mr. Glines said that the original Code requires parking for new developments, but does not allow them as a stand-alone use. There are lot of different parcels on Haywood Road, some that could be improved for parking, since parking seems to be an interim use for other development to happen.

Councilman Bothwell is interested in banning all whole house short term rentals. Perhaps there is a way to separate residential homes from the definition of other types of lodging.

Mr. Glines said we could have some form of HR-4 Traditional in the HR-5 Live Work District that does not permit the lodging use, but allow all the other uses. We currently have six district, but might end up with seven districts, and that seventh district might be what the properties would be rezoned to. He felt it would be good to keep the HR-5 Live Work District.

Mr. Glines said that with that change, it will need to be reviewed again by the Planning & Zoning Commission.

Councilwoman Mayfield asked if staff could also review banning all whole house (or unit) short term rentals for the entire corridor and that all lodging facilities 20 guest rooms or less would not be permitted by right. Mr. Glines said that he would like to see WABA weigh in on this change as well as noting the Planning & Zoning Commission would need to review the change.

Councilman Smith said that as far as future zoning changes coming forward, the more heads up Council can get about lodging uses in the zoning districts, the better. The areas where whole house short term rentals are legal, that conversation is more complicated since people have come in under the rules and are using this use. He didn't want to be punitive towards them who abided by the rules. That sounds like a more complicated conversation.

When Councilman Smith asked how we can get to zero on illegal whole house short term rentals citywide, Mayor Manheimer asked for a review on how we are staffing the enforcement and if we need to beef that up. City Manager Jackson said that regarding the enforcement update, he would provide the data that we have at the October 24, 2017, meeting.

Councilman Young said that we have many corridors in the City that are experiencing a high rate of growth. He would like to deal with short term rentals, auxiliary dwelling units and whole house rentals on a City-wide basis for some kind of continuity.

Vice-Mayor Wisler supported revisiting lodging facilities with an eye to eliminate the thresholds altogether and have all be reviewed by City Council.

Councilwoman Mayfield felt that Council is not trying to make all lodging more difficult, but they are concerned about short term rentals. She wondered if there is a way to break out short term rentals from other lodging.

Mayor Manheimer opened the public comment period at 6:34 p.m.

An adjacent property owner to the proposed rezoning area was glad Council was taking a bigger look at the short term rental issue. The East West Asheville's vision included preservation of single family neighborhoods, safe neighborhood environment , local businesses that are engaged and actively contributing to our community, etc. He did not support short term rentals in their community, especially when owners are from outside of North Carolina.

Mr. Casey Campfield spoke against whole house short term rentals City-wide, especially on the Haywood Road corridor.

Mr. Mike Collins, property owner on Haywood Road, supported rezoning the proposed property to HR-4, along with allowing short term rentals in that area.

Mr. Peter Landis felt that the same restrictions regarding whole house short term rentals should be applied to the downtown area as well. You risk downtown turning into more of a tourist area than it already is.

It was the consensus of Council to remand back to the Planning & Zoning Commission for their recommendation the creation of a new 7th zoning district for the parcels currently zoned HR-5 Live-Work that would mimic HR-4 Traditional District except that lodging facility 20 guest rooms or less would not be allowed by right.

It was the consensus of Council to direct staff to review lodging facilities 20 guest rooms or less along the entire Haywood Road corridor, with input from the West Asheville Business Association. City Attorney Currin said that that action will need to start from the very beginning.

City Attorney Currin announced that when the rezoning issue comes back to City Council, they will hold a public hearing that covers both the rezoning currently before Council now and the creation of the 7th zoning district. In addition, they will hold the public hearing on the amendment to the Haywood Road Form District as well.

D. PUBLIC HEARING TO REZONE 671 SAND HILL ROAD FROM INSTITUTIONAL DISTRICT/CONDITIONAL ZONING TO RM-6 RESIDENTIAL MULTI-FAMILY LOW DENSITY DISTRICT

ORDINANCE NO. 4617 - ORDINANCE TO REZONE 671 SAND HILL ROAD FROM INSTITUTIONAL DISTRICT/CONDITIONAL ZONING TO RM-6 RESIDENTIAL MULTI-FAMILY LOW DENSITY DISTRICT

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to rezone 671 Sand Hill Road from Institutional District/Conditional Zoning to RM-6 Residential Multi-Family Low Density District. This public hearing was advertised on September 22 and 29, 2017.

The applicant (Barry Bialik, agent) is requesting a rezoning of the property located at 671 Sand Hill Rd. from INST-CZ (Institutional-Conditional Zone) to RM6 (Residential Multi-family, Low Density).

The subject property is approximately 1.91 acres and currently is developed with a former church structure adaptively reused for a K-8 school. The property has frontage on Sand Hill Rd. but is accessed from a private road to the east that also serves a large apartment complex behind the school. Also included on site is a small (approximately 19 space) surface parking lot, open space and sidewalk along the private road. The property has mild to moderate topography sloping up from Sand Hill Rd.

The applicant has recently acquired additional acreage to meet the minimum lot size requirements for a school in the RM6 zoning district, and has requested to return to the original RM6 zoning so that it may have the flexibility to change its master plan and grow as resources are available.

The property was originally zoned RM6 consistent with the surrounding properties. The current owner, Classical Properties LLC, applied for a Conditional Zoning in 2013 to establish the school because the property failed to meet the two acre minimum lot size requirement for schools in a residential zoning district. The same applicant later amended the CZ in 2015 to include a new building expansion. Included in the conditional zoning amendment was a master plan and building elevations.

The purpose of the RM6 zoning district is to provide a limited range of low density multi-family housing types along with non-residential development that is "*normally required to provide the basic elements of a balanced and attractive residential area*". Schools are a use-by-right, subject-to-special-requirements in the RM6 zoning district and the property at 671 Sand Hill Rd. now complies with all special standards for the use.

The subject property is surrounded on three sides by other RM6 zoned property, most of which is developed with single family homes. To the rear of the property (north) is a moderately sized apartment complex conditionally zoned RM8-CZ in 2004 and 2007 (two phases).

The subject property does not lie within any special review areas or overlay zoning districts and does not require review by any other body. Standard rezoning requests are first reviewed by the Planning & Zoning Commission with final review performed by City Council.

The Asheville City Development Plan 2025 encourages compatible "adaptive reuse, redevelopment and infill development" and states, "areas within the existing urban fabric that are vacant should be targeted for compatible infill development that takes advantage of existing infrastructure." This property has been adaptively reused to provide a new school that helps to provide basic educational needs for Asheville's youth.

This action is most closely aligned with the 2036 Council Vision goal of *A Well-Planned and Livable Community* by providing flexibility for a basic community service (school) to grow without special requirements, as resources are available.

Considerations:

- This rezoning would return the property to its original zoning designation.
- This rezoning would allow the school to be improved and grow unencumbered by Ordinance.
- Provides greater flexibility for future uses and development.
- Proposed zoning matches the newly acquired school property.

The Planning & Zoning Commission, by a 7-0 vote, recommended approval.

Mayor Manheimer opened the public hearing at 6:50 p.m., and when no one spoke, she closed the public hearing at 6:50 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the rezoning request from Institutional-Conditional Zone(INST-CZ) to Residential Multi-family, Low Density (RM-6) to assign a zoning designation that is more compatible with the majority of the existing property and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: the rezoning will (1) support smart growth goals through compatible infill development that takes advantage of existing infrastructure; and (2) removes the Ordinance attached to the property and returns it to the original zoning designation, providing more flexibility for future growth and development. This motion was seconded by Councilman Bothwell and carried unanimously.

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E. PUBLIC HEARING TO REZONE 1568 BREVARD ROAD FROM INDUSTRIAL DISTRICT TO RM-16 6 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT

Councilman Smith moved to continue this public hearing until November 28, 2017. This motion was seconded by Councilman Young and carried unanimously.

F. PUBLIC HEARING TO CONSIDER A SUBSTANTIAL AMENDMENT TO THE 2017-18 CONSOLIDATED ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME FUNDS TO THE U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT TO ALLOCATE FUNDS TO ASHEVILLE HABITAT FOR HUMANITY AND GREEN OPPORTUNITIES

RESOLUTION NO. 17-232 - RESOLUTION TO AUTHORIZE A SUBSTANTIAL AMENDMENT TO THE 2017-18 CONSOLIDATED ANNUAL ACTION PLAN

FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME FUNDS TO THE U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT

Community Development Director Heather Dillashaw said that this the public hearing to consider a resolution to authorize a substantial amendment of the City's 2017-18 Consolidated Annual Action Plan for Community Development Block Grant (CDBG) and HOME Funds to the U.S. Dept. of Housing & Urban Development to allocate $12,923 to Asheville Habitat for Humanity and $27,989 to Green Opportunities from Contingency funds. This public hearing was advertised on September 22 and 29, 2017.

City Council approved the HCD Committee's recommendation to fund $135,720 allocated to the Housing Authority in FY 2016-17 for Lee Walker Heights through another source. $171,837 in FY 2017-18 CDBG funds are currently being held in reserve. This comes to a total of $307,557. With 20% for Administration, this allows for $253,557 in funds available for reallocation.

Funds to reallocate:	
16-17 Lee Walker Heights	135,720.00
17-18 Contingency	171,837.00
Admin 17-18	(54,000.00)
Total Available	253,557.00

The 2017-18 Annual Action Plan approved by City Council and submitted to HUD for approval fully funded project applications in all categories with the exception of Public Service activities. Projects in the Public Service category are limited according to HUD regulations. Due to HUD regulations governing the dollars available for Public Service activities, this category cannot be further expanded in 2017-18 funding. All other CDBG-eligible activities qualify for the $253,557 in available funds.

Three (3) applications were received, one application was withdrawn and will be re-submitted in the next funding cycle. Asheville Habitat for Humanity is requesting $12,923 in additional Housing Services funding; Green Opportunities is requesting $27,989 in additional Economic Development funding.

After reviewing applications, hearing presentations by applicants and Board discussion, HCD recommends fully funding Asheville Habitat for Humanity's request of $12,923 for Housing Services and Green Opportunities request for $27,989 for a total of $40,912, and $54,000 in Administration to the City of Asheville. The balance of $212,645 from 16-17 and 17-18 is recommended to be held in Contingency and made available in the 2018-19 CDBG funding cycle.

Pros:

- The recommendations are consistent with the priorities in the 2015-2019 Asheville Regional Consolidated Plan for the Use of CDBG and HOME Funds.
- Additional administrative dollars support the Community & Economic Development Department's management of CDBG projects.

Con:

- None noted.

All funds being reallocated in this process are federal CDBG funds received by the City of Asheville. No City of Asheville general funds are impacted by this substantial amendment.

Staff recommends City Council adopt a resolution authorizing the City Manager to approve the proposed Substantial Amendment #1 to the 2017-18 Annual Action Plan for CDBG and HOME funds.

Mayor Manheimer opened the public hearing at 6:53 p.m. and when no one spoke, she closed the public hearing at 6:53 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Councilman Bothwell moved for the adoption of Resolution No. 17-232. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

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V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 17-233 - RESOLUTION APPOINTING MEMBERS TO THE PLANNING & ZONING COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Planning & Zoning Commission.

The terms of Jeremy Goldstein, Laura Berner Hudson and Kristy Carter, as members on the Planning & Zoning Commission, expired on August 14, 2017.

The following individuals have applied for these vacancy: Paul Harkrider, Robert Carroll, Sandra Kilgore, Carter Webb, Joe Archibald and Nick Hinton. Ms. Berner Hudson was interested in reappointment.

At the August 22, 2017, City Council meeting, it was the consensus of Council to interview: Paul Harkrider, Robert Carroll, Sandra Kilgore, Carter Webb, Joe Archibald and Laura Berner Hudson.

After Council spoke highly of the candidates, Paul Harkrider received 1 vote, Robert Carroll received no votes, Sandra Kilgore received 6 votes, Carter Webb received 2 votes, Joe Archibald received 5 votes and Laura Berner Hudson received 7 votes. Therefore, Sandra Kilgore and Joe Archibald were appointed as members to the Planning & Zoning Commission to each serve a three-year term respectively until August 14, 2020, or until their successors are appointed; and (2) Laura Berner Hudson was reappointed as a member to the Planning & Zoning Commission to serve an additional three-year term, term to expire August 14, 2020, or until her successor is appointed.

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Results of the September 25, 2017, Civil Service Board Employee Elections

One copy of the results of the Civil Service Board employee election held on September 25, 2017, is to be filed with the City Manager and one with the City Clerk, who shall present such certification to the City Council at its next regular meeting. The Board of Canvassers provided the following certified certificate on September 25, 2017: We do hereby certify, having opened, canvassed, and determined the original returns of the Civil Service Board employee election, the results of the Civil Service Board Employee Election held on September 25, 2017, noting the name of each person voted for and the number of votes cast for each person as follows: Alan Coxie - 77; Edward M. Hahn - 88; Eddie Wyatt - 1; and Alan Watts - 1.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Ms. Allison Hammond requested assistance in getting Oakland Road repaired sooner than the one year that City staff said it would take. In addition she requested sidewalks for pedestrian safety. Mayor Manheimer asked that she contact City Clerk Burleson with her contact information so staff will be able to respond.

Councilman Smith briefly updated Council on the Affordable Housing Summit.

Vice-Mayor Wisler reminded the public that early voting has started and the primary is on October 10, 2017.

Councilwoman Mayfield asked for an update on the Energy Innovation Task Force at the October 24, 2017, meeting.

Closed Session

At 7:03 p.m., Councilman Young moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) to consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit involving the following parties: (1) Department of Transportation vs. City of Asheville; and Fletcher Hospital, LLC; and (2) Siemens Real Estate Holdings, LLC; and Jim Siemens individually vs. City of Asheville. . The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Councilman Bothwell and carried unanimously.

At 7:28 p.m., Councilman Bothwell to come out of closed session. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:28 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – October 24, 2017 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Cecil Bothwell; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilman Gordon D. Smith; Councilman W. Keith Young; Acting City Manager Cathy Ball; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Vice-Mayor Wisler led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 3, 2017

B. SECOND READING OF ORDINANCE NO. 4615 , AN ORDINANCE GRANTING A FRANCHISE AGREEMENT TO HERE TO THERE ADVENTURE FOR THE OPERATION OF A PEDAL BICYCLE TAXI SERVICE

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C. ORDINANCE NO. 4618 - BUDGET AMENDMENT FROM INSURANCE RECOVERY FUNDS TO UTILIZE TOWARDS THE PURCHASE OF A NEW BUS SHELTER

Summary: The consideration of a budget amendment in the Transit Capital Fund in the amount of $7,650 from insurance recovery funds for a bus shelter to utilize towards the purchase of a new bus shelter.

On May 25, 2017, a City of Asheville (City) bus shelter located on the north side of the Patton Ave. and Florida Ave. intersection was destroyed by a motor vehicle and the City settled the property damage claim for $7,650. The Transportation Department seeks to utilize the settlement funds toward the replacement of a new bus shelter.

Pro:

- Provides funding to offset Transportation Department costs for bus shelter replacement.

Con:

- None.

The insurance recovery funds are held in the City Property & Liability Fund. Upon City Council approval, the funds will be transferred to the City Transit Capital Fund to be utilized by the Transportation Department.

City staff recommends City Council adopt the budget amendment in the Transit Capital Fund in the amount of $7,650 for the Transportation Department to utilize.

D. RESOLUTION NO. 17-234 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH WNC ROOFING, LLC, FOR THE NORTH FORK WATER TREATMENT PLANT ROOF REPLACEMENT PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a Construction Agreement with WNC Roofing, LLC, for the bid amount of $413,891.00 plus the project engineer's recommended contingency amount of $62,084.00 for a total project budget in the amount of $475,975.00 for the North Fork Water Treatment Plant Roof Replacement Project.

This is a stand alone project within the Water Treatment Plant Projects Capital Improvements suite of projects. Other projects that are to be funded at least in part by this budget are the system corrosion control study and the Mills River raw water reservoir replacement projects. Additional funds will also be necessary to complete these other projects and will be budgeted in future capital budgets.

On September 8, 2017, the Water Resources Department (WRD) issued an Advertisement for Bids for the North Fork Water Treatment Plant Roof Replacement Project. The project includes, but is not limited to, removal and replacement of the existing PVC (Polyvinyl Chloride), EPDM (Ethylene Propylene Diene Monomer), asphalt shingle, and TPO (Thermoplastic Polyolefin) roofs on the maintenance building, administration building, generator building, high service pumping building / forestry office, and filter gallery building. The project also includes the replacement of cracked clay tiles on the administration and filter gallery buildings and remediation of asbestos of various buildings.

In response to the Advertisement for Bids, the department received two bids on September 25, 2017. Companies responding were:

1. WNC Roofing, LLC – Bid: $413,891.00
2. Eskola, LLC – Bid: $631,396.80

Following a review of the bids by City Staff and the project engineers, GHD Consulting Services, WNC Roofing, LLC, was selected as the lowest responsible, responsive bidder for the bid amount of $413,891.00. The project engineer's recommended contingency amount of $62,084.00 has been added for a total project budget in the amount of $475,975.00.

Pros:

- This project will replace the existing roof, which is at the end of its useful life and weakening from moisture penetration.
- This project is aligned with the City and the WRD goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.

Con:

- None.

The funding needed for this agreement is currently allocated within the Water Treatment Plant Project in the Water Resources Capital Improvement Projects (CIP) Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a Construction Agreement with WNC Roofing, LLC, for the bid amount of $413,891.00 plus the project engineer's recommended contingency amount of $62,084.00 for a total project budget in the amount of $475,975.00 for the North Fork Water Treatment Plant Roof Replacement Project.

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E. RESOLUTION NO. 17-235 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT KEEP AMERICA BEAUTIFUL GRANT FUNDS FROM THE ASHEVILLE DOWNTOWN ASSOCIATION FOR THE PURCHASE AND INSTALLATION OF CIGARETTE WASTE RECEPTACLES IN THE DOWNTOWN AREA

ORDINANCE NO. 4619 - BUDGET AMENDMENT FOR THE PURCHASE AND INSTALLATION OF CIGARETTE BUTT RECEPTACLES IN THE DOWNTOWN AREA

Summary: The consideration of a resolution authorizing the City Manager to accept Keep America Beautiful grant funds from the Asheville Downtown Association (ADA) for the purchase and installation of cigarette waste receptacles in the downtown area; and a budget amendment in the amount of $8,000 in the General Fund to budget the grant.

The City of Asheville has partnered with the Asheville Downtown Association (ADA) in order to implement a cigarette litter prevention program for downtown Asheville. The ADA was the recipient of a Keep America Beautiful Cigarette Litter Prevention grant in the amount of $10,000, and has partnered with the City of Asheville to install new cigarette waste receptacles throughout downtown. 20-30% Of the awarded amount is required to be spent on messaging and signage, with at least 50% of the funds to be used for the purchase of receptacles. The actual dollar amount spent by the ADA on messaging and signage was $2,000, which leaves $8,000 for the purchase of receptacles.

The City of Asheville Sanitation Division already planned to purchase new cigarette waste receptacles and install them on each of the downtown waste stations that did not already have them. The City was concurrently approached by the ADA with the proposal to contribute to the cost of the new receptacles based on the availability of grant funds. In June of this year, the Sanitation Division purchased and installed 120 new cigarette waste receptacles for a total cost of $10,680. The purchase price was funded through the Sanitation operations budget, with the expectation that $8,000 would be reimbursed by the ADA when the project was complete.

All receptacles have now been installed, and are in use currently.

Pros:

- Supports service enhancements downtown
- Utilizes partnerships and grant funds to support operations

Con:

- None noted

The total cost of the receptacle purchase was $10,680 with the grant covering $8,000, or 75% of the cost. The remaining expense was funded through the Fiscal Year 2017 Sanitation Division operating budget.

Staff recommends City Council adopt a resolution authorizing the City Manager to accept $8,000 in grant monies from the ADA; and a budget amendment in the amount of $8,000 in the General Fund.

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F. RESOLUTION NO. 17-236 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING CONTRACT WITH THE WOOTEN COMPANY FOR THE DESIGN AND BIDDING/CONSTRUCTION SERVICES NECESSARY FOR THE CITY HALL ELEVATOR AUTOMATION PROJECT

Summary: The consideration of a resolution authorizing the City Manager to amend the existing contract with The Wooten Company for the design & bidding/construction services necessary for the City Hall Elevator Automation Project.

The City Hall Elevator Automation Project requires design and bidding/construction phase services to get underway. This is an important project as it needs to balance preservation of historic elements with modernization of the elevator mechanicals as these 90-year-old units have exceeded their anticipated life cycle. Therefore, the first step is to retain a qualified firm to perform professional project-related services starting with planning and design through the bidding and construction phases.

The Transportation Department previously procured elevator design and bidding/construction services via a Request for Qualifications (RFQ) process, which yielded Contract # 91600198 with The Wooten Company. This contract is currently active as the Transportation Department undertakes work on elevators in multiple parking structures, and the consultant's work performed to date under this contract has been excellent. With an active contract in place originally solicited to perform these same services, the proposed approach for the City Hall Automation Project is to execute a contract amendment adding this project to the work already being done by the consultant.

Pros:

- Allows design work to proceed on the City Hall Elevator Automation Project previously authorized in the CIP;
- Multi-disciplinary team includes architecture, engineering, and elevator specialists as needed to take this project from start to finish; and
- Flexible delivery of services that will allow the City to authorize work on a phase-by-phase basis that provides cost estimates and decision support at each step.

Con:

- None identified.

Initial project funding of $200,000 was approved by City Council in the Capital Improvement Program (CIP Project B1402), and the proposed contract expenditures are within the existing budget. Once design is complete, staff will return to Council with the construction contract. It is anticipated that existing Facility Improvement CIP allocations and funding set aside in the Infrastructure Reserve in FY2016 will be sufficient to cover the construction costs for this project.

Staff recommends City Council adopt a resolution authorizing the City Manager to amend the existing contract with The Wooten Company for the design & bidding/construction services necessary for the City Hall Elevator Automation Project in the amount of $92,500.00.

RESOLUTION BOOK NO. 39 - PAGE 166

G. RESOLUTION NO. 17-237 - RESOLUTION PROPOSING TO APPROVE A LICENSE AGREEMENT WITH T-MOBILE SOUTH, LLC, FOR ANTENNAS AND RELATED EQUIPMENT AT 130 RESERVOIR ROAD, DIRECTING THE CITY CLERK TO ADVERTISE FOR UPSET BIDS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LICENSE AGREEMENT IF NO ALTERNATIVE BIDS ARE RECEIVED

Summary: The consideration of a resolution proposing to approve a license agreement with T-Mobile South, LLC for antennas and related ground equipment at 130 Reservoir Road, directing the City Clerk to advertise for upset bids, and authorizing the City Manager to execute the license agreement if no alternate bids are received.

The property at 130 Reservoir Road known as White Fawn Reservoir is on a knoll at the western end of the Beaucatcher Mountain ridge. It has exceptional range for telecommunications with approximately 300° coverage from northeast to west to southeast. Two telecommunication towers are located on the property and the City maintains an array of public safety communications equipment on both towers. City of Asheville licenses unoccupied antenna space and adjacent ground space to private cellular carriers.

The City of Asheville is in the process of replacing one of the public safety communications towers on White Fawn Reservoir Site, with AT&T, an existing tenant, performing the work as part of a long-term license agreement with the City. The Lower White Fawn Tower stands at 180 feet and is visible to the southeast of City Hall. As a result of new construction standards, the current structure is being replaced with an upgraded tower to continue providing service to the region. The replacement tower will stand the same height of 180 feet with its base immediately adjacent to the existing tower. When construction is completed and all radio equipment has been moved to the new tower, the old tower will be completely removed. During construction, the old and new towers will be visible on the skyline for 90 to 120 days as the project moves to completion.

Earlier this year, the City provided a notice of termination to T-Mobile South, LLC, an existing tenant on the old tower. T-Mobile's existing license agreement was set to expire in December 2018, and as the tower replacement project began, it was necessary to provide T-Mobile with a notice of termination in order to plan for the removal of the old tower. Simultaneously, the City offered a new license agreement proposal for T-Mobile that allows for an uninterrupted transition to the new tower. T-Mobile has accepted the proposed license agreement based upon the following terms:

- Term: Up to 15 years (structured as three 5-year terms.)
- Rental: Rent is offered at the established fair market value of $37,500 per year with annual increases of 3% per year.
- The City has verified that this rate is consistent with municipal tower rates across North Carolina and is considered fair market value.

Since the license agreement proposal is for a total period longer than ten (10) years, the North Carolina General Statutes state that Council may authorize a lease longer than ten (10) years, but to do so the lease must be administered as a sale in that the process must include an upset bid process or other competitive bid process.

If City Council approves the following resolution, the City Clerk will be directed to publish an advertisement for upset bids for a period of 10 days, in which any interested party may upset

the current bid of $37,500 per year at 3% annual increases over a fifteen (15) year term. The statutes require that a qualifying bid must increase the current offer by 10% of the first $1,000 and 5% of the remainder. As set forth in the resolution, if no qualifying upset bids are received, then City Council agrees to further authorize the City Manager to execute the license agreement with T-Mobile South LLC.

Pros:

- Fair market value license agreement.
- Long-term commitment from T-Mobile will secure a future revenue stream for the City.

Con:

- None noted.

License fee revenue is budgeted in the City's General Fund Operating budget. The revenue for the existing license agreement is programmed in the FY 2018 budget and revenue from the new license agreement will be continued in the annual operating budget for FY 2019.

Staff recommends City Council adopt the following resolution proposing to approve a license agreement with T-Mobile South, LLC for antennas and ground equipment at 130 Reservoir Road, directing the City Clerk to advertise for upset bids, and authorizing the City Manager to execute the license agreement if no alternate bids are received.

RESOLUTION BOOK NO. 39 - PAGE 167

H. RESOLUTION NO. 17-238 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH GRAHAM COUNTY LAND COMPANY, LLC, FOR RENOVATION OF THE LAWN BOWLING COURT AT CARRIER PARK

Summary: The consideration of a resolution authorizing the City Manager to enter into a construction contract for renovation of the Lawn Bowling Court at Carrier Park, with Graham County Land Company, LLC in the amount of $447,000 plus a contingency of $19,727 for a total of $466,727.

Carrier Park is one of the City of Asheville's most popular recreation facilities and home to the "Green," a lawn bowling pitch used for recreational and competition play. After extensive review and analysis of the playing surface, it has been determined that the existing surface has exceeded its useful life resulting in higher than normal maintenance needs and conditions which affect playability for community use. The goal of the project is to replace the synthetic artificial turf surface, resize the court to meet regulation play standards, and replace the supporting site components because they have also reached the end of their service life-cycle.

The project has been designed to improve the surface, site drainage, and earthwork that reflects the park setting. Project improvements include new synthetic artificial turf, accessible sidewalk, storm drainage, signage, and general site renovations.

Tentative Project Timeline
Construction Begin February 2018 - April 2018

In support of this capital improvement project, the City issued an Advertisement for Bids for construction. As of the bid opening date on September 17, 2017, the City received one bid making Graham County Land Company, LLC located in Robbinsville, North Carolina the lowest, responsive, responsible bidder with a base bid of $447,000.00.

Pros:

- Improves the safety and functionality of the Carrier Park lawn bowling green for park users by replacing and expanding the current field.
- Improvements will occur during the spring prior to a planned tournament event by the Asheville Lawn Bowling Club.

Con:

- The Carrier Park lawn bowling green and portions of the adjacent field will be partially closed during renovations since the majority of work is scheduled to take place during the spring. Any closure will be advertised and coordinated with general park users, Parks & Recreation programming and Outdoor Special Events Coordinator.

Funding to cover the full cost of the contract is included in the FY 2017-18 Capital Improvement Program utilizing approved cash flow and funding from the FY 2017-18 Parks and Recreation Department annual CIP allocation for synthetic artificial turf surface replacement. The City has established an ongoing annual CIP contribution of $250,000 for turf replacement projects throughout the City. Funding for the Lawn Bowling Project is coming from this annual allocation.

Staff recommends the consideration of a resolution authorizing the City Manager to enter into a construction contract for renovation of the lawn bowling green at Carrier Park, with Graham County Land Company, LLC in the amount of $447,000 plus a contingency of $19,727 for a total of $466,727 and to execute any change orders to contract or documents which may arise during construction of project within the approved budget.

Mr. Bill Stoermer, President of the Asheville Lawn Bowling Club, spoke in support of the resolution, along with other members of the Club.

RESOLUTION BOOK NO. 39 - PAGE 168

I. RESOLUTION NO. 17-239 - RESOLUTION RENAMING THE MONTFORD RECREATION CENTER TO THE TEMPIE AVERY MONTFORD CENTER AND TO ACCEPT THE DONATION OF A HISTORICAL PLAQUE TO BE PLACED ON THE SITE TO HONOR THE CONTRIBUTIONS OF TEMPIE AVERY

Summary: The consideration of a resolution to rename the Montford Recreation Center to the Tempie Avery Montford Center, a prominent African-American nurse and midwife who lived on the site of the Montford Recreation Center, and to accept the donation of a historical plaque to be placed on site to honor the contributions of Tempie Avery.

The City of Asheville received a request from community member Cathryn McLeod, and Martha Warren, a descendant of Tempie Avery, to rename the Montford Recreation Center to the Tempie Avery Montford Center, and to donate a historical plaque to be located on site.

Tempie Avery was a well-known and respected community member in both black and white communities in Asheville. She was a former slave of the Nicholas Woodfin family. After her emancipation, Avery worked as a nurse and midwife in both the black and white communities of Asheville. Avery was conveyed a plot of land at 34 Pearson Drive by the Woodfin family and resided there until her death in 1917. The present day Montford Recreation Center is located where her house was once located.

Ms. McLeod has followed the City's policy on public naming and pursuant to the policy, on October 2, 2017, City Council made an announcement of the request and solicited input from surrounding property owners, residents, affected parties and other City officials or anyone else who can contribute meaningful input.

Ms. McLeod presented the renaming proposal to the Historic Resources Commission on August 9, 2017, African American Heritage Commission on August 11, 2017, and Recreation Board on September 11, 2017. The proposal received support from all three of the boards and commissions. The Recreation Board recommended the name be the Tempie Avery Montford Community Center as a means to retain the association to the Montford area.

The proposal was presented to the Montford Neighborhood Association on September 13, 2017, and received unanimous support.

At the City Council meeting held on October 3, 2017, the name requested as the "Tempie Avery Community Center"; however, since that time all parties have agreed, along with the review boards, to rename the center to the "Tempie Avery Montford Center."

The cost to the City to support the renaming of the Montford Recreation Center to the Tempie Avery Community Center is $8,000 to $10,000 for the identification sign. The funds to support the cost is budgeted in the City's Capital Improvement Program for the Parks and Recreation Department. There is no cost associated with the historical plaque since it will be donated to the City.

The Historic Resources Commission and the African American Heritage Commission recommends renaming the Montford Recreation Center to the Tempie Avery Montford Center, and to place a historical plaque on-site to honor Tempie Avery. The Recreation Board recommends the renaming of Montford Recreation Center to the Tempie Avery Montford Community Center, and to place a historical plaque on-site to honor Tempie Avery.

Ms. Cathryn McLeod spoke in support of the Tempie Avery Montford Center.

Councilman Young thanked Ms. McLeod for her work on this and was pleased the City will be recognizing Ms. Avery.

RESOLUTION BOOK NO. 39 - PAGE 169

J. RESOLUTION NO. 17-240 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT WICKED WEED FESTIVAL OF ARTISTRY

Summary: The consideration of a resolution authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Wicked Weed Festival of Artistry.

- Open Hearts Art Center has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Wicked Weed Festival of Artistry and allow for consumption at this event.

  The Wicked Weed Festival of Artistry will be held on Saturday, November 4, 2017 from 12:00 p.m. to 6:00 p.m. within the boundaries of Coxe Avenue as per the area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for Open Heart Art Center

Con:

- Potential for public safety issues

Staff recommends City Council adopt a resolution authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Wicked Weed Festival of Artistry.

RESOLUTION BOOK NO. 39 - PAGE 170

K. RESOLUTION NO. 17-241 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR A NEW BELGIUM BIKE INFRASTRUCTURE GRANT, AND IF AWARDED, ENTER INTO SAID GRANT AGREEMENT

Summary: The consideration of a resolution authorizing the City Manager to apply for funds from New Belgium Brewing Company's Bike Infrastructure grant in the amount of $5,000 to pay for materials for trail construction by Green Opportunities on the Town Branch Greenway Corridor and to accept the grant if awarded.

Green Opportunities approached the City with the desire to build a gravel fines trail on the Town Branch Greenway Corridor. The labor for this project will be provided by students of the Green Opportunities landscape program. The trail will measure 6' wide and approximately 1000' long. It will begin at Depot Street on city-owned property with PINs 9648-14-0398-00000 and 9648-14-5341-00000. It will then travel east through said property, ending at South French Broad Avenue.

Green Opportunities will build the trail and maintain it in accordance with the Agreement. The trail project will be overseen by staff of the Parks Maintenance Department. The Parks Maintenance Division will oversee the project and ensure the maintenance is to our standards. And ultimately, in the event Green Opportunities is unable to maintain the trail to City standards, the Parks Department will take up the maintenance of the site.

The project cost for this trail is $7,400, including construction materials (gravel, gravel fines, landscape fabric), permit costs and contingency. The majority of the labor will be provided by Green Opportunities staff and students at no charge. The City's Park Maintenance Department will oversee the construction to ensure the work is done in accordance with City standards and will assist in the class instruction of the trail construction. Any work with heavy equipment will be handled by the City. The approximate number of labor hours needed from the Parks Maintenance Department is 72 hours.

City staff applied for this grant through New Belgium Brewing Company's bike infrastructure funds in the amount of $5,000, which is the maximum amount an applicant can request. Staff discovered that the grant application was due August 30th, prior to the Finance Committee meeting hence staff already submitted the application. If chosen, New Belgium will announce the award and the funds will be available within 90 days. If New Belgium does not award the grant to the City, the construction materials will be paid with funds from the Transportation Department current operating fund. City staff is now in negotiations with Green Opportunities about the Agreement and we expect work to begin work this winter. If the City is awarded the grant, we will come back to City Council in order to budget the funds.

The Finance Committee reviewed this item on October 3, 2017, and unanimously recommended that it move forward to City Council for review and approval.

Pros:

- This project will provide a unique opportunity for Green Opportunities' students to learn trail building skills as a part of their curriculum
- The interim trail will provide public access to a portion of the Town Branch Greenway

- This project will provide community members who do not understand the advantages of a neighborhood greenway a "preview" of what the permanent greenway will be like

Cons:

- There will be a fiscal impact to the Transportation Planning Division
- The Parks Department will need to provide labor hours and oversight of the project
- In the long term, the Parks Department Maintenance budget will be impacted

The total cost for this project will be $7,400. If the $5,000 grant is awarded, the amount the City will pay is $2,400. If the grant is not awarded, the total amount will be paid for by the Transportation Department's current operating fund. Additionally, the long-term maintenance costs in future years will impact the Parks Department Maintenance budget.

Staff recommends City Council adopt a resolution authorizing the City Manager to apply for funds from New Belgium Brewing Company's Bike Infrastructure Grant in the amount of $5,000 to pay for materials for trail construction by Green Opportunities on the Town Branch Greenway Corridor.

RESOLUTION BOOK NO. 39 - PAGE 173

L. RESOLUTION NO. 17-242 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR FUNDING FROM THE N.C. DEPT. OF TRANSPORTATION FISCAL YEAR 2017-18 URBAN STATE MATCH PROGRAM, AND IF AWARDED, ENTER INTO SAID AGREEMENT

Summary: The consideration of a resolution authorizing the City Manager to apply for funding from the N.C. Dept. of Transportation FY 2017-18 Urban State Match Program, and if awarded, enter into said agreement.

The North Carolina Department of Transportation - Public Transportation Division is soliciting requests for Urban State Match Funding to be applied as a match to Federally-funded facility or vehicle projects. Transportation Department staff have identified a much needed project to completely renovate the Transit Center, located between Asheland Avenue and Coxe Avenue in the Central Business District. This project, identified as the "Transit Station Renovation", currently has $750,000 in City Funds committed to it as well as Federal Transit Administration (FTA) FY 2013-14 Section 5339 funds in the amount of $213,911 for a total project budget in the amount of $964,000.

On July 25th, 2017, City Council authorized the City Manager to accept the Section 5339 formula funds to be used for this project. The current opportunity for Urban State Match funding would free up the local city contribution by up to 10% of the project's total cost. Since the project is budgeted at $964,000, this opportunity would free up $96,400. In other words, this grant would reduce the city's financial burden in the capital project from $750,000 to $653,600.

Pros:

- If awarded, funding would free up $96,400 of city general funds for another purpose
- Funding is provided by NCDOT as a 10% to a city capital project

Con:

- The city share in the project would total $653,600.

The total project cost of $964,000 will be supported with $213,911 from the FTA. If awarded, Asheville's local match for the project would be reduced from $750,000 to $653,600.

Staff recommends City Council adopt a resolution authorizing the City Manager to apply for funding from the N.C. Dept. of Transportation for the FY 2017-18 Urban State Match Program.

RESOLUTION BOOK NO. 39 - PAGE 174

M. RESOLUTION NO. 17-243- RESOLUTION AUTHORIZING AN ACTING CITY MANAGER TO SERVE DURING THE CITY MANAGER'S TEMPORARY ABSENCE OR DISABILITY

Summary: Pursuant to N.C. Gen. Stat. § 160A-149, the City Manager has the authority to designate, subject to the approval of the City Council, a qualified person to exercise the powers and to perform the duties of the City Manager during his temporary absence or disability. It is necessary for an Acting City Manager to be designated during the times that the City Manager is absent or otherwise unable to perform his duties, in order to effectively conduct the business of the City. The City Manager, Gary Jackson, has prepared a letter, pursuant to N.C. Gen. Stat. § 160A-149, which has been filed with the City Clerk, which designates and authorizes Assistant City Manager Cathy Ball to exercise the powers and perform the duties of the City Manager at any time during his temporary absence or disability.

The City Council hereby approves the letter of City Manager Gary Jackson and the designation of Assistant City Manager Cathy Ball to exercise the powers and to perform any and all duties of the City Manager during his temporary absence or disability.

The duties of City Manager should be transferred to Assistant City Manager Ball upon prior written notice to the City Clerk and City Council by the City Manager, and should terminate upon the City Manager's return or his disability ceases, unless Council takes action during the City Manager's absence to revoke this designation and appoint another Acting City Manager.

RESOLUTION BOOK NO. 39 - PAGE 175

N. RESOLUTION NO. 17-244 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ENTER INTO AN AGREEMENT WITH BLOOMBERG PHILANTHROPIES FOR THE 2017 MAYOR'S CHALLENGE

Summary: The consideration of a resolution authorizing the City Manager to apply for and enter into an agreement with the Bloomberg Philanthropies 2017 Mayor's Challenge.

On September 6, the City of Asheville was invited by Bloomberg Philanthropies to participate in an "idea accelerator workshop" for the 2017 Mayor's Challenge. City staff from several departments participated, as well as a number of citizens from the City's existing partnerships. Ideas were discussed with community partners, with convergence upon an idea to improve the following situation: The proportion of public and private contracts in the Asheville area that go to minority-owned businesses is significantly lower than their demographic representation.

Funds received will be used to work with community partners to embark upon a community-centered, data-driven, scientific method approach to address this challenge. Measurement and open reporting of outputs, outcomes, and actual impacts upon the stated problem will be an integral part of the effort.

Pros:

- Community-driven approach to an acknowledged equity problem
- Data-driven and scientific method approach to a problem
- Aligns well with where City of Asheville staff efforts are already focused

- No matching funds required

Con:

- Some staff efforts are needed

There is no local match required.

Staff recommends City Council adopt a resolution authorizing the City Manager to authorized to apply for and enter into an agreement with the Bloomberg Philanthropies 2017 Mayor's Challenge.

Mr. Scott Barnwell, Business and Public Technology Manager, explained how the City worked with a number of community organizations and felt this was a real community-centered approach.

RESOLUTION BOOK NO. 39 - PAGE 177

Vice-Mayor Wisler said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilman Bothwell moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Young and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. OVERSIGHT OF COUNCIL APPOINTEES

Vice-Mayor Wisler said that Human Resources Director Peggy Rowe provided this report to the Governance Committee earlier today and they felt it might be good for the full Council to hear it.

Ms. Rowe said that (1) the City of Asheville does not have early retirement incentives; (2) the City of Asheville does not have retention bonuses; (3) general increases for employees including Council direct reports are approved during the budget process; (4) other adjustments for City Manager, City Attorney and City Clerk must be initiated by the Council; and (5) Council has a contract with the City Manager and the City Attorney. The City Manager's contract specifically addresses salary and benefits, performance evaluations, and travel. The City Attorney's contract specifically addresses annual review of compensation, travel and professional development, and performance evaluation.

She said that for the 5-year salary history of the City Manager, City Attorney and City Clerk, they have not received any increases, other than the same increase as all other City employees.

Ms. Rowe then explained the City's quality of service awards, which the City Manager, City Attorney, City Clerk or Department Directors are not eligible to receive. The awards have three levels (1) Level I - Requests for recognition items of less than or equal to $20.00 in value shall be submitted in writing to the employee's department director; (2) Level II - Requests for monetary awards of between $20.00 and $250.00 shall be submitted in writing to the employee's department director and the Human Resources Department; and (3) Level III - Requests for monetary awards more than $250.00 in net value will be submitted to the employee's department head, routed to Human Resources Director and then to the City Manager.

Ms. Rowe then briefly reviewed the City's Nepotism Policy, noting that this policy has been in place for many years.

B. FINANCE COMMITTEE RECOMMENDATION TO FORM AN ASTON PARK TENNIS CENTER TASK FORCE

Director of Parks & Recreation Roderick Simmons said that the Aston Park Tennis Center has a long history of serving the residents of Asheville. It is a jewel in the center of the city that provides important recreational opportunities to the residents of Asheville as well as visitors to the area. The Aston Park Tennis Center as a landmark to healthy living, engaged citizenry and economic impact.

During the 2014-15 fiscal year, City staff was asked to develop an RFP for the operation of the Aston Park Tennis Center with the goal of reducing the operating subsidy for the Tennis Center and developing a funding plan for capital investment. The City received one response to the RFP and the proposal was evaluated by management and staff. The proposal would not have reduced the City's subsidy of the Center as was rejected.

Additionally, Finance Department staff was asked to review the Aston Park Tennis Center Operations and to develop business plan options for consideration. The options included a plan to provide maintenance only and eliminate all fees and revenue generating activities. Another option explored a four-year stepped fee increase along with additional revenue generating strategies.

Staff worked with members of the tennis community to develop a focus group to discuss ideas and make recommendations that would reduce the city subsidy. The focus group considered and referenced the Aston Park Tennis Business Plan Options prepared by the City of Asheville Finance Department for the City Council Finance Committee staff report dated May 27, 2014.

Focus Group: As part of the public process the focus group was responsible for consolidating and evaluating the public comment to discern what best represented overall feedback from the tennis community. It was important for the focus group recommendations to reflect the public comments given at the two community meetings, the online portal and feedback received through email.

The focus group task was to process information provided during the public comment period and provide business plan options and a recommendation to City Council Finance Committee on the following:

1. Fee increase and expense reduction over a two-year period to reduce the city subsidy to the Aston Park Tennis Center which included an incremental increase in fees over a 3- year and 4-year period

2. Tennis Center management, revenue and cost saving opportunities, and general operations

3. Tennis Center maintenance

The Focus Group Members were: Ashley Arrington, Chris Barcklow, Sallie Bissell, Elaine Blanton, Dan Costant, Susan Eggerton, Lucy Keil, Paul Kelman, Ginger McLeod, Renate Rikkers, Marty Ruatto, Christian Theodossiou and Tom Youngblood. Staff Liaisons were: Mark Halstead, Debbie Ivester and Laura Loftis.

We are approaching the 3rd year of the business plan and based on the public comments at the October 3, 2017, Finance Committee meeting. This would be an opportune time to evaluate the progress of the 2014 business plan.

He recommended using a stakeholder and focus group model because it allows citizens and user group of the facility to provide feedback and the opportunity to help the facility continue to meet the needs of all citizens.

Process for evaluation of the 2014 Business Plan:

A. Staff shall reconvene the original focus group (as members are available and interested in participating) and offer the opportunity for new citizens and stakeholder groups to join.

B. Staff and focus group develop a process for public review and comments on the current business plan.

C. The focus group will use the information from public comment to review and evaluate the current business plan and make recommendations to the Parks and Recreation Advisory Board.

Given the City's focus on viewing all processes and programs through an equity lens, he recommended that we include Kimberlee Archie or someone acting on behalf of the Equity Office to ensure that the both the process is conducted and the final decision is made with equity in mind.

He recommended Council allow the focus group 60-90 days to complete the evaluation of the business plan. He will assign Program Managers Dee Black and Sandra Travis to be the project leads for the review process and they will coordinate with internal and external stakeholders.

List of Stakeholders

- Aston Tennis Center Pass Holders
- Asheville Tennis Association
- Coed Senior Tennis Group
- Women's Senior Tennis Group
- Weekend Mixed Doubles Group
- US Tennis Association League Tennis
- Asheville Middle School Tennis Team
- Asheville Catholic School Tennis Team
- General Aston Tennis Center Users
- West End Clingman Neighborhood Association
- South French Broad Neighborhood Association
- Any member of the public who has specifically contacted the City of Asheville regarding the recent consideration of fees and operations of the Tennis Center

The following is a recommendation for improving the Aston Tennis Center provided by Mr. Randy Talley and Mr. Lewis Isaac:

"Over the last several months our Aston Tennis Center Study Group has been assessing conditions at the Center and discussing a process for rejuvenating the Aston Tennis Center

program. As you are aware, the tennis community has been voicing concern for years about the Aston Tennis Center, and we note that conditions at the Center are not improving- only deteriorating.

We have a vision for the Asheville Tennis Center. In 3-5 years we would like for the Aston Tennis Center to have the following characteristics:

- Be a vibrant, thriving, highly respected City entity
- Be well-managed as a Tennis Center with a full schedule of play, leagues, lessons and events for all ages and abilities
- That the facility is well-maintained and recognized by tennis players as 'one of the best'
- Be recognized for teaching tennis, with more youth, and particularly 'at risk' youth participating
- Hosts events, generates income, and brings visitor dollars to our local economy
- Be a participating leader and partner with neighboring and local tennis groups
- Be recognized as a destination for tennis players and fans around the Atlantic and Southeast region
- Utilizes sound marketing and business practices
- That the City and citizens are satisfied with the Tennis Center, and the City receives due-credit for restoring this iconic venue
- And that Aston is branded as a community gathering place for all citizens to mix and get to know each other through the game of tennis

Existing Issues Needing Addressing:

- Full-potential is not being met (services, leagues, events, youth & 'at-risk' lessons, teaching, etc.)
- Not run as a tennis center; not using best practices from around the country
- Facilities in decline
- Membership and reputation declining
- City losing money- putting in $125,000+ a year for a business model that is outdated and not working
- Parking is becoming a problem, and soon to become more so
- Courts inefficiently watered- study other systems (Hydro Systems, etc.)
- Aston not a leader in coordinating with other tennis centers
- Zero marketing- that we can tell
- Poor collaboration with neighboring entities (United Way, YWCA, Housing Authority residences, Asheville Middle School, etc.)

Our understanding is that City Staff have been tasked with developing new options for managing Aston Tennis Center. Our request and recommendation is that the ***City authorize the formation of a task force to work with City Staff and conduct research based on specific questions of other public clay courts in comparable cities and to present this information and recommendation by year-end 2017.*** From this research and answering these questions, the task force will offer recommendations to City Council for ways to improve tennis at Aston and for structuring a long-term solution that will lead to a successful Aston Tennis Center, as outlined above. Our suggestion is that the task force receives staffing and research support from Parks & Recreation staff. We are pleased to submit separately a list of qualified individuals who could serve on the task force.

We recommend the task force consist of ten (10) members* representing the following:

- 1 Asheville Tennis Association- Tracy Whitehouse
- 1 USTA (United States Tennis Association)- Sara Naff-Mlo

- 1 Chamber of Commerce- Randy Talley
- 1 Asheville Sports Commission- Kathy Hurley
- 1 YMCA- Wilson Sims
- 1 YWCA- Kimberly Kneier
- 1 Aston neighborhood- Lewis Isaac
- 3 At-Large- Christian Theodossiou
  Renate Rikkers
  Charles Carter

*This is currently a draft list, and we are in process of firming up!

We are encouraged that the City has been progressive in its consideration of management for other entities, most notably the Municipal Golf Course.

Aston Tennis Center Study Group members
Randy Talley , Lewis Isaac
Charles Carter, Christian Theodossiou
Kimberly Kneier, Kathy Hurley
Renate Rikkers, Wilson Sims

Questions the Task Force's Research can Address:

- How have comparable cities achieved success with their public clay courts?
- What are specific indications of success with comparable clay courts?
  - Good cost and revenue model between city and contracting management entity
  - Strength of leagues
  - Level of adult play and ease of integrating new people
  - Role of teaching pros
  - Role of youth programs, both introduction and development
  - Number and type of tournaments each year
  - Level of coordination with other centers, tennis groups around the state
  - Significance of marketing skillsets and promotion capabilities
  - Ability to host events and generate visitor dollars
  - Degree to which it is a destination
  - Degree to which it is a meeting place for all citizens to mix and get to know each other through the game of tennis
  - How does the management group makes its revenue numbers ?
  - Type of community support for the management group
  - Where there are annual passes, how much do they cost and what are the associated benefits? What percentage of business is from passholders?"

Councilwoman Mayfield said that Mr. Simmons' recommendation and the Aston Tennis Center Study Group's recommendations are similar. She recommended Council adopt the recommendation process outlined by Mr. Simmons, with the addition of interested Study Group members on the Task Force and with the evaluation of the business plan to include some of the research questions outlined by the Study Group.

Mr. Simmons said that he would be happy to use the stakeholder and focus group model and encouraged interested individuals to contact him for inclusion in the group, noting that several of the research questions raised by the Study Group were used in the 2014 focus group process .

C. UPDATE ON THE ENERGY INNOVATION TASK FORCE

Councilwoman Mayfield said that this is a request to allocate additional city resources to implement the Energy Innovation Task Force's (EITF) recommendation for a community campaign to improve energy efficiency, reduce energy use, and move toward meeting the EITF's goals.

The City of Asheville, Buncombe County and Duke Energy jointly created the EITF in April 2016 as a collaborative, community effort to achieve two goals:

1. Avoid or delay building a 190-MW natural gas, peaking unit anticipated to be needed in the early 2020's, and
2. Create a clean energy future in Western North Carolina.

As a first step toward achieving these goals, Council approved $202,500 as part of this year's budget process to fund the following initial EITF recommendations:

Project	Approved Funding
Implement education and training for City staff, building professionals, HVAC contractors, building owners and the general public.	$25,000
Pursue opportunities for renewable energy and storage installations on City Facilities and properties.	$25,000
Encourage voluntary, quantifiable efficiency retrofits in privately owned commercial buildings (Better Buildings Challenge as extension of existing Workplace Challenge).	$25,000
Promote program offerings from EITF with City employees via education, outreach and support/remove barriers.	$2,500
Comprehensive Energy Audit for all City Owned Facilities	$75,000
Support ongoing engagement of Rocky Mountain Institute in analysis of programs and creation of EITF 2-year Action Plan	$50,000
Total	**$202,500**

In addition to these investments, Council indicated support for funding a low income weatherization program. The City subsequently joined with Buncombe County in applying for a $300,000, 2-year grant from the Kendeda Fund for this purpose. *The grant has been conditionally awarded, with one condition being the need for the City and County to indicate this project will not just be a short-term demonstration project but is viewed as one piece of a long-term commitment to reducing energy use that will continue beyond the scope of this grant. We are not being asked to commit specific funds for this specific program beyond two years, but simply an indication that our partnership through the EITF is a long term effort that will likely continue until we reach our goals.*

As indicated during the budget discussions, these investments by the city were intended to be the first step in the development and implementation of a longer work plan and campaign. The EITF is near the culmination of its 18 months of work and has developed and approved a branded, community campaign to improve energy efficiency, reduce energy use, and move us toward our larger goals. This campaign, called the ***Blue Horizons Project***, will be a coordinated

marketing campaign that will ask residential and business customers to take specific actions to help achieve our goals. The specific recommended actions will change over time in order to keep customers engaged and offer more options for action, but the campaign's initial focus will be on the following:

1. *Residential:* sign up for Duke Energy's EnergyWise program that allows Duke Energy to cycle off hot water heaters and HVAC systems for brief periods of time to reduce peak energy use. Customers typically never notice when this happens, and they receive an annual credit from Duke for enrolling in this program.

2. *Low income customers*: sign up for weatherization through the new City/County program or through Duke Energy's Neighborhood Energy Saver program that can target 1000-3000 homes in a single city per year. Duke has committed to bring the program back to Asheville in 2018.

3. *Business:* sign up for Duke Energy's Small Business Energy Saver program and EnergyWise Business. The Small Business Energy Saver program pays an average of 60% of the cost of energy efficiency upgrades.

4. *Other:* encourage residents to support and participate in other community efforts such as Energy Savers Network (volunteers doing low income weatherization) and Cool Communities (neighborhood groups working through an energy efficiency workbook).

Success in each of these areas has the potential to generate significant savings in peak energy use and energy use overall. The EITF continues to identify specific goals for the number of new program subscriptions and energy savings that we expect to achieve through this effort.

While this campaign relies heavily on Duke Energy's programs, implementation of the campaign must be the responsibility of the EITF convening partners and members. The key to the campaign's success will be the sense of collective, community responsibility it will generate and the need for everyone to participate if we are to reach our goals. It will not likely be successful if the public perceives it to be solely a Duke Energy marketing effort.

To that end, the EITF leadership has identified opportunities for each of the convening partners to contribute additional resources. Most of the items on the list are staff time, but each partner is also being asked to contribute $25,000 to support marketing for the campaign as well as the salary and expenses of a part-time campaign coordinator to manage the many moving pieces of the campaign over the next 12-18 months. Now that the EITF is moving out of planning and into implementation, there is a need for centralized coordination of outreach, communications, marketing, community partners, projects, website maintenance, tracking metrics of success, and fundraising. The EITF leadership envisions this coordinator would be housed at the Green Built Alliance.

Generally, the convening partners are being asked to commit the following <u>*additional resources*</u>:

Duke
- ensure its programs are sufficiently staffed to accommodate the anticipated increase in program subscriptions
- provide staff to attend and lead outreach sessions for different small business sectors
- provide staff support to research targeted customer sectors

- bring Neighborhood Energy Savers back to Asheville and coordinate with local partners
- coordinate with convening partners on campaign launch, marketing, and outreach and explore use of existing marketing dollars to support the campaign
- seek to improve existing programs and for opportunities to launch pilot programs in the future
- seek funding for the campaign coordinator and associated marketing/outreach efforts

City/County

- staff time to work together and with Duke to organize the public launch of the campaign at a media event in January.
- staff time to help implement the communications plan, which will consist mainly of regular, ongoing promotion throughout the year of the campaign and its associated website through existing communications channels - social media, website, op-ed, etc.
- staff time in working with Duke and other community partners, such as GO and Community Action Opportunities, to identify and engage the neighborhood(s) to be the focus of Duke Energy's Neighborhood Energy Savers Program in 2018
- staff time to work together and with Duke and other community partners on other outreach and implementation projects to advance the Blue Horizons Project and the EITF as needed and appropriate to ensure the City and County continue as meaningful, supportive partners in the EITF effort
- contribute $25,000 each for a campaign coordinator and associated marketing/outreach efforts (the County has committed to this from funds already allocated)

Pros:

- Advances Council's goals established by the EITF resolution and other resolutions aimed at moving Asheville toward a cleaner, affordable, smarter energy future
- Advances Council's vision for A Clean and Healthy Environment, which states, "Asheville continues to be a leader in innovative technologies and conservation efforts in response to global climate change."

Cons: None.

The fiscal impact would be funding of $25,000 for a part-time campaign coordinator. This would require a budget amendment as the funding already allocated is otherwise committed.

Recommended action would be to (1) Re-commit long term support for the EITF and its two major goals beyond the 2-year scope of the Kendeda Fund grant; (2) Support additional city staff time for marketing, outreach and project implementation to advance the Blue Horizons Project and the EITF, as needed and appropriate to ensure the City continues as a meaningful, supportive partner in the EITF effort; and (3) Make an additional allocation of $25,000 to support a campaign coordinator and associated marketing expenses for the Blue Horizons Project, conditioned on the County and Duke Energy committing an equal share.

Vice-Mayor Wisler was committed to the work; however, she could not support moving forward with number 2 for additional city staff time until staff can let her know what types of things won't get done if more staff time is spent on EITF and marketing, etc., and what the other partners are doing for staff support. On number 3, she was not willing to approve a budget amendment for $25,000 until we get an update on the City's first quarter.

Councilwoman Mayfield said that because there is no budget amendment before Council at this meeting, she would be willing to have it placed on the agenda when the City's first quarter update is heard. In the meantime, at the November 10 EITF meeting, she will get an official vote from the Task Force recommending that Council provide the support. The Task Force supported the action by head nods but did not take a formal vote.

In response to Councilman Smith, Councilwoman Mayfield said that they are in the process of developing a year to two-year work plan including the strategies they will be using to meet their two goals. At this point she did not anticipate coming back to Council until the next budget cycle. It is the plan to have the work plan completed by the end of the year. They have all the information and it's just a matter of pulling it together.

Councilman Bothwell felt that the Kendeda Fund should be reassured of the City's long-term commitment by our commitment to reduce the City's operational carbon footprint to 80% by 2050.

Councilman Young was concerned that Councilwoman Mayfield is asking for an additional $25,000 for the EITF outside of the City's budget cycle. Even though the amount is small, it would mean a lot to a small organization to do something different.

In response to Councilman Young, Councilwoman Mayfield said that Duke already advertises their programs, but the subscription rate to their programs are low. We know that Duke just marketing the programs does not work. The whole point behind the EITF is to create this community partnership that sends the message to residents and customers that we have a problem and we need to work together. The only way we will be successful is if we all work together and creating this community marketing campaign is clearly not Duke marketing its programs in the traditional way they have been marketed.

Councilman Young noted that since Duke has been marketing their programs for some time without success, he wondered what why the City coming to the table would make their programs successful.

It was the consensus of Council to recommit their long-term support for the EITF and its two major goals beyond the 2-year scope of the Kendeda Fund grant.

Regarding number 2 to support additional city staff time for marketing, outreach and project implementation to advance the Blue Horizons Project and the EITF, there was not majority Council approval until after the City Manager reports on the current staff time allocation.

Regarding number 3 to budget an additional $25,000 to EITF, Mayor Manheimer said that as there is no formal budget amendment before Council it will have to come back to Council for consideration. She supports the concept because we created the Task Force and we knew what the Task Force was going to do. It's important, though, to operate within the fiscal funding cycle and not to have budget amendments, which are typically for unforeseen circumstances. She was concerned about all the potential programs that will be borne out of the Task Force and the opportunity for other funding. She wanted to make sure we have exhausted any grant opportunities for funding like this, so when this comes back to Council for consideration of the budget amendment, she wants information on the fiscal performance of the City, where we are able to get the funds, and whether or not we have exhausted other opportunities for grant funding.

D. UPDATE ON ENFORCEMENT OF SHORT TERM RENTALS

Zoning Administrator Shannon Tuch said provided the Council with the following report:

"During the October 3, 2017, City Council meeting, council members requested an enforcement update related to Homestays and short-term rentals be provided by staff, prior to the regularly scheduled quarterly report. The data in this report spans a time frame from November 2015 through September 2017.

Rental of a property within the City of Asheville for a duration of less than 30 days is considered "Short-term". Rental of an entire home/apartment on a short-term basis is not allowed in residential districts and some commercial districts. Rental of private rooms within a dwelling on a short-term basis is allowed with a valid homestay permit from the City. Here is a summary of some city actions taken with respect to homestays and short-term rentals:

November 2015 - due to strong demand for homestay lodging, City Council passes a zoning text amendment modifying the requirements for a Homestay.

July 2016 - Council allocated additional resources to facilitate the permitting of Homestays and enforcement of illegal short-term rentals.

November 2016 - the City engaged a third party contractor (Host Compliance) to assist with locating short-term rental violations throughout the City. The Address Identification service provides a monthly report with complete address information and screenshots of all identifiable short-term rentals in our jurisdiction which is reviewed by staff as a tool for detect possible ordinance violations. A renewal of this contract is currently in process.

July 2017 - zoning administration and enforcement, including the enforcement of Homestays and short-term rentals, transferred from the Development Services Department to the Planning & Urban Design Department.

Update on Homestay Permit Activity: According to the city's permit records, there are approximately 548 active Homestay permits. Approximately half of these permits are advertised as "partial home" or a "private room" while the other half describe private suites that are advertised as "whole home/apt.". The very large majority of these permits have been issued since amending the homestay standards in November 2015, with a swell in permits issued after heavy short-term rental enforcement activity.

Update on Enforcement Activity: Planning & Urban Development staff continue to proactively enforce the short-term rental provisions of the UDO as had been the practice under the Development Services Department. This effort is enhanced by the data supplied by the third party contractor. Prior to 2017, staff issued approximately 10 notices of violation for short-term rentals per month under the former system. Beginning in 2017, staff has issued an average of 42 notices of violation for short-term rentals per month. This number is down from earlier reports (72 notices/month). The reduction is believed to be primarily the result of: 1) a normalization of activity after a period of heavy enforcement, and 2) a time limited reduction in resources due to the transfer of responsibilities to the Planning & Urban Design department.

Time Period	Average Violations Noticed, Monthly
Nov 2015- Oct 2016; 12 month span	10
Jan 2017- Sept 2017; 9 month span	42
Percentage Increase, Proactive Enforcement	420%

Of the total noticed violations, only 17.2% originate through citizen complaints. 82.8% of the violations noticed by the city have been proactively identified by city staff with the assistance of the contract service.

The majority of the cases opened are resolved through the correction of the violation or issuance of a homestay permit where appropriate. The table below highlights the most common resolutions:

Resolution of Case	Percentage of Cases
Homestay Permit Issued	21%
Violation Corrected, Case Closed (change of use in an allowed zoning district, change to 30 day minimum rental, etc)	52%
Invalid Complaint	6%

The remaining 9% of open cases can include properties that are in various stages of enforcement action including those that have been turned over to the City Attorney's office for legal action.

In an effort to reconcile permit data with the data from the contractor, an exercise that identifies the different categories of listings demonstrates that most of the identified listings are brought into compliance.

Approximate Listing Breakdown (October 2017)	
Total number of short-term rental units: 959	
Number of listings identified: 681	
Number of units rented for one month or more	54
Number of homestay permits issued	548
Number of active enforcement cases	85
Total	687 (+6)

With approximately 12 months of basic metrics provided through the third party contractor, it is better recognized that the overall number of identified listings consistently hovers between 900-1,000 listings. As new listings are identified, enforcement action is initiated and generally successful; however, the inventory of listings is changing day-to-day presenting new challenges for tracking and monitoring properties and cases.

Staff Concerns: Through the administration of the revised Homestay permitting and proactive enforcement programs, staff has encountered many different scenarios that have generated the following areas of concern:

- The number of unidentified units evading detection and continuing to operate illegally.
- False representation of residency, web postings, and leases with homestay permits along with the accurate identification of livable space and unit separation .
- Property owners seeking to operate homestays from detached structures.
- In commercial districts, an increase in the number of residential dwelling unit conversions to short-term lodging.
- In commercial districts, a significant increase in the number of new residential projects being constructed for the purpose of providing lodging.

Next Steps: Staff will continue to work with the third party contractor while diligently verifying supplied data to identify properties that are possibly in violation and those which may have the opportunity to gain compliance through Homestay permitting or other means. However, the number of new and unique violations identified by the Address Identification Service is decreasing. As such, the number of violations issued is expected to decrease in the future."

There was considerable discussion, initiated by Councilman Smith, regarding how the City can get to zero with regard to illegal use, and are the enforcement efforts enough or does Council need to augment the enforcement efforts in some way. Ms. Tuch explained that once the properties are identified our enforcement seems to be pretty effective. Our biggest challenge to reach zero is our inability to identify all the properties that are currently operating illegally. The listings themselves, when you evaluate them, don't give you any identifying information. We have looked at other cities and some of the strategies that they are using. The third-party consultant are trying to help answer these questions as well. We are effectively managing the homestay program but continue to struggle to identify the people who are employing evasive techniques to avoid detection.

Councilman Smith said that there has been conversation around looking at those commercial areas were the short term rental use is currently legal and some formalized policy discussion around the direction Council wants that to go. Acting City Manager Ball said that she thought we would have data that could show us the number of legal short term rentals in the commercial zones. We can also look at short term rentals in other zones, and where there could be conflict between neighborhoods and the short term rentals, e.g., the River Arts District. We can start the analysis on how many we have occurring legally and then try to target where Council views those have the most impact on the quality of life for the citizens. Council could then determine not allowing them in other zoning districts that currently allow it.

Vice-Mayor Wisler supported starting the process especially showing how many new short term rentals are being applied for or have become legal within the commercial districts.

Councilman Smith felt it is a good idea to have staff start that analysis and perhaps take it to the Planning & Economic Development Committee for review or perhaps include it as part of the City Council retreat discussion.

Councilwoman Mayfield supported gathering the data and seeing how many legal whole house short term rentals and their location.

Ms. Tuch said that she anticipated the Council question of where we have the conversion of residential units into short term rentals. She talked with the Development Services Department and noted that she would have presented that information to Council if we had it. The permit system we use has some limitations. All conversions of residential units to lodging requires a change of use applications - Level I application process. When we sort it in our permit system, we get all Level I applications. We then tried to narrow it down by key word searches, but that is not reliable because everyone enters in different key words. We were not confident with the data that we collected so we have not been presenting it. The other limitation is that the system does not allow us to search in a geographic area. Moving forward we may be able to identify a specific sub-type to the application to make sure that gets tracked. We will continue to see if we can get the data (with manual culling) over the last year of the conversions.

Ms. Tuch noted that what is a new trend we are seeing is the number of what would be residential projects now seeking to come in and amend their applications to be lodging projects, including several large ones in the downtown.

It was the consensus of Council to ask staff to (1) see if there is more we can do around enforcement that we are not now doing; (2) try to determine how many legal short term rentals are there in the non-residential districts; and (3) try to determine if there a way to measure the conversion of residential units into short term rentals and if Council wants to address this as a use in the future, what would be the recommendation.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF PROPERTY LOCATED AT 95 ROBERTS STREET FROM RIVER DISTRICT TO LODGING EXPANSION/CONDITIONAL ZONING FOR THE RENOVATION OF AN EXISTING BUILDING FOR A LODGING USE WITH ADDITIONAL SPACE FOR RETAIL AND RESTAURANT USES

ORDINANCE NO. 4620 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT 95 ROBERTS STREET FROM RIVER DISTRICT TO LODGING EXPANSION/CONDITIONAL ZONING FOR THE RENOVATION OF AN EXISTING BUILDING FOR A LODGING USE WITH ADDITIONAL SPACE FOR RETAIL AND RESTAURANT USES

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to consider the conditional zoning of property located on 95 Roberts Street from River District to Lodging Expansion/Conditional Zoning for the renovation of an existing building for a lodging use with additional space for retail and restaurant uses. This public hearing was advertised on October 13 and 20, 2017.

The subject property (PIN 9638.97-5796) is currently owned by Greer Building LLC; the petitioner is White Point Partners and the project contact is Gregory Hoffman.

Site - The project site consists of one parcel located at 95 Roberts Street in the River Arts District with an area of approximately 0.88 acres (to be conditionally rezoned) but also includes some associated work on the parcel across the street (creation of public parking). The primary site is currently zoned River but is within the RAD Form Code rezoning area (not yet approved at the time of application) and surrounding sites are currently River or Commercial Industrial zoning (proposed RAD- Neighborhood Transition RAD-NT).

The project site contains an existing building fronting directly onto Roberts Street with the railroad right-of-way to the rear. There are existing one and two story buildings in the immediate vicinity.

There is a little bit of space on each side of the project that is not developed. The applicant is working on historic preservation tax credits so and they have been working with State Historic Preservation Office on what exactly could be done in those areas. As of now, word from the State Historic Preservation Office is that they want to leave those areas as undeveloped as possible to better reflect how the building and the site functioned when it was an industrial use.

Overall Project Proposal - The applicant is proposing to renovate the existing building primarily for a lodging use. There are additional spaces proposed for restaurant and retail uses. Plans indicate 70 lodging rooms, 4,608 square feet for retail and a 60-seat restaurant. The building appears as two-stories when viewed from Roberts Street but has five levels from the rear and has an overall height of 67' 2 ⅝ " and a total GFA of approximately 61,000 square feet. There is a new rooftop penthouse proposed to be constructed.

Access, Sidewalks, Parking - The design proposes a vehicular drop-off area to be constructed to the east of the building in a small area that is currently vacant and includes four spaces. Otherwise, the primary vehicular access to the site is from Payne's Way which is along the railroad right-of-way to the south of the building, accessed from Lyman Street. Bicycle racks are provided at both the front and rear access points to the building.

There are approximately 75 spaces proposed within this graveled area. Also, 20 parking spaces are proposed to be created as public, on-street spaces across Roberts Street to the north. A total of approximately 95 spaces are provided for this project which is within the required range for the uses. The UDO allows and encourages a combination of on-street and shared or remote spaces to meet minimum parking requirements for permitted uses.

Sidewalks are provided along the front of the building and are shown varying in width from eight to ten feet *(see condition below)*.

Landscaping & Open Space - Landscaping is required for this project and includes building impact landscaping, street trees, street buffer and dumpster screening. There are two retaining walls shown on the revised plans - nine feet and 15 feet, which will comply with aesthetic standards required by the UDO.

Five percent of the lot area is required to be set aside as open space; the proposal meets this standard.

Design and Operational Standards - There are standards relating to building orientation and fenestration in the zoning district and the design complies. The renovation of the historic building (constructed c. 1925) is being reviewed by the State Historic Preservation Office for historic tax credits.

Zoning – Lodging uses with over 21 rooms are required to undergo a conditional zoning review to the Lodging Expansion District. This proposal is located in a commercial area where lodging uses are currently permitted and mixed-use projects are expected.

Conditions – The applicant is proposing several conditions relating to reuse of an existing building:

1. Sidewalk width less than 10 feet as required by the district - no less than eight feet in any spot in front of building
2. Parking for the use will be provided along Payne's Way in the railroad right-of-way, off of the project parcel and by new on-street spaces created along Roberts Street. Off-site and shared parking arrangements are encouraged in the UDO.

Projects undergoing conditional zoning review are required to hold a neighborhood meeting; the meeting for this project was held on July 25, 2017. The River District Design Review Committee voted unanimous support for the project at their meeting on August 29, 2017, as did the Asheville Area Riverfront Redevelopment Commission on September 14, 2017. The project was approved with conditions by the Technical Review Committee on September 18, 2017. Final TRC review is needed prior to the issuance of any permits.

No communication has been received from the public as of the writing of this report.

This site is within the area under consideration for the RAD Form Code. Recent nearby projects include the mixed-use development, RAD Lofts (amended by City Council July 2017).

The lodging use (with retail and restaurant spaces) can be considered as appropriate in this location. The RAD Form Code stresses providing a mix of uses, especially those that will support the working artists and adaptively re-use existing historic buildings. Because the existing building occupies almost the entire parcel, there is not sufficient room on the site to provide required parking; the proposal utilizes allowable provisions found both in the UDO and the proposed RAD Form Code for remote parking to satisfy the needs of the uses.

This project is aligned with elements in the Comprehensive Plan (*2025 Plan)* in that it adaptively reuses an historic building, retaining the architectural character and heritage of the area and places development along a commercial (mixed-use) corridor with infrastructure already suited to accommodate the use. Additionally the uses are in a location with transit, bike lanes, sidewalks along with future greenways that help enable non-vehicular access to nearby uses such as downtown and the river. Also the *Plan* recognizes tourism and the 'availability of adequate lodging facilities" as a key strength of the City.

The proposal aligns with the 2036 Council vision in the following areas: (1) *A Well-Planned and Livable Community* (active streetscape, preservation of historic structure, multi-modal access); and (2) *Transportation and Accessibility* (multi-modal access opportunities).

Considerations:

- Project adaptively reuses a historic building, maintaining the architectural fabric of the RAD
- The uses activate the streetscape and complement the mixed-use intent for the area
- Parking must be accommodated via a remote parking provision

Based on policies in the *2025 Plan* and City Council's 2036 Vision Considerations as well as the River Arts District form code, staff recommends approval of the conditional zoning for the project at 95 Roberts Street inclusive of the conditions as noted in the B.1 attachment.

The Planning & Zoning Commission reviewed this request at their meeting on October 4, 2017, and voted 7-0 in support of the project. Commissioners recommended the applicant consider creative screening methods to soften the appearance of retaining walls on the site.

When Vice-Mayor Wisler asked how the City would enforce the remote parking agreement in the future, Ms. Bernstein felt that if some space were to become unavailable they would have to find space elsewhere, or seek a variance by the Board of Adjustment for a parking reduction. Ms. Bernstein said that the condition would be that the applicant would not be providing parking on-site.

In response to Councilwoman Mayfield, Ms. Bernstein said the remote parking agreement is for the spaces behind the building and that agreement is between the applicant and Norfolk Southern. Since the condition is for no parking on-site, staff has not gotten into the particulars of how the agreement would work. Prior to receiving zoning permit at the Final TRC, staff will need more detail on how the remote parking agreement would work.

Mr. Jesse Gardner, an executive member with Civil Design Concepts, said they have secured a long-term parking lease with Norfolk Southern. We plan to improve it for parking that supports this project. The owner will continue dialogue with Norfolk Southern to secure that right-of-way by purchase. Now it is only a lease in perpetuity with a termination right. He said that the own the property across the street and if the parking every got taken away, they could potentially build a parking garage. There are also other options on the site but they would rather not build a separate structure when they are pursuing tax credits. It is in their vested interest to make sure there is parking for their occupants.

Mr. Jay Levell, developer from Charlotte, said that he specializes in historic rehabs. He felt this is a great building and wants to preserve it. They have partnered with a boutique hotel group. They want to keep the character and fabric of the River Arts District and have local uses, local retail and support the area.

When Councilman Haynes asked if the developer would make a commitment to have local businesses in the retail spaces and pay a living wage, Mr. Levell said they are in preliminary discussions with several local restaurants. Regarding the living wage, he knew the hotel group has discussed it and would love to do as much as they can for the local community, but he could not make that commitment.

When Councilwoman Mayfield asked about energy and water efficiency measures, Mr. Levell could not speak on this matter but knew the hotel group will do as much as they can. They are a little limited by the State Historic Preservation Office, but want to be as conservation minded as possible. Councilwoman Mayfield suggested they review the green building standard for historical structures developed in Georgia.

Mayor Manheimer opened the public hearing at 6:46 p.m.

An artist and business owner in the River Arts District felt there is ample space on one side of the building to include a parking structure. She was concerned about the inevitable development in the River Arts District and was concerned about how it happens so as not to diminish the revenue stream generated by the artists in the District.

Ms. Pattiy Torno, artist and business owner in the River Arts District, felt it was important to have some alternatives to downtown in terms of different experiences. When there are eyes on the street it makes the area safer. For a lot of different reasons, having lodging in the River Arts District will bring us a constant flow of new customers, and she totally supported the project.

Mr. Rusty Bryant, father of a business owner in the River Arts District, also spoke in support of the project in the area.

Mr. Chris Fusting hoped that the developer will not include chain stores so that the River Arts District remains special. He also felt it was important to pay the workers a living wage.

A business owner in the River Arts District felt that it is good to get tourists to the River Arts District, but not by building a hotel.

Mr. Manley Nelson felt it is good to partner with companies that value historic buildings and the character of the area. He felt this is a good opportunity for a hotel in a nice setting to reinforce the historic nature of the area.

Mayor Manheimer closed the public hearing at 6:57 p.m.

Councilman Young said he would support the project and was cautiously optimistic. He hoped that the hotel will stay true to the area to support locals and also pay a living wage. He felt that venturing into the River Arts District will be a sophisticated balancing act that supports redevelopment but also helps locals.

Councilman Bothwell, member on the Asheville Area Riverfront Redevelopment Commission, was impressed with the kind of restoration work the hotel group has done in the past and what they intend to do with this building. It is an excellent adaptive reuse of a building.

When Councilman Haynes and Councilman Smith asked the developer for a commitment for local businesses in the retail and the commitment for the hotel to pay a living wage to its employees, City Attorney Currin said that with a conditional zoning it has to be a condition that is agreed upon by both the Council and the applicant. Under the N.C. Gen. Statutes, those conditions should have to do with zoning compliance, land use regulations and compliance with the Comprehensive Plan. It's probably subject to a challenge, but that is up to Council and the applicant as to what is ultimately agreed upon.

Councilman Smith was concerned about the parking situation. He appreciated the reuse of the building; however, his concern is that we have record numbers of tourists in Asheville (almost $11 Million visiting Asheville last year) and we currently do not have a cooperative effort with the Tourism Development Authority to do a sustainable tourism study to determine what is our carrying capacity and how are we going to grow responsibly with regard to our tourism industry. He could not support the project.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Bothwell moved to recommend approval of the conditional zoning request for Greer Building LLC for the property located at 95 Roberts Street from River District (RIV) to Lodging Expansion District Conditional Zone (LODG EXP CZ), and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in that: (1) The proposal supports the strategies found in the City's comprehensive plan on adaptive reuse, multi-modal transportation elements and tourism; (2) The historic building will be preserved and reused, maintaining the character and architectural fabric of the district; and (3) The design activates the streetscape and creates new public on-street parking spaces. This motion was seconded by Councilman Young and carried on a 5-2 vote with Vice-Mayor Wisler and Councilman Smith voting "no".

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B. PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES TO ADOPT THE RIVER ARTS DISTRICT FORM BASED CODE FOR THE GREATER RIVER ARTS DISTRICT AREA AND THE ASSOCIATED PROPERTY REZONING

Mayor Manheimer said that it has just been brought to her attention that she may have a conflict of interest in voting on the RAD Form Based Code items on the agenda. Because she will need to check with the Bar Association on this potential conflict, Councilman Young moved to continue this public hearing until November 14, 2017. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

C. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES TO REMOVE RIVER PARKING REDUCTION AREA IN ITS ENTIRETY

Mayor Manheimer said that it has just been brought to her attention that she may have a conflict of interest in voting on the RAD Form Based Code items on the agenda . Because she will need to check with the Bar Association on this potential conflict, Councilman Young moved to continue this public hearing until November 14, 2017. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

E. PUBLIC HEARING TO AMEND ARTICLE VII OF CHAPTER 7 OF THE CODE OF ORDINANCES TO AMEND LOT SIZE AND DENSITY STANDARDS FOR RESIDENTIAL ZONING DISTRICTS CITYWIDE

ORDINANCE NO. 4621 - ORDINANCE AMENDING ARTICLE VII OF CHAPTER 7 OF THE CODE OF ORDINANCES TO AMEND LOT SIZE AND DENSITY STANDARDS FOR RESIDENTIAL ZONING DISTRICTS CITYWIDE

Urban Planner Vaidila Satvika said that this is the consideration of an ordinance to amend Article VIII of Chapter 7 of the Code of Ordinances to amend minimum lot area and density regulations affecting residential zoning districts citywide. This public hearing was advertised on October 13 and 20 , 2017.

On August 22, 2017, City Council unanimously passed Ordinance No. 4608 to incentivize small-scale residential infill development. The residential zoning changes reduced lot width standards, revised density standards for multifamily projects, introduced neighborhood-scale multifamily design standards for multifamily development, provided greater flexibility for driveways, and made ancillary updates to support small-scale infill development.

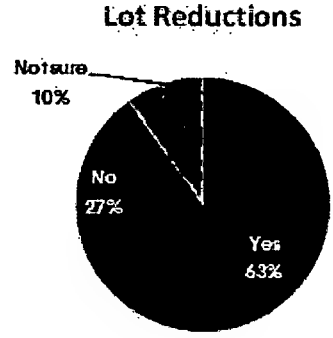
At that meeting City Council requested that staff implement a corresponding 20% reduction to *Lot size standards*, which were part of earlier versions of the proposal. To accomplish this reduction, *Density standards* for multifamily zoning districts also need to be adjusted in order to ensure consistency of the code.

The proposed changes to minimum lot area are displayed below by zoning district.

	RS2	RS4	RS8	RM6	RM8	RM16
Current (SF)	20,000	10,000	5,000	7,000	5,000	2,500
Proposed* (SF)	**16,000**	**8,000**	**4,000**	**6,000**	**4,000**	**2,500**

* RM6 proposed minimum lot area rounded from 5,600 SF to 6,000 SF; RM16 current single-family attached minimum standard kept as proposed minimum lot area

On October 4, 2017, the Planning & Zoning Commission reviewed and unanimously recommended approval of staffs' recommendations to reduce lot size standards and associated densities by 20%.



During the small-scale infill initiative outreach process, public surveys corroborated that the public supports reductions to lot standards, as shown in the chart to the right.

This wording amendments are consistent with the City's 2025 Comprehensive Plan in the following areas: (1) They provide compatible redevelopment and infill development; (2) They support walkable neighborhoods by incentivizing location-efficient housing; and (3) They contribute to the development of transit-supportive densities via more efficient land use.

This initiative aligns with the 2036 Council Vision in the following areas: (1) *Quality Affordable Housing* - It promotes more abundant and varied housing options that will help to

relieve Asheville's housing affordability needs; (2) *A Well-Planned and Livable Community* - It provides more location efficient housing - close to jobs and transit service - to reduce the costs and environmental impacts associated with automobile use; and (3) *A Diverse Community* - It supports a more equitable and diverse community by giving current property owners greater flexibility to provide housing for the growing community.

Staff recommends approval of the wording amendments modifying residential zoning districts to incentivize neighborhood compatible, small-scale residential development in that it is consistent with the Comprehensive Plan, City Council 2036 Vision and other adopted plans.

The Planning & Zoning Commission reviewed and unanimously recommended approval to reduce lot size standards and associated densities by 20%.

Mayor Manheimer opened the public hearing at 7:09 p.m.

Mr. Steven Edge explained how one size does not fit all with this amendment. There are certain neighborhoods in Asheville where this does not fit for the walkability or driveway flexibility. Some neighborhood characteristics are not built around density.

Mr. Manley Nelson supported the amendment because it increases walkability.

Mayor Manheimer closed the public hearing at 7:12 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the wording amendment to UDO Article VIII according to the ordinance, which revises residential zoning standards to incentivize small-scale residential development, and find that the request is reasonable, is in the public interest, and is consistent with the Comprehensive Plan and other adopted plans in the following ways: the amendment (1) promotes more abundant and varied housing options in residential neighborhoods; and, (2) supports walkable neighborhoods and more efficient land use through compatible residential infill. This motion was seconded by Councilman Bothwell and carried unanimously.

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V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Councilman Bothwell said that when Council authorized the City Manager to have electric utilities installed for food trucks at the 68 Haywood Street location, they didn't indicate the cost to the food trucks. Since then, City staff has been treating that as an event and charging food trucks $100 for the first three hours and $25 for each additional hour. For food carts, the City charges $150 or $175 per year. He was concerned that the food trucks don't make that much money, and asked that Council to either waive or reduce fees for food trucks at the 68 Haywood Street location. Acting City Manager Ball said that staff will report back to the Finance Committee on the actual costs.

Councilman Smith remindec citizens that early voting is open and other than the election of the Mayor and three Council members is also a question of whether you want to see Asheville's elections move to a district system.

Councilman Bothwell announced the annual RiverLink fundraiser on October 27 and 28, 2017, at Zealandia.

Closed Session

At 7:16 p.m., Councilman Young moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit involving the following parties: PHG Asheville, LLC vs. the City of Asheville. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Councilman Bothwell and carried unanimously.

At 7:48 p.m., Councilman Young to come out of closed session. This motion was seconded by Councilman Bothwell and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:48 p.m.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – November 14, 2017 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Cecil Bothwell; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilman Gordon D. Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING NOVEMBER 11-19, 2017, AS "NATIONAL HUNGER AND HOMELESSNESS AWARENESS WEEK"

Mayor Manheimer read the proclamation proclaiming November 11-19, 2017, as "National Hunger and Homelessness Awareness Week " in the City of Asheville. She presented the proclamation to Rev. Amy Cantrell, and others, who thanked Council for this proclamation.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 24, 2017

B. MOTION TO APPROVE THE CAPITAL IMPROVEMENT PROGRAM BUDGET SCHEDULE

Summary: Motion to approve the Capital Improvement Program (CIP) Budget Schedule.

As discussed with City Council at its August meeting, staff is proposing to expedite the CIP budget timetable this fiscal year in order to hold discussions and receive feedback from Council earlier in the overall budget process. The attached CIP budget schedule, which outlines key dates in the process, was reviewed by the Finance Committee at its October 24, 2017.

Staff recommends that City Council review the proposed Capital Improvement Program (CIP) Budget Schedule, make changes as needed, and approve the motion to adopt the schedule.

C. RESOLUTION NO. 17-245 - RESOLUTION AMENDING THE 2017 CITY COUNCIL MEETING SCHEDULE TO ADD THE CITY COUNCIL ORGANIZATIONAL MEETING ON DECEMBER 5, 2017, AT 4:00 P.M. IN THE COUNCIL CHAMBER

RESOLUTION BOOK NO. 39 - PAGE 178

D. RESOLUTION NO. 17-246 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GREEN OPPORTUNITIES TO ALLOW THEM TO BUILD A GRAVEL FINES TRAIL AS A TRAIL BUILDING LEARNING EXPERIENCE

Summary: The consideration of a resolution authorizing the City Manager to enter into agreement with Green Opportunities (GO) to allow them to build a gravel fines trail along the Town Branch Greenway Corridor as a trail building learning experience.

GO approached the City with the desire to build a gravel fines trail on the Town Branch Greenway Corridor as a learning experience for their Landscaping and Maintenance program. The trail would measure six feet wide and approximately 1000 feet long. It would begin in the field behind the Wesley Grant Center at Depot Street on city-owned property known as PIN 9648-14-0398-00000. It will then travel east through said property to end at South French Broad Avenue behind the firehouse (PIN 9648-14-5341-00000).

GO will build the trail and maintain it in accordance with the Agreement. The trail project will be overseen by staff of the Parks Maintenance Department. The Parks Maintenance Division will oversee the project to ensure that maintenance meets City standards. Any work with heavy equipment will be handled by the City. In the event GO is unable to maintain the trail to City standards, the Parks Department will take up the maintenance of the site. The approximate number of labor hours needed from the Parks Maintenance Department is 72 hours.

The total costs to be encumbered by the City for this trail is $7,400. To offset the costs, City staff applied for a $5,000 grant through New Belgium Brewing Company's Bike Infrastructure Program, which is the maximum amount an applicant can request. If New Belgium does not award the grant to the City, the costs will be paid for from the Transportation Department's Planning Division budget.

The Finance Committee reviewed and unanimously supported this request on October 3rd, 2017. The PED Committee reviewed the project on October 17, 2017 and also recommended to support it.

Pros:

- This project will provide a unique opportunity for Green Opportunities' students to learn trail building skills as a part of their curriculum.
- The interim trail will provide public access to a portion of the Town Branch Greenway
- This project will provide community members who do not understand the advantages of a neighborhood greenway a "preview" of what the permanent greenway will be like.

Cons:

- There will be a fiscal impact to the Transportation Planning Division
- The Parks Department will need to provide labor hours and oversight of the project
- In the long-term, the Parks Department Maintenance budget will be impacted.

The total cost for this project will be $7,400. If the $5,000 grant is awarded, the City contribution will be $2,400. If the grant is not awarded, the total amount will be paid for through the Transportation Planning Division's current adopted budget. Additionally, the maintenance material costs in the future years may impact the Parks Maintenance budget.

Staff recommends City Council adopt a resolution authorizing the City Manager to enter into an agreement with Green Opportunities to use a portion of the Town Branch Greenway as a trail building learning experience for their landscaping and maintenance program that will build and maintain an interim trail until the permanent greenway is constructed as part of the Grant Center bond project.

RESOLUTION BOOK NO. 39 - PAGE 179

E. RESOLUTION NO. 17-247 - RESOLUTION ACCEPTING THE REPORT

PREPARED BY CITY STAFF FOR THE FLOOD MITIGATION ACTION ITEMS ASSOCIATED WITH THE REPETITIVE LOSS AREA ANALYSIS REPORT

Summary: The consideration of a resolution accepting the annual Repetitive Loss Area Analysis report which identifies actions staff has taken over the past year as a member of the Community Rating System (CRS) Program.

The City of Asheville joined the Community Rating System (CRS) program administered by the Insurance Services Office (ISO) in 2014. As required by the CRS program, a Repetitive Loss Area Analysis (RLAA) to supplement the Buncombe's County-wide All Hazards Mitigation Plan was prepared in 2014 by the consultation firm of Brown and Caldwell.

A Repetitive Loss Area (RLA) is defined as an area that contains one or more repetitive loss structures (two or more claims of more than $1,000 that have been paid by the National Flood Insurance Program (NFIP) within any 10-year period since 1978). The RLAA is a mitigation plan developed for those areas with the purpose of reducing damages and increasing awareness from flooding and lowering the cost of claims submitted to the NFIP. The ultimate goal of lowering these costs is to reduce the increase in flood insurance premiums that has been occurring for a number of years.

The Community Rating System (CRS) is a program administered by the Federal Emergency Management Agency (FEMA). It provides lower insurance premiums under the National Flood Insurance Program. The premium reduction is in the form of a CRS Class. A 5 percent reduction is received by policyholders within the City for each class reduction the community obtains. The classes are obtained by actions that are above and beyond the requirements of the National Flood Insurance Program administered by FEMA. The benefits of joining the CRS program has been a reduction of flood insurance premiums paid for by those citizens who have flood insurance. Currently, the citizens of Asheville receive a 10 percent reduction in their flood insurance premiums through participation in the CRS program.

In order to maintain the current status in the CRS program, staff is required to provide to council the annual report of the Flood Mitigation Actions Items that were part of the RLAA report from Brown and Caldwell adopted by Council on December 10, 2013. As highlighted in the report, staff continues to look for ways to reduce flooding and damage from floods through community awareness through our website and flyers, staff is working with the Army Corps of Engineers on opportunities within the Swannanoa River Basin for flood mitigation opportunities and city staff works with developers and property owner on ways to protect their properties from flooding.

Pros:

- The citizens of Asheville will continue to receive a 10 percent reduction on their flood insurance program.
- Provides higher level of protection through our current flood ordinance
- Promotes public education of the Special Flood Hazard Areas

Con:

- Considerable amount of staff time is necessary to maintain these requirements

There is no additional fiscal impact to continuing the efforts necessary for the CRS program, staff time is currently programmed into the annual operating budget.

Staff requests council to approve a resolution accepting the report prepared by city staff for the flood mitigation action associated with the repetitive loss area analysis report.

RESOLUTION BOOK NO. 39 - PAGE 180

F. RESOLUTION NO. 17-248 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT, IF AWARDED, FISCAL YEAR 2017-18 EMERGENCY SOLUTIONS GRANT AND PROVIDE FUNDING TO SELECTED AGENCIES

Summary: The consideration of a resolution to apply for and accept if awarded Fiscal Year (FY) 2017-18 Emergency Solutions Grant (ESG) funds and provide funding to selected agencies.

ESG funds are made available from the US Department of Housing and Urban Development through the State of North Carolina Division of Aging and Adult Services (DAAS). The City of Asheville has been the fiscal sponsor for Emergency Solutions Grant funding since 2012 to fund local agencies working tc address homelessness.

In the FY 2016-17 cycle, the community received an initial award of $113,354. An additional allocation of $34,977 was granted for Emergency Shelter Operations and the Homeless Management Information System.

The Homeless Initiative Advisory Committee appointed a Finance Subcommittee to review the ESG projects and application process. This subcommittee was comprised of individuals and agencies who did not apply for ESG funding. Each project was evaluated using the 2017 Scorecard for ESG funds developed by the North Carolina Balance of State Continuum of Care. These recommendations were endorsed by the Asheville Homeless Coalition and the Homeless Initiative Advisory Committee.

The following projects have been recommended for the 2017-18 ESG Grant Application:

2017-2018 Emergency Solutions Grant Recommendations				
	Emergency Shelter	Homelessness Prevention	HMIS	**Total**
Helpmate	$28,500			**$28,500**
City of Asheville			$10,000	**$10,000**
Homeward Bound of WNC		$64,594		**$64,594**
Salvation Army	$20,366			**$20,366**
Total	**$48,866**	**$64,594**	**$10,000**	**$123,460**

This distribution provides level funding for emergency shelters, additional HMIS support and includes housing assistance through Homeless Prevention activities. These projects are expected to maximize the use and ensure the expenditure of ESG funds.

Pro:

- The Emergency Solutions Grant program is a key funding resource for emergency shelter and for rapid rehousing of persons experiencing homelessness.

Con:

- Funds available are not adequate to meet full agency requests.

Program funding is entirely from the US Department of Housing and Urban Development, through the State of North Carolina. Existing Community Development Division staff will administer the program. No general funds are requested to support this program. A budget amendment will be made if grants funds are awarded.

Staff recommends that Council authorize the City Manager to apply for FY 2017-18 Emergency Solutions Grant (ESG) funds and to accept these grant funds if awarded, and provide funding to selected agencies, including any additional allocations.

RESOLUTION BOOK NO. 39 - PAGE 184

G. RESOLUTION NO. 17-249 - RESOLUTION AUTHORIZING THE CITY MANAGER TO IMPLEMENT A 457 (b) RETIREMENT PLAN FOR FIREFIGHTERS OF THE ASHEVILLE FIRE AND RESCUE DEPARTMENT

Summary: The consideration of a resolution authorizing the City Manager to implement a 457(b) Retirement Plan for firefighters of the Asheville Fire and Rescue Department.

As you know, in August 2007, City Council approved a resolution for the creation of a 401(a) plan for firefighters that would provide a 2% match to their contributions. This was done as a result of AFD's earlier decision to opt out of Social Security in prior years. As you may recall, on June 13, 2017, at your regular meeting, Council voted to approve an increase of the City's matching contribution into that plan from 2% to 4%. Again, this matching contribution is done by the City exclusively for the firefighters in consideration of their opting out of Social Security several years ago.

Immediately following the June 2017 meeting, Human Resources (HR) began work to implement the change from a 2% to 4% contribution match. During that process, however, the Human Resources Department became aware that there are some limitations with the 401(a) that would be less advantageous for our city's firefighters. Specifically, in order to participate in a 401(a) plan, firefighters are required to contribute a full 4%, and do not have an option to contribute a lesser amount. This would preclude firefighters who might elect a contribution smaller than 4% from participation in this benefit.

HR explored options and has determined that a 457(b) Deferred Compensation Plan will allow the firefighters more flexibility in their contributions to their respective accounts and still allow the City to match that contribution up to 4%, as approved by the Council at your June meeting.

If the City replaces our existing 401(a) plan with the 457(b) Deferred Compensation Plan, each firefighter may contribute a smaller percentage of their salary if they opt to do so (rather than being required to contribute either 4% or 0% as is the case with the 401(a)).

Members of HR have discussed this with Chief Burnette who discussed it with his staff. A survey was conducted to ascertain the firefighters' willingness to make the change from a 401(a) to a 457(b) plan. The consensus was that the change would be a positive one.

The HR Staff has worked with other parties as necessary to bring to you and to Council the proposed resolution for the creation of the 457(b) which will replace the existing 401(a).

No additional fiscal impact. These funds were approved during the FY 2018 budget process.

Staff recommends that a resolution be adopted authorizing the City Manager to implement a 457(b) retirement plan for City of Asheville Firefighters.

RESOLUTION BOOK NO. 39- PAGE 185

H. RESOLUTION NO. 17-250 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. GOVERNOR'S HIGHWAY SAFETY PROGRAM FOR HIGHWAY SAFETY GRANT FUNDS

ORDINANCE NO. 4622 - BUDGET AMENDMENT FOR THE PURCHASE OF EQUIPMENT FOR THE TRAFFIC SAFETY UNIT AND EXPENSES FOR THE REGIONAL LIAISON

Summary: The consideration of (1) a resolution authorizing the City Manager to accept awarded funds by the North Carolina Governor's Highway Safety Program for highway safety grant funds in the amount of $43,000; and (2) a budget amendment in the full amount of this grant to authorize staff to expend funds for program expenses.

The Asheville Police Department currently participates in the North Carolina Governor's Highway Safety Program Highway Safety campaigns. In order to facilitate better participation and efficiency of highway safety initiatives, a regional law enforcement network was created to enhance communication and effectiveness. The Asheville Police Department promotes highway safety statewide by designating a member of the department to serve as the regional liaison for GHSP Region 10 covering Buncombe, Henderson, Madison, Mitchell, Polk, Rutherford, and Yancey counties.

Through outreach and education efforts like those undertaken by this group, number of alcohol related fatalities in North Carolina dropped in 2016. Enforcement had much to do with this reduction, but education of the public also played a part. To further educate the public on consequences of impaired driving and to continue to reduce our alcohol related fatalities, a portion of this grant will be used to purchase a DWI simulator and train staff on its use.

The funds will be used to purchase equipment for the Traffic Safety Unit ($23,000). Funding would also covers the costs associated with training for officers in the use of this equipment and covers travel expenses for the Regional Liaison duties ($20,000).

The experience of using the simulator lets drivers see the effect of driving with and without alcohol through virtual reality. The cost of the virtual reality equipment is $23,000. Staff training and travel is also required and will cost $20,000. There is no local match of funds required for this grant. The expenses created by the purchase of the equipment and the duty related travel are reimbursed by the Governor's Highway Safety Program through the National Highway Traffic Safety Administration.

This action received unanimously approved by the Finance Committee on October 24, 2017.

Pros:

- Reimbursement revenue to cover the cost of obtaining the needed equipment including, CDR Software subscription, and Driving While Impaired Simulator.
- Reimbursement revenue to cover the cost of necessary training and travel related to highway safety duties and operations.
- Will provide a valuable tool to educate the public on the dangers of impaired driving.

Con:

- Dedicate the staff hours for the officer charged with the liaison duties to accomplish the goals stated in the grant contract.

This budget amendment is fully funded with grant revenue and there is no impact to the General Fund budget.

Staff recommends City Council adopt (1) a resolution authorizing the City Manager to accept awarded funds by the the North Carolina Governor's Highway Safety Program for highway safety grant funds in the amount of $43,000; and (2) a budget amendment in the full amount of this grant to authorize staff to expend funds for program expenses.

RESOLUTION BOOK NO. 39 - PAGE 186
ORDINANCE BOOK NO. 31 - PAGE 355

I. ORDINANCE NO. 4623 - BUDGET AMENDMENT FOR DWI TASK FORCE GRANT

Summary: The consideration of budget amendment, in the amount of $402,331, from the North Carolina Governor's Highway Safety Program (NCGHSP) for a grant to fund 1 year of the multi-jurisdictional DWI Task Force involving the Asheville Police Department (APD) and Buncombe County Sheriff's Office (BCSO)

In Asheville and Buncombe County, the number of impaired drivers has been a serious concern to citizens and law enforcement for many years. In October 2013, the North Carolina Governor's Highway Safety Program granted the Asheville Police Department a four year grant to combat impaired driving incidents within Buncombe County. The Asheville Buncombe DWI Task Force (DWI Task Force) was developed and put into action August 2014. Since then, the DWI Task Force has made 920 Driving While Impaired arrests and has conducted 54 drug evaluations.

Public education on the dangers of impaired driving is a focus area of the DWI Task Force. Through partnerships with the Asheville Police Department Traffic Safety Unit and the Asheville Downtown Business Association this educational effort has been directed to some key audiences. These educational efforts have included presentations at local high schools and downtown festivals. These educational efforts have included the following:

- Distribution of information on the impaired driving laws and alternative ways to get home.
- Surveying festival participants anonymously about their willingness to drive at a point where they believe their blood alcohol levels exceed the legal limit.
- Allow festival goers to use roadside instruments to check their breath to determine their level of intoxication.

These interactions allow the team to engage the public in conversations and educate them on what the Illegal Per Se law is and what a 0.08 BAC feels like. The DWI Task Force efforts have directly resulted in a 40 % reduction with impaired driving fatalities in Buncombe County as of October 2016. The DWI Task Force is also a member of the board for Buncombe County's Sobriety Court. Members actively assist defendants assigned to this program through direct interaction following a DWI charge.

In reviewing these statistics, the NCGHSP contacted APD and suggested the DWI Task Force continue with its efforts of reducing the number of DWI related collisions, injuries and deaths in Asheville and Buncombe County, as well as educating the public on impaired driving and its effects. NCGHSP has recommended the continuation of the existing grant and authorized additional funding in the amount of $402,331 in FY 2018. This funding covers the cost to pay for six officers focused on DWI enforcement and training. The City of Asheville will match this grant at 75% for a cost of $200,493.75. Buncombe County will match their portion of the grant at 75% for a cost of $101,254.50. Under this grant, APD would continue to supply one sergeant and three officers while BCSO would continue to supply two deputies. These six officers would continue to conduct DWI enforcement throughout Asheville and Buncombe County and conduct Traffic Safety Checking Stations throughout the County. The appointed officers will also continue to hold educational events for the public.

This action received unanimously approved by the Finance Committee on October 24, 2017.

Pros:

- NCGHSP grant funds used to pay for 25% of the costs of salary and benefits to officers participating in the DWI Task Force.
- Potential reduction in impaired driving collisions, injuries and deaths throughout Asheville and Buncombe County.

Con:

- Funding from NCGHSP is evaluated annually and not fully guaranteed beyond this year.

The City match for this grant for the 2017-18 fiscal year totals $200,494. This amount was included in the Adopted FY 2017-18 General Fund Police Department budget. An additional match amount will need to be included in the FY 2018-19 budget.

City staff recommends City Council adopt a budget amendment in the amount of $ 402,331 to establish a budget for this year's DWI Task Force Year # 05 grant.

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Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Bothwell and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. NEIGHBORHOOD ADVISORY COMMITTEE UPDATE

Mr. Phil Lenowitz, Chair of the Neighborhood Advisory Committee (NAC), updated City Council on the work and reflections of the Neighborhood Advisory Committee. He explained the formal participation by the Accessory Dwelling Unit Task Force, Sidewalk Subcommittee, Comprehensive Plan Advisory Committee and the Multimodal Transportation Commission. Neighborhood and community engagement consisted of the Coalition of Asheville Neighborhoods, Affordable Housing Committee, Comprehensive Plan workshops, neighborhood

association/organization boards, organizing neighborhoods, ice cream socials - potlucks, Neighborhood Night Out, Leadership Asheville Forum, and Justice for Black and Brown Bodies.

The Committee meets monthly, has presentations from neighborhoods that are looking to have their voice hard; members attend events and meetings throughout the city to gather information on what is going on in our neighborhoods. Helping neighborhoods get organized has been a priority for NAC. These efforts have been quite successful in the past year in South Asheville thanks to the work of Pat Deck, the NAC Vice-chair. We know that neighborhoods are not a monolith; although almost all want sidewalks, some have traffic speeding as an issue; others have traffic so snarled that they can only wish that speeding could be an issue.

Some significant events the Committee participated in have been a neighborhood ice cream social, National Night Out, Asheville neighborhoods were invited to participate in "Plan on a Page", invited neighborhoods to register, invited neighborhood groups to participate in Asheville Festival of Neighborhoods, worked to recognize Steve Mitchell as Asheville Neighborhood Volunteer of the Year, etc. The Advisory Committee holds regional meetings in the north, south, east, west and central areas.

Since the City's character continues to change and the need for strong neighborhoods is critical, they would like a strong City Council liaison for the Committee. They also look forward to working with the new Neighborhood and Community Engagement Manager. Because they need more participation from people of color, they will work with the City's new Equity and Inclusion Manager in order to see a diverse Committee membership. They also asked for Council's support for small area plans, and requested feedback on if the Neighborhood Advisory Committee is relevant.

Councilman Smith, liaison of NAC, was pleased with the Plans on a Page and how they are effective as a collective voice from the community.

In response to Councilman Young, Director of Planning & Urban Design Todd Okolichany explained how the Plans on a Page are incorporated into the Comprehensive Plan.

On behalf of City Council, Mayor Manheimer thanked Mr. Lenowitz and the entire Neighborhood Advisory Committee for their hard work and dedication to this committee.

B. BLUE RIBBON COMMITTEE ON THE HUMAN RELATIONS COMMISSION UPDATE

Vice-Mayor Wisler said that the Blue Ribbon Committee on the Human Relations Commission attended an earlier Boards & Commissions Committee and updated them on their activities. The Blue Ribbon Committee held an initial meeting on August 23, 2017, and held 6 official meetings bi-weekly until November 1, 2017, followed by an additional official meeting on November 8. In between the regular meeting times, they have met in small working groups to develop specific portions of their recommendations. At the November 1 meeting, the Committee passed a motion requesting an extension of their charge through the end of January 2018. If this request is approved, they will proceed with their work to finalize their recommendations around membership and staffing to support the efforts of the Human Relations Commission. An extension would also provide us with the opportunity to hold 2 meetings focused on receiving feedback from the public, an important step in ensuring the success of a Human Relations Commission in Asheville. They requested that City staff assist them in promoting these public input sessions and identify an appropriate space and time for these larger meetings.

By vote of the members of the Committee, they adopted a Mission Statement and Focus Areas for a Human Relations Committee. They have discussed criteria for members, and they have included their current criteria within this interim report, but they have not been officially adopted. They also discussed, but not finalized, a proposal for staff or other funding to support the efforts of the Commission.

Their Mission Statement is "The Human Relations Commission strives to improve human relations with priority on racial equity in Asheville by partnering with communities and agencies in an effort to better promote and ensure diversity, equity, and inclusion. The Commission works to identify and address all forms of individual, institutional and community level discrimination through education, advocacy and policy recommendations."

Focus areas (which included duties) include (1) make policy recommendations to City Council to enhance equity; (2) support the efforts of the Equity and Inclusion Manager; (3) provide a public forum for community to voice complaints; (4) engage the community around funded programs and policies; (5) promote equity in public safety; (6) promote equity in educational opportunities; (7) promote equity in economic development efforts; (8) health and human services; and (9) housing.

The Committee also provided some membership criteria that has not been officially adopted by the Committee.

Councilman Young thanked the Committee for their efforts and hard work on this Committee. He suggested City staff help promote their two public input sessions with perhaps a link on Open City Hall.

At the request of Vice-Mayor Wisler, City Manager Jackson said that he would be happy to meet with the Chair and Vice-Chair of the Blue Ribbon Committee and the new Equity and Inclusion Manager to flesh out details around process.

At the Committee's request, Vice-Mayor Wisler asked for a motion to extend their deadline until January 31, 2018. Therefore, Councilman Smith moved to extend their report deadline until January 31, 2018. This motion was seconded by Councilman Young and carried unanimously.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 12 MIAMI CIRCLE FROM INSTITUTIONAL DISTRICT TO COMMUNITY BUSINESS II DISTRICT/CONDITIONAL ZONING FOR THE USE OF A DRIVE-UP WINDOW ASSOCIATED WITH A RESTAURANT

ORDINANCE NO. 4624 - ORDINANCE TO CONDITIONALLY ZONE 12 MIAMI CIRCLE FROM INSTITUTIONAL DISTRICT TO COMMUNITY BUSINESS II DISTRICT/CONDITIONAL ZONING FOR THE USE OF A DRIVE-UP WINDOW ASSOCIATED WITH A RESTAURANT

Urban Designer David Hazzard said that this is the consideration of an ordinance to conditionally zone 12 Miami Circle from Institutional District to Community Business II District/Conditional Zoning to install a drive-up window at an existing restaurant (Pizza Hut) that was previously approved as Level I project. This public hearing was advertised on November 3 and 10, 2017.

Drive thru uses are not permitted within the Institutional (INST) Zoning District, thus the applicant is pursuing a rezoning to Community Business II-CZ (CBII-CZ). This project is considered a Conditional Zoning review pursuant to Section 7-7-8 of the Unified Development Ordinance (UDO).

The site is zoned Institutional and consists of an existing 2,700 s.f. restaurant (Pizza Hut) located at 12 Miami Circle, PIN 9644-89-6900. The parcel is approximately 0.81 acres. Parcels to the north and east of the site are also zoned INST, to the west is Miami Circle road, and to the south is a narrow strip of land in between the subject parcel and Long Shoals Road that is zoned Low Density Single-Family (RS2).

The project proposes to remove four existing parallel parking spaces on the north side of the building to create a 10' wide drive thru lane. The developer is proposing that the drive thru will only be used for online / phone pickup orders and no separate ordering station or outside amplification will be installed. As per the B1 Conditions list, the hours of operation for the pickup window would be limited to 11:00 am - 11:00 pm Sunday - Thursday and 11:00 am - 12:00 am Friday and Saturday.

Vehicular access to the site is through an existing single driveway off of Miami Circle road. There is no direct access to Long Shoals Road for vehicles, pedestrians or bicyclists. A five foot wide planting strip and a five foot wide sidewalk exist along Miami Circle. The required range of parking spaces for this project is a minimum of 26 and maximum of 42. The applicant is providing 33 parking spaces around the buildings. Both the necessary number of handicap and bicycle parking spaces are provided.

All required landscaping has previously been approved and installed for this project.

Open space is not required for this project because the parcel is less than one acre.

The applicant is seeking to conditionally rezone the property to Community Business II-CZ for the purpose of expanding the uses permitted to allow for the drive thru facility not permitted under the current Institutional zoning district. However the Institutional zoning district does allow restaurant uses.

Conditions –

1. A new pick up window for the site with the following conditions: No separate ordering station or outside amplification will be permitted and hours of operation shall be limited to 11:00 am - 11:00 pm Sunday - Thursday and 11:00 am - 12:00 am Friday and Saturday.
2. There shall not be direct access to Long Shoals Road.
3. A safe pedestrian route from the existing public sidewalk to the restaurant shall be provided.

Projects undergoing conditional zoning review are required to hold a neighborhood meeting; the meeting for this project was held on June 26, 2017. This project was approved with conditions by the Technical Review Committee (TRC) on August 7, 2017, In addition the Planning and Zoning Commission unanimously approved this project on October 4, 2017. Final TRC review is needed prior to the issuance of any permits.

No communication has been received from the public as of the writing of this report.

The subject property is bordered to the north by a restaurant (White Duck Taco) and is zoned Institutional. To the east of the site are two single family residential properties, also zoned

Institutional. To the west is Miami Circle road, and to the south is a narrow strip of land in between this parcel and Long Shoals Road that is zoned RS2.

Long Shoals Road was widened to a four lane road (circa 2008) and this area represents a transition from a history of low density residential uses to one of a mix of highway businesses, higher density residential, medical facilities, and schools. The Long Shoals Road corridor has a number of existing auto oriented businesses; however, there are sidewalks, schools and a bus stop in the vicinity of this parcel.

Further, the city's draft Comprehensive Plan update, titled "Living Asheville", identifies the Long Shoals Road corridor as a transit-supportive corridor where multimodal transportation options should be considered. Thus, city staff has requested the applicant provide a safe pedestrian route from the existing sidewalk on Miami Circle to the restaurant and a bus shelter and pad at the adjacent existing bus stop on Long Shoals Road. These requests are to help mitigate the automobile oriented nature of a drive thru by increasing the options of modes of transportation. The Planning and Zoning Commision supported the request for the safe pedestrian route; however, they did not support the request for the bus shelter and pad. The applicant agreed to provide a safe pedestrian route from the sidewalk to Miami Circle and has updated the site plan to indicate this change.

The Skyland Exchange a multifamily residential project received a Conditional Zoning approval in 2016 for 290 multifamily residential units on 11.39 acres to the northwest of this project. A Level II project for a planned commercial center which includes a Bojangles on 7.08 acres was approved in 2016 to the north west of this project south west of this project.

The *Asheville City Development Plan 2025* ("Comprehensive Plan") highlights the importance of smart growth transportation policies and encourages multimodal transportation interconnectivity between neighborhoods and to destination areas such as parks and neighborhood shopping locations. In addition, the Plan states that new development projects should incorporate mass transit features where appropriate. Further, the Comprehensive Plan also identifies Long Shoals Road as a "Connecting Corridor." The purpose of the Connecting Corridor is to preserve the flow of traffic along major thoroughfares that connect compact centers of urban development. This project is an existing restaurant with no direct access to Long Shoals Road; therefore, it is compliant with the intent of a Connecting Corridor in preserving the flow of traffic. The proposed safe pedestrian connection from the restaurant to Miami Circle will help bring this project more in line with the Comprehensive Plan's smart growth transportation policies.

The proposed development most closely aligns with the goal of a *Transportation and Accessibility*. This proposal is a drive thru addition on an existing restaurant so it is difficult to deem that it wholly aligns with city goals. However, there are similar existing uses within this corridor and with the addition of a safe pedestrian route it most closely aligns with this goal.

Considerations:

- This is an existing restaurant with a proposed drive thru similar to other restaurants within the Long Shoals Road Corridor.
- The drive thru will be for online / phone pickup orders only and no separate ordering station or outside amplification will be installed.
- The applicant has agreed to to provide a safe pedestrian route from the restaurant to Miami Circle.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable and recommends approval of this request.

The Planning & Zoning Commission reviewed this request at their meeting on October 4, 2017, and voted 7-0 in support of the project. Commissioners supported this project with the condition that the applicant provide a safe pedestrian route from the existing sidewalk to the restaurant. The applicant has agreed to this condition and has included a revised plan with a safe pedestrian route shown.

Mr. Hazzard responded to Councilwoman Mayfield when she asked where this project is in relationship to the residential development recently approved and the other commercial development in the area.

Mayor Manheimer opened the public hearing at 5:39 p.m. and when no one spoke, she closed the public hearing at 5:39 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Bothwell moved to approve the Conditional Zoning request from Institutional to Community Business II-CZ Zone (CBII-CZ) to allow for the construction and operation of drive thru at an existing restaurant at 12 Miami Circle, and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: (1) supports moderately scaled commercial development near a commercial highway corridor; (2) is consistent with other existing restaurants and uses along the Long Shoals Road Corridor; and (3) provides a safe pedestrian route from the restaurant to Miami Circle. This motion was seconded by Councilman Haynes and carried on a 6-1 vote, with Councilwoman Mayfield voting "no."

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B. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 175 LYMAN STREET FROM RIVER DISTRICT TO MIXED USE EXPANSION DISTRICT/CONDITIONAL ZONING FOR THE DEVELOPMENT OF 133 RESIDENTIAL UNITS, COMMERCIAL SPACE, RESTAURANT IN 5 BUILDINGS AND A PARKING STRUCTURE

ORDINANCE NO. 4625 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT 175 LYMAN STREET FROM RIVER DISTRICT TO MIXED USE EXPANSION DISTRICT/CONDITIONAL ZONING FOR THE DEVELOPMENT OF 133 RESIDENTIAL UNITS, COMMERCIAL SPACE, RESTAURANT IN 5 BUILDINGS AND A PARKING STRUCTURE

Mayor Manheimer said that this public hearing was continued from June 27, 2017, to July 25, 2017, and then on July 25, 2017, to August 22, 2017. On August 22, the applicant requested it be continued to a date uncertain.

Urban Planner Sasha Vrtunski said that this is the consideration of an ordinance to conditionally zone property located at 175 Lyman Street from River District to Mixed Use Expansion District/Conditional Zoning for the development of 133 residential units, commercial space, restaurant in 5 buildings and a parking structure. This public hearing was advertised on November 3 and 10, 2017.

The project site consists of three parcels totaling 2.88 acres in the heart of the River Arts District on the corner where Lyman Street turns south paralleling the French Broad River. It is the site of the former JR Stone Sales and the Carolina Coal and Ice Building, which was built in 1912. The entire site is in the 100-year Floodplain, which necessitates new construction being raised

two feet over Base Flood Elevation (BFE). The site is also in the River Arts District Transportation Improvement Project (RADTIP) area, and is immediately adjacent to the future roundabout at Riverside and Lyman Street.

Zoning to the north and south of the property is mostly River district, with the exception that Curve Studios on Riverside is zoned Urban Place. East of the project area, properties are currently zoned Commercial Industrial. The entire River Arts District is slated for rezoning through the River Arts Form-Based Code.

The project proposes to build a 133 apartments in four buildings and a 247-space parking structure between those buildings. The project also includes the rehabilitation of the Carolina Coal and Ice building, which dates to 1912, for a restaurant and offices. The four apartment buildings are structurally separate from the parking building are all six stories where the ground floor is not occupied (parking). Because the site is in the floodplain, there are not occupiable spaces on the ground floors. The Carolina Coal and Ice building has received a variance based on its historic status to allow ground floor occupancy.

The maximum height of the residential buildings as shown on plans is 70 feet, which complies with the standard in the Mixed Use Expansion district requirements (maximum height of 80 feet). This district has a density standard of 35 units/acre or 70 units/acre for projects with 20% affordable units. Due to the costs of building in the floodplain, the applicant is not able to commit to affordable units. An increased density from 35 units/acre to 46 units/acre is being requested.

Parking is provided both on the entire ground level and a second, smaller level, for a total of 247 spaces. It is intended that residents use the second level of parking and the ground floor is for the restaurant, office, studios and some residents. This is five percent lower (5%) than required by the UDO, but within this district, up to a 25% reduction in parking is allowed for projects that provide pedestrian and bike amenities. With the mix of uses the parking should be sufficient as proposed.

Automobile access to the site is provided by three driveways. On Lyman Street (North side) there is a three-lane driveway that is 36 feet wide, with one lane leading to the ground floor parking, and the other two lanes leading to the upper story of parking. On the future Riverside (currently Lyman along the west) there are two driveways, both 24 feet wide; one serves the ground floor parking, and the other is a ramp to the upper story of parking. Plans indicate 24 bicycle spaces will be located throughout the site.

Sidewalks are shown as planned under the RADTIP project. The developer/owner has not offered to pay for sidewalks as these are planned already as a part of the RADTIP.

Plans show building impact and parking deck perimeter landscaping, which are required. Due to the building and lot layout, some of the parking deck landscaping will be located on other parts of the site, but the total number of required plantings will be met. Street trees are also required, and the city is providing trees along the western edge through the RADTIP project. Street trees are not shown on the north side due to conflicts with utilities. The proposal includes planters on the roof of the parking structure (not required). Open space is required and is provided as five percent of the project area, and includes landscaped areas between the buildings and sidewalk as additional pedestrian amenities.

The new Mixed Use Expansion District has several design standards in Section 7-8-46. The project as proposed generally complies with these standards with the exception of providing operable entrances on each building at the street. Building 1 (corner building) and Building 4 do have an entrances on the west side along Lyman Street, which were added after meeting with the River Design Review Committee. However, Buildings 1 should have a second entrance on the

north side. Building 2, which is next to the railroad tracks does not have a pedestrian entrance due to the change of topography. Along the north side of Lyman, there is a pedestrian walkway that leads to entrance of the Carolina Coal and Ice Building, which is on the back side of the building.

Conditions – The applicant is requesting several conditions based on topography and financial feasibility.

1. Additional density from 35 units/ acre to 46.1units/acre. The cost of raising the occupiable floors out of the floodplain, and the materials being used drive up the cost of construction, and the applicant is requesting density at 46.1 units per acre.
2. The developer/owner will not be required to construct the sidewalks shown on the site plan. They will be constructed by the RADTIP project.
3. Building impact and parking deck landscaping will meet UDO requirements approved as shown on site plans with final placement to be shown on the final site plans. Street trees are approved as shown, and will be installed with the RADTIP.
4. Building entrances to the street are provide on the west side, for Buildings 1 and 4, but not along the north side of the project.
5. Impervious surface will not exceed 85% of the site.
6. The developer will make a $50,000 contribution to the Affordable Housing Trust Fund.

This project was approved with conditions by the Technical Review Committee (TRC) on May 15, 2017. The project was reviewed by the Asheville Area Riverfront Redevelopment Commission (AARRC) on May 11, 2017, for compliance with the River Design Guidelines for the Core Area. The AARRC voted to recommend approval of the project design for River Design Review with a 13-0 vote.

The Planning and Zoning Commission reviewed this project on June 7, 2017. The Commission voted 3-2 in favor of the project. One of the commissioners was concerned that the developer is asking for additional density but not willing to commit to affordable housing as a part of the proposed conditions. If approved by City Council, a Final TRC review is also required. Staff has not received any additional public comment outside of the public hearing at the Planning & Zoning meeting.

The change in zoning to the expansion district is required because the project reaches the Level III threshold of over 50 residential units.

Nearby the RAD Lofts were approved by City Council for 235 units under Urban Place Conditional Zoning. As mentioned earlier, the River Arts District Form-Based Code is proposed for this site and the surrounding area. If the Conditional Zoning is approved for this site, it will be taken out of the RAD Form-Based Code study area as conditional zoning will supersede any later changes to the zoning.

The proposed project, although a bit taller than most buildings in the area, should be compatible with the surrounding context. The River Arts District has had numerous larger industrial buildings, and many of the surviving buildings have been reused for artist studios, restaurants and shops. The building layout on the site which consists of four buildings with relatively small footprints (6600-8900 sf), placed at the four corners of the property, leaves breaks between the buildings, giving visual relief and helps make this project compatible with the surrounding area. The architectural style of the buildings seek to fit into the industrial context and

history of the area. The rehabilitation and reuse of the Carolina Coal and Ice building also contributes to the compatibility as it is part of what defines the River Arts District character.

The redevelopment of these parcels aligns with several aspects of the *City Development Plan 2025* including supporting infill development where infrastructure is already present, supporting urban development patterns and high quality development that complement and adds to the character of Asheville. The 2025 plan also provides that the riverfront should be redeveloped to maximize its potential both for quality of life and commercial opportunities.

The project also aligns with the Wilma Dykeman Riverway Plan, adopted by City Council in 2004. The plan envisions a "concentration of new and reused buildings offering live/work arrangements for artisans and those interested in living along the River."

The proposal aligns with the 2036 Council vision in the following areas: (1) *A Well-Planned and Livable Community* – The project is located in the heart of the River Arts District and will offer housing where residents can access local businesses, transit (1/4 mile away) and future greenways in close proximity; and (2) *Thriving Local Economy* – One of the keys to a thriving business district is having local residents who support small businesses as well as making it safer through eyes on the street throughout the day/night.

Considerations:

- The River Arts District is an Innovation District where Council is looking to promote private investment.
- Residential units in the River Arts District will add greatly to the long-term vitality of the district
- Preservation of the Carolina Coal and Ice building will help retain the character of the RAD.
- Applicant has not committed to the inclusion of affordable housing as outlined and provided by the density requirements in the Mixed Use Expansion District in the UDO. However, the developer is making a $50,000 contribution to the Affordable Housing Trust Fund.
- This is the first Mixed Use Expansion District CZ application, and one of the first larger projects that is fully in the floodplain in the River Arts District.

Staff recognizes that this proposal aligns with goals for redevelopment and revitalization of the riverfront and policies stated in the Comprehensive Plan and other plans, such as the Wilma Dykeman Riverway Plan and City Council's 2036 Vision Considerations. For those reasons, staff recommends approval of this project.

It would be preferable to have some affordable units built into the project, which is a provision of the zoning ordinance, or studios guaranteed at a rate affordable to local artists for a minimum period of time. Typically, when a development is proposed, public improvements along the street frontage are made by the developer, including sidewalks and street trees. The developer has not committed to building these improvements and staff recommends that these improvements be made by the developer.

The Planning and Zoning Commission reviewed this project on June 7, 2017. The Commission voted 3-2 in favor of the project and recommended Council approval of this Conditional Zoning request subject to Final TRC approval and the B-1 Conditions that were presented to Planning & Zoning. One of the commissioners was concerned that the developer was asking for additional density but not willing to commit to affordable housing as a part of the proposed conditions. At the time of the Commission meeting, the B-1 Conditions did not include public parking nor a $50,000 contribution to the Affordable Housing Trust Fund.

Mr. David LaFave, developer, said that they identified this land 5 years ago for their first development in Asheville and they spent 1.5 years in developing the full site plans. Their goals were to achieve three key things (1) meet all City existing guidelines and recommendations; (2) insure fit with old industrial character of the RAD and the surrounding neighborhood; and (3) preserve 100+ year Carolina Coal & Ice Building. During this process they worked closely with City staff and met with individual and RAD stakeholders. They were set to obtain Final TRC in late September-early October of 2016, but had to pause in order to resolve a technical RADTIP issue that would prevent building the project.

In response to Councilman Smith, Mr. LaFave said generally, the studio apartments would be approximately $750-800/month range; fairly large 1-bedrooms would be approximately $1,100/month; and 2-bedrooms would be in the $1,300-1,400/month range.

In response to Councilwoman Mayfield, Mr. LaFave said that the entire second floor will be 10 artist studios, with a lobby. He explained the features of the studio units and said that they are committed to making them affordable. He anticipated the rents to be in the range of $300-400/month (approximately 350 sq. ft. average) and perhaps the large artist studio spaces would be a little more than that.

When Vice-Mayor Wisler asked what, other than parking, could have been built on the ground floor, Mr. LaFave said they are putting in a restaurant on the ground floor (through a variance). There will be no residences on the ground floor.

Vice-Mayor Wisler said that it's Council's policy that developers make public improvements along the street frontage, including sidewalks. Mr. LaFave said that because sidewalks are shown as planned under the RADTIP Project, they do not have to install sidewalks. He noted if they waited a couple of years, the sidewalks would already be in the area.

Mayor Manheimer opened the public hearing at 6:03 p.m.

The following individuals spoke in opposition to the conditional zoning mainly because Asheville has an affordable housing crisis and there are no dedicated affordable housing units in this development:

Mr. Peter Lance, downtown resident
Mr. Casey Campfield
A west Asheville resident
Ms. Kim Roney

The following individuals spoke in support of the conditional zoning for several reasons, some being, but are not limited to: public parking; truly affordable artist studios; workforce housing; artist studios, development will bring other investments into the community; infrastructure improvements; and more people will be living in the RAD:

Ms. Pattiy Torno, RAD resident
Ms. Hedy Fischer, property owner in the RAD
Mr. Dave Campbell, RAD Business Association Chair
Ms. Helaine Greene, property owner in the RAD
Mr. Matt Wallace, property owner in the RAD
Representative of the NC Glass Center in the RAD

Mayor Manheimer closed the public hearing at 6:18 p.m.

In response to Vice-Mayor Wisler, Mr. LaFave said that there will be no short term rentals allowed in the apartments. He said that he would be willing to add that as a condition, Ms. Vrtunski said that there is currently a condition that reads "Approved uses of the development include residential, studio, retail, restaurant, office and parking. No other uses will be allowed."

Vice-Mayor Wisler was pleased with the adaptive reuse and public parking, but could not support the project at the expense of Council's other values - especially affordable housing being one of Council's highest priorities. Given the fact that the developer is not using the entire 20% density that would normally be for a project like this, she suggested the developer contribute $175,000 be deposited into the City's Affordable Housing Trust Fund (instead of $50,000). She explained she arrived at the $175,000 amount using the percentage of density that the developer is using above the right by use, multiplied by the City's typical subsidy for affordable housing and the $50,000 for sidewalks.

Councilman Smith said that the City has long term housing needs and Council has been asked to represent citizens of Asheville fewer than half of whom would be able to afford to be able to live in the building that we would be offering public subsidy to. The sidewalks are essentially a public subsidy and the density bonus is also essentially a public subsidy. There is also Council's policy to create more affordable housing. He felt this will also be setting a precedent for RAD. He would be open to adding more height to get some affordable units in the project. If that is not a conversation at this point, he would support Vice-Mayor Wisler's request for $175,000 to the Affordable Housing Trust Fund to help us make up that gap.

Councilwoman Mayfield agreed with the benefits of the project, and also with the concerns about the minimal contribution to addressing our affordable housing crisis. She had hoped there would be some agreement on the affordability of the artist studios. Addressing the City's needs has to be a partnership between private development and public resources. It costs approximately $17,000 a parking space and we need public parking in the RAD. Because the City doesn't have any plans to build public parking in the RAD, $17,000/parking space by 85 public spaces by this development is almost $1.5 Million. To others that are thinking about developing in the RAD, do not think that she is stepping back from the need for private developers to assist the City in solving our problems. Here on this project, she feels parking is not a bad deal.

Councilman Young said development in the RAD is going to be a fine balancing act. We have to make sure that the development of this area will benefit not only the people that visit Asheville but those that live here and have to deal with everyday tasks. Parking is important and some of the different mixtures in the RAD will be important to its viability moving forward. Developers need to understand that when it comes to putting forth good projects that they need to have a good mix.

Councilman Bothwell said that he has been involved in construction he is acutely attuned to the cost of building up. It will be very likely there will be parking under other new projects in this area in the future. He suspected the density increase was needed to pay for the extra expense of parking. He recognized we need affordable housing but we also need more housing units. He wondered if we will be able to impose affordability requirements on places that are expensive to build. He also felt the property in the RAD will be bid up quickly with the RADTIP project, which RADTIP project was to encourage development and activation of the RAD.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Bothwell moved to approve the conditional zoning request from River District to Mixed Use Expansion Conditional zone for the Stoneyard Apartments project with the

requested conditions and find that the request is reasonable, is in the public interest, and is consistent with the Comprehensive Plan and other adopted plans in that: (1) the project redevelops an under-utilized property through infill and preservation of an existing historic structure; (2) the project substantially complies with the intent of the River Design Review Guidelines; (3) the buildings meet many of the requirements of the future form-based code; and, (4) the development of residential units in the area will support the redevelopment and revitalization of the River Arts District and the River Arts District Transportation Improvement Project. This his motion was seconded by Councilman Haynes and carried on a 5-2 vote, with Vice-Mayor Wisler and Councilman Smith voting "no".

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C. PUBLIC HEARING TO CONSIDER AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES TO ADOPT THE RIVER ARTS DISTRICT FORM BASED CODE FOR THE GREATER RIVER ARTS DISTRICT AREA AND THE ASSOCIATED PROPERTY REZONING

ORDINANCE NO. 4626 - ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES TO ADOPT THE RIVER ARTS DISTRICT FORM BASED CODE FOR THE GREATER RIVER ARTS DISTRICT AREA AND THE ASSOCIATED PROPERTY REZONING

ORDINANCE NO. 4627 - ORDINANCE REZONING PROPERTIES IN THE RIVER ARTS DISTRICT FORM BASED CODE AREA

Mayor Manheimer said that this matter was continued from October 24, 2017, because there was a question on whether or not she had a conflict under the rules that govern licensed attorneys in North Carolina. She disclosed that her law firm has represented or represents one of the property owners in this area to be affected. After contacting the School of Government, she did not have a conflict in the rules as an elected official. After contacting the State Bar Association, she does not have a conflict to vote on this item.

Project Manager for the River Arts District Form Based Code Sasha Vrtunski said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinance to adopt the River Arts District Form-Based Code for the greater River Arts District area and the associated property rezoning. This public hearing was advertised on October 13 and 20, 2017.

Over the last two years, the city has been engaged with the River Arts District on new zoning districts for the area. The code calls for the creation of seven new zoning districts that are tailored to the area. At the July 25 City Council meeting, City Council directed staff to take out Lodging Facilities (20 guest rooms or less) as a use by-right from the mixed use districts. Because of this change, the code was remanded back to Planning & Zoning for review and a public hearing. Council also asked for Planning and Zoning to consider the area between the French Broad River and the railroad tracks and whether that area should be included in the zoning district.

For each district in the area, the focus is on the placement of buildings in relation to the public realm - or rather the street and sidewalk. The districts also define different allowable heights, setbacks, uses, and building frontage. This code divides the district into seven zoning types based on their location, topography, road widths and potential for a mix of development.

District Name	Primary Uses	Notes

RAD – Residential	Residential – some small in-home commercial/studios	Relatively small area of the district is in this zoning category.
RAD – Neighborhood Transition RAD – Shopfront RAD – Lyman Hollow RAD – River	Mixed Use, various heights depending on location Includes light industrial and in some districts, industrial.	Maximum heights vary between 3 and 7 stories. Scale is sensitive to adjacent neighborhoods. Height bonus for affordable housing in the RIV and SHP districts.
RAD – Industrial	Industrial uses, some secondary commercial allowed	Currently only on New Belgium location, but other property owners could request it
RAD - Open Space/Public Facilities	Park land, open space, trails, public facilities including community centers, playgrounds, fire stations, etc.	Allows for a small amount of commercial uses in support of recreation, such as bike rentals, snack bar, etc.

In addition to the above areas, there are a small number of parcels on the outside edge of the district where rezoning is being proposed to ensure that zoning is in line with community goals. Two of these parcels have remnants of older commercial zoning but would not be able to be developed commercially because of size, topography and street access. All three parcels in this case will be rezoned or partially zoned to RM-8, which is in harmony with the surrounding parcels. These areas are noted on the map with a purple hatch symbol.

Lodging Facilities - At the July 25 City Council meeting, Council directed staff to remove Lodging Facilities, 20 guest rooms and under, from the Permitted Use table as a use by-right. The code was changed to reflect this direction and an updated code was released on August 28. At the Planning and Zoning Commission meeting on September 6 there were nine people who spoke about the lodging issue. All but one of the speakers were against removing lodging as a by-right use, and several of these speakers were property owners that will be affected by this change. Several speakers asked for the Commission to postpone their decision so that the community in the district could give more feedback on the change to the code. One resident, a neighbor in East West Asheville, spoke against allowing lodging as a by-right use.

Area between the French Broad River and the Railroad - Also at the July 25 City Council meeting, Council directed staff to reconsider areas between the River and the Railroad tracks. This issue was discussed at the Planning and Zoning Commission meeting. No one came forward during the public hearing to speak on this issue. The Commission generally felt that taking this area out of the district would be a substantial change resulting in a reduction in the impact and usefulness of the ordinance. They agreed that they did not want to take this area out of the new form districts.

One small change in the ordinance before Council being requested is to remove 18 Little Big Lane from the rezoning area (PIN 9648-07-9847). It is nonconforming due to lack of access, and can only accommodate a single home. It does not match the form based code and the property owner has asked that his lot be removed from the code area.

Another issue that has come up this week is about Ralph Street. There is a very small portion of RAD-Residential, which allows for denser development than current zoning, removes

Commercial Industrial from part of the park property, and allows opportunities for some small businesses. Four of the lots are bisected and they are sloped. On three of the four lots, the homes front John Street so they can subdivide the lots for more density than the current RS-8 allows now. The height on the Commercial Industrial piece that the City owns (connected to the Dr. Wesley Grant Sr. Southside Center) is reduced to 3 stories.

Other Community Concerns - Another issue that arose at the Planning and Zoning Commission was a concern from residents of Vernell Avenue about the potential height in the RAD-Lyman Hollow district. These residents had made their concerns known at the Planning and Zoning Commission meeting in June, City Council in July and again at the September 6 meeting. Four residents of the area came forward to speak about the issue. During their discussion, the Commission decided not to recommend any changes to the RAD-LYH district. A few commission members stated that the RAD-LYH could be a potential location for affordable housing, and they did not want to limit the development potential in this area because of a few residents' viewshed.

The form code has been through the full review process including the Asheville Area Riverfront Redevelopment Commission on May 11, Planning and Zoning Commission on June 7 and City Council on July 25. Because of the changes to lodging as directed by City Council, it was remanded back to Planning and Zoning.

On September 6, the Planning and Zoning Commission reviewed the code again with the changes regarding Lodging Facilities and held a public hearing. The Commission voted 7-0 against the amended code as the Commission did not support removing lodging facilities as a by-right use from the River Arts District Form Code. There were 14 citizens who spoke during the public comment time as described above.

The Comprehensive Plan encourages denser sustainable infill development along existing corridors in the city. Changes to the UDO that further these goals is encouraged. Form codes are a newer innovative tool that focus on community goals developed through public processes highlighting input and involvement and this is encouraged in the Comprehensive Plan. This plan created with extensive community input provides a vision for the future of the River Arts District that includes mixed-use development and multimodal transportation along with a number of other community identified goals such as historic preservation, flexibility for property owners and economic health. The details of the form code proposal provide specific requirements that mesh with the community vision and furthers the objectives of the Comprehensive Plan.

Additionally, The Wilma Dykeman Riverway Master Plan envisions reuse and redevelopment of property and buildings in the River Arts District. The form-based code provides a predictable framework for that redevelopment to happen over time.

The River Arts District Form-Based Code fits within City Council's vision for *A Well-Planned and Livable Community* and *A Thriving Local Economy.* The code takes the community vision developed during the charrette process and numerous input sessions and brings it together in the zoning. The code provides a greater level of clarity and predictability for the community, property owners and developers. Given the large investment that the city is making in the district with new multimodal transportation infrastructure, the form-based code will complement those improvements. When the city has made investments in walkable urban realms, private investment has quickly followed as evidenced in the downtown. Lastly, the process used to develop the code also aligns with Council's goal of a *Connected and Engaged Community,* through the high level of engagement with stakeholders.

Staff recommends the adoption of the River Arts District Form-Based Code and believes that the form code and rezoning proposal are reasonable, are in the public interest and are

consistent with the Comprehensive Plan by laying the framework for mixed-use development, future job growth and housing. Moreover, the rezoning aligns with the River Arts District Transportation Improvement Project (RADTIP) and The Wilma Dykeman Riverway Master Plan in that it will help create a walkable, vibrant public realm and mixed-use district.

The Planning & Zoning Commission voted unanimously to not support the Code amendment based on the changes recommended by City Council on July 25. Through its discussion, the Commission indicated support for the entire code, with the exception of the change to take Lodging Facilities out as a by-right use in the form-based code.

Mayor Manheimer said that Council has received a lot of emails about land trusts and future uses of the City property on Ralph Street. The property is not on the market and there is no project currently pending for the City property (other than the expansion of the Dr. Wesley Grant Sr. Southside Center). Ms. Vrtunski agreed and said that this RAD-Residential does not preclude community land trusts, which is an incredibly important tool.

Councilman Smith suggested looking at allowing a temporary community garden for the area residents on the City-owned property behind Greens Mini-Mart.

In response to Councilman Haynes, Mayor Manheimer said that this Council gave direction to staff to hire a consultant to work with the community to develop a form based code proposal.

Mayor Manheimer opened the public hearing at 6:54 p.m.

Several individuals spoke asked Council to remove the Ralph Street area from the Form Based Code for several reasons, some being, but are not limited to: City property should be site of a community land trust; to rezone the Ralph Street area will cause gentrification; land should be made available for affordable housing;

Ms. Sarah Skinner, west Asheville resident
Ms. Matilda Bliss
Ms. Dee Williams
Representative of Black Lives Matters
Resident of south Asheville
Member of the WNC Green Party
Mr. Matt Shepherd
Resident of west Asheville
Ms. Kim Roney

Ms. Annalise Mundy spoke about the vulnerable slopes in the RAD-Neighborhood Transition District on Craven Street with no ordinance to protect properties from landslides.

Mr. Albert Sneed, attorney representing Asheville Waste Paper, asked that their three lots (12 acres) be left out the the RAD Form Based Code because if the buildings flood, they will have to rebuild to the new code, which costs will be enormous.

The following individuals spoke in support of adopting the RAD Form Based Code as presented by staff at this meeting:

Ms. Rachel Larson
Mr. Casey Campfield

The following individuals spoke in support of adopting the RAD Form Based Code as presented to Council on July 25 (which kept Lodging Facilities, 20 guest rooms and under, in the Permitted Use table as a use by-right) because this has been a 2-year process and it's not fair that Council asked the community to come up with a plan and Council changes it without the community's input):

Ms. Pattiy Torno, property owner in the RAD
Ms. Hedy Fischer, property owner in the RAD
Ms. Helaine Greene, property owner in the RAD

Mayor Manheimer closed the public hearing at 7:32 p.m.

Councilman Smith said Council wants to make sure that we are not squeezing out locals to make room for tourists. He said that the short term rental restriction is not a ban in that property owners can still ask Council permission to do rentals through individual conditional zoning changes. The RAD is not being singled out because there will be a more broad examination of all our districts with the RAD going first. He reiterated that including the Ralph Street area does not prohibit a community land trust.

Councilman Bothwell suggested Asheville Waste Paper be removed from the zoning. He felt we are trying to go back to the livable community and this in no way will cause gentrification.

In response to Councilman Bothwell's suggestion about removing Asheville Waste Paper from the zoning, Councilwoman Mayfield said the main goal of the zoning is to ensure that future owners of the property had to comply with the standards if they build a new structure.

Councilwoman Mayfield said this is an opportunity for us to say what we want the area to look like. We are trying to build a place that is special and unique. Regarding the process, she is a big believer in process and realizes the restriction of short term rentals in the RAD was not part of that process. But, Council keeps learning about how short term rentals continue to be a problem and it is one of the main factors driving unaffordability of our City. We must take advantage of the opportunities in front of us to get a handle on it.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Bothwell moved to approve the River Arts District Form-Based Code and zoning map as presented on July 25, 2017, and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: (1) the code will encourage infill development and facilitate vibrant mixed-use neighborhoods; (2) the rezoning will complement the future RADTIP road realignment and infrastructure improvements; and (3) the proposal was developed with a robust input process that included input from property owners, businesses and stakeholders. This motion died for a lack of a second.

Councilman Smith moved to approve the River Arts District Form-Based Code and zoning map as presented by staff at this meeting, and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: (1) the code will encourage infill development and facilitate vibrant mixed-use neighborhoods; (2) the rezoning will complement the future RADTIP road realignment and infrastructure improvements; and, (3) the proposal was developed with a robust input process that included input from property owners, businesses and stakeholders. This motion was

seconded by Vice-Mayor Wisler and carried on a 5-2 vote, with Councilman Bothwell and Councilman Young voting "no."

Councilman Bothwell felt the rule goes against the idea of the form based code. He also felt it creates different rules for short term rentals than in residential zones and other parts of the city. He felt it should be handled comprehensively

ORDINANCE NO. 4626 - ORDINANCE BOOK NO. 31 – PAGE 378

Councilman Smith moved to approve the rezoning of the real properties described in the Exhibit A map and associated with the River Arts District Form-Based Code, and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways (1) the rezoning will encourage infill development, a vibrant public realm and facilitate healthy mixed-use neighborhoods; (2) the rezoning will complement the future RADTIP road alignment and infrastructure improvements; and (3) the rezoning embodies redevelopment goals in a designated innovation district. This motion was seconded by Vice-Mayor Wisler and carried on a 5-2 vote, with Councilman Bothwell and Councilman Young voting "no."

ORDINANCE NO. 4627 - ORDINANCE BOOK NO. 31 - PAGE 380

C. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES TO REMOVE RIVER PARKING REDUCTION AREA IN ITS ENTIRETY

Mayor Manheimer said that this matter was continued from October 24, 2017, because there was a question on whether or not she had a conflict under the rules that govern licensed attorneys in North Carolina. She disclosed that her law firm has represented or represents one of the property owners in this area to be affected. After contacting the School of Government, she did not have a conflict in the rules as an elected official. After contacting the State Bar Association, she does not have a conflict to vote on this item.

Project Manager for the River Arts District Form Based Code Sasha Vrtunski said that this is the consideration of an ordinance amending Chapter 7 of the Code of Ordinance to remove river parking reduction area in its entirety. City Council heard this item on July 25 by remanded it to be reconsidered by the Planning & Zoning Commission at the same time as the River Arts District (RAD) Form Code. This public hearing was advertised on October 13 and 20, 2017.

In March 2011, the City of Asheville adopted reduced parking standards for the River Arts District to support the redevelopment of buildings in the area. The current section 7-11-2(c)(5) is provided as follows:

(5) *Parking requirements for the River Parking Reduction Area.* All properties located within the River Parking Reduction Area (see map: Planning and Development Department) will be eligible for reductions based on the following:

a. Projects with a base requirement of 30 spaces or less may receive a 50% reduction
b. Projects with a base requirement of 31-50 spaces may receive a 30% reduction
c. Projects with a base requirement of 51-75 spaces may receive a 20% reduction

These reductions may not be combined with other reductions offered through individual zoning districts.

Since that time, a number of new businesses have opened in the area, New Belgium has opened, and a new greenway on the west side of the river has been completed. All of which have resulted in a higher number of visitors to the River Arts District and parking has become generally scarce during peak times. If the new form code is approved, there will be new parking standards for this area which are slightly lower than the UDO standards for most other districts. Property and business owners have indicated to staff that more parking is needed in the area. The current parking reduction standards in the UDO are no longer appropriate for the area. This wording amendment is staff initiated to respond to changing circumstances and respond to community needs.

This wording amendment was reviewed by the Planning and Zoning Commission on June 22, 2017, and was approved 5-0. Staff has received no public comment on the amendment.

This wording amendment complies with City's Comprehensive Plan as it relates to exploring zoning tools that align with current trends and needs to encourage redevelopment and new investment.

The wording amendment aligns with the 2036 Council vision in the area of a Well-Planned and Livable Community. This amendment ensures that future development will provide adequate parking for those uses.

This proposal supports the goals outlined in the Comprehensive Plan and City Council 2036 Vision, the draft RAD form-code and staff recommends approval of the wording amendment.

The Planning and Zoning Commission reviewed the wording amendment again on September 7, 2017, and voted 6-1 in favor of the change.

Mayor Manheimer opened the public hearing at 7:53 p.m.

Mr. Matt Wallace recommended Council look for some sort of exemption for lots under .25 or .45 acres because you are severely restricted on what you can build on that lot. Ms. Vrtunski noted that there is a provision in the ordinance for narrow lots.

Mayor Manheimer closed the public hearing at 7:56 p.m.

Councilwoman Mayfield understands that the parking requirements in the form based code are less than the parking requirements in the current code and realized that is the direction that smart growth is moving. She wants us to be a step ahead but understood that we have not had the conversations with the RAD property owners. Eventually what she wants to do is to get rid of mandatory minimum parking requirements because that is the best way to create a walkable community.

Councilman Bothwell said that transportation is changing really fast and we won't need as much parking in the future.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the wording amendment removing the River Parking Reduction Area from Section 7-11-2(c)(5) in its entirety and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: (1) Provides a consistent parking standard to support the viability of local businesses; and, (2) Ensures that the zoning code can adapt to the changing

needs of the River Arts District as it continues to grow. This motion was seconded by Councilman Young and said motion failed on a 3-4 vote, with Mayor Manheimer, Vice-Mayor Wisler and Councilman Haynes voting "yes"; and Councilman Bothwell, Councilman Smith, Councilwoman Mayfield and Councilman Young voting "no."

Councilman Smith suggested this matter around parking be referred to the City Council Planning & Economic Development Committee, with input from Councilwoman Mayfield.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

Regarding the Homeless Initiative Advisory Committee, the following individuals applied for the vacancy: Kerry Keihn, Val Ball, Michelle Stowe Ong, Joey Grisanti, Angela Dubs, Marcia Bacoate, Donald Alexander, Kate Caton, Douglas Ray Oeser, Andrew Monroe, Timothy Moser, Bill Robinson, Michael Carlebach, Roberto L. Hess, Thomas Cash and Tamarie Macon. At the request of the Homeless Initiative Advisory Committee, it was the consensus of the Council to postpone appointments until after the Committee has had an opportunity to review all applications and make a recommendation.

A. RESOLUTION NO. 17-251 - RESOLUTION APPOINTING A MEMBER TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the ABC Board.

The term of John Menkes expired on November 13, 2017.

The following individuals applied for the vacancy: Matt Massarelli, Mychal Bacoate and Lakota Denton.

It was the consensus of the ABC Board and the Boards & Commissions Committee to reappoint Mr. Menkes.

Vice-Mayor Wisler moved to reappoint John Menkes to serve an additional three-year term, term to expire November 13, 2020, or until his successor has been appointed. This motion was seconded by Councilman Smith and carried unanimously.

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B. RESOLUTION NO. 17-252 - RESOLUTION APPOINTING A MEMBER TO THE FIREMEN'S RELIEF FUND

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Firemen's Relief Fund..

There currently exists a vacancy, left by Alfred Kalahati, until January 1, 2018.

The following individuals applied for the vacancy: Raymond Tweed, Mark Klein and Jennifer Bosworth.

It was the recommendation of the Firemen's Relief Fund and consensus of the Boards & Commissions Committee to appoint Mr. Tweed.

Vice-Mayor Wisler moved to appoint Raymond Tweed to serve a two-term, term to expire January 1, 2020, or until his successor has been appointed. This motion was seconded by Councilman Smith and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Ms. Amy Kemp urged Council to continue to look at short term rentals and their impact on our housing availability.

Mr. Ben Stockdale, on behalf of Renew AVL, spoke to Council about establishing a commitment by the City to power municipal operations by 100% renewable energy.

Mr. Jackson Tierney said that Council should look have a comprehensive reassessment of short term rentals regulations with a possible rollback of short term rentals where they are now legal.

Mr. Peter Landis spoke about the increased presence of short term rentals downtown and felt we need a balance of retail and residential in the downtown.

Closed Session

At 8:16 p.m., Councilman Young moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Councilman Bothwell and carried unanimously.

At 8:35 p.m., Vice-Mayor Wisler to come out of closed session. This motion was seconded by Councilman Bothwell and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:35 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – November 28, 2017 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Cecil Bothwell; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilman Gordon D. Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING DECEMBER, 2017, AS "BETTER BUSES TOGETHER MONTH"

Councilwoman Mayfield read the proclamation proclaiming December, 2017, as "Better Buses Together Month " in the City of Asheville. She presented the proclamation to Rev. Amy Cantrell and The People's Transit Campaign of Just Economics, who briefed City Council on some activities taking place during the month.

II. CONSENT AGENDA:

At the request of Councilman Smith, Consent Agenda Item "F" was removed from the Consent Agenda for discussion and/or individual vote.

At the request of Councilman Young, Consent Agenda Item "G" was removed from the Consent Agenda for discussion and/or individual vote.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 14, 2017

B. RESOLUTION NO. 17-253 - RESOLUTION AMENDING THE 2017 CITY COUNCIL MEETING SCHEDULE TO DELETE THE DECEMBER 12, 2017, FORMAL MEETING AND RESCHEDULING IT TO DECEMBER 19, 2019

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C. RESOLUTION NO. 17-254 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT ALLOWING BUNCOMBE COUNTY TO CONDUCT BUILDING PERMITTING AND INSPECTIONS FOR PHASE I OF THE AB-TECH CAMPUS CAPITAL IMPROVEMENTS PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute an Interlocal Agreement with Buncombe County to allow them to conduct the building inspections and permitting for Phase I of the Asheville-Buncombe County Technical Community College (herein "AB Tech") Campus 2017-2018 Capital Improvement Projects which are located within the City's jurisdiction.

In 2011, the voters of Buncombe County approved the levy of a One-Quarter Cent County Sales and Use Tax and the County Commissioners approved the use of additional revenues from this Sales and Use Tax to make certain capital improvements to the AB Tech Campus. Also in 2011, the State Board of Community Colleges delegated construction authority to the County (pursuant to Section 8.19 of Session Law 2011-145) under which the County will oversee the aforementioned Capital Improvement Projects which, in Phase I, will include major renovation and/or repair work on 11 buildings located on the AB Tech Campus. Since they will be overseeing the construction of these Projects, the County believes that it will be more efficient for it, rather than the City, to conduct the inspections and permitting for these Projects and has therefore, requested that the City grant it the authority to do so via City Council approval of an Interlocal Agreement. Pursuant to NCGS 160A-413, a City is authorized to allow a County to exercise their building inspection powers within part or all of the city's jurisdiction and pursuant to NCGS 160A-461, units of local governments may enter into contracts or agreements with each other in order to execute any undertaking.

The request to allow Buncombe County to conduct the inspection and permitting for these Capital Improvement Projects has been considered by members of the Development Services Department, including Director, Ben Woody and Chief Building Inspector, Mark Metheny and also by members of the Fire Department including, Chief Scott Burnette and City Fire Marshal, Kelly Hinz. It has been determined that there are no concerns with allowing the County to conduct the permitting and inspections for these Projects, with a few limited exceptions. The Interlocal Agreement will make clear that the County's authority is limited to renovation and repair projects and shall not include new construction. Additionally, the City will retain responsibility for reviewing and permitting any work that triggers compliance with City of Asheville planning and zoning, stormwater, grading/erosion control standards and regulations as well as City public safety communications requirements. Finally, the City's Fire Department will be included on the final County inspections for all permitted work as well as be notified by the County Fire Marshal if, and when, any fire safety systems are out of service in existing buildings. Additionally, the Asheville Fire Department shall retain responsibility for all periodic fire prevention inspections of all AB Tech existing buildings. The duration of the Agreement shall be limited to a period required to complete the Projects listed in Exhibit A (anticipated to be approximately 2 years), unless otherwise agreed by the parties.

Pros:

- The City is able to redirect much needed building safety resources to other development projects.
- The interlocal agreement allows the city to remain responsible for review, approval, and inspection of any work triggering planning and zoning, stormwater, grading and/or erosion control, and fire standards and regulations.
- The City is able to partner with the County.

Con:

- There is a loss of potential revenue associated with building permit fees.

The City would not receive fees for inspections conducted by Buncombe County but the City also will not being using its resources to conduct these inspections.

City staff recommends City Council adopt a resolution authorizing the City Manager to execute an Interlocal Agreement, as well as any amendments or associated documents, in order to authorize Buncombe County to conduct inspections and permitting for the AB Tech Capital Improvement Projects.

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D. RESOLUTION NO. 17-255 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT WITH SOUTH CAROLINA TELECOMMUNICATIONS GROUP HOLDINGS, LLC D/B/A SPIRIT COMMUNICATIONS FOR ANTENNAS AND RELATED EQUIPMENT AT 43 WALL STREET

Summary: The consideration of a resolution authorizing the City Manager to execute a license agreement with South Carolina Telecommunications Group Holdings, LLC dba Spirit Communications for antennas and related equipment at 43 Wall Street.

In response to increased demand for cellular service in densely populated urban areas, telecommunications companies are now employing smaller antennas that are more compact and can be mounted on poles or buildings. These types of installations are referred to as "Small Cell." Spirit Communications was granted a franchise agreement to install Small Cell equipment within the City's right-of-way on behalf of Verizon Wireless in September of 2015. A team of City staff, including real estate, legal, planning, strategic development, parking, and streets have been working with Spirit on the placement and installation of Small Cell equipment in and around downtown Asheville in accordance with the franchise agreement. Along Wall Street, Spirit has requested permission to install a Small Cell system on the Wall Street Parking Garage including 4 wall-mounted flush antennas on the exterior of the garage and an equipment box inside the garage. This installation does not impact the available parking spaces. This request would require a license agreement, since the Garage is technically City-owned property, not right-of-way.

Harry Brown, the City's Parking Services Manager, has been involved in these negotiations from the beginning and raised concerns about puncturing the walls of the Parking Garage structure for conduit and radio-frequency (RF) emission levels associated with this system. Per the City's request, Spirit procured a third-party consultant to perform an engineering review of the proposal and the results indicated that there would be no structural or RF impacts with this installation. Parking Services has approved the location and additional terms of the proposed license agreement stating that if during the term of the agreement the parking garage is reconstructed or repurposed in any way, Spirit agrees to relocate its equipment.

The Real Estate Coordinator researched appropriate rental rates for this installation and discovered a wide variety of rates from city to city where small cells were present. Many cities have not yet been approached about this type of infrastructure. Based on this research, staff recommends a rate based on the monthly rate of a parking space, plus a fee of $50 per antenna added to the monthly payment, bringing the total cost to $260 per month. This rate will escalate each year by 5%. The proposed term of the license is 5 years with the possibility to renew for an additional 5 years (10 years total). The Spirit equipment will be installed and maintained by Spirit Communications. In accordance with statute, public notice was provided 30 days in advance of Council's review of this item.

Pros:

- Locating the telecommunications equipment on the Wall Street garage is preferable to an alternate location on adjacent City right-of-way.
- Location of equipment does not interfere with parking spaces.
- Provides a revenue stream to the City of Asheville starting at $3,120 per year with an escalator clause that will increase revenues in future years.

Con:

- None noted.

Since the installation is located at the parking structure on Wall Street, the annual proceeds of the rent, totaling $3,120 per year, will benefit the Parking Enterprise Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute the license agreement with Spirit Communications.

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E. RESOLUTION NO. 17-256 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH SECURITY INNOVATIONS PROTECTIVE SERVICES LLC FOR UNARMED SECURITY SERVICES IN THE CITY'S PARKING GARAGES

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with Security Innovations Protective Services, LLC for unarmed security services in the City's parking garages.

The City of Asheville, through the Parking Services Division, currently operates four parking garages, public restrooms, and several monthly parking and pay-by-space surface parking lots downtown. Parking Services Division utilizes a combination of City employees and contract security services workers to provide unarmed security services in these facilities. Generally, City employees work during the business day and early evenings while contract security services are used for fill-ins, special events, and during late evenings, weekends, and holidays. Use of contracted security services allows the greatest flexibility as needs vary greatly depending on time of year and events booked at the U.S. Cellular Center, outside special events, and availability. On some days Parking Services may only need two contract security service employees for normal shifts. At other times, Parking Services may need three to eight to support a major event downtown.

In September 2017 Parking Services requested proposals from interested vendors in providing unarmed security services. The Request for Proposals also required the vendor to provide vehicles for their guards which is a change from previous contracts. The City received three proposals on October 6, 2017. The review team, consisting of five members of the Transportation Department, determined that Security Innovations Protective Services, LLC provided the best value for the service. They are headquartered in Atlanta, GA.. The total cost of the one year contract will be $133,000.00 with an option to renew for 2 additional years. Respondents to the request for proposals were:

- Security Innovations Protective Services, LLC, Atlanta, GA $11.27 per hour
- Guard One, Newport, NC $15.75 per hour
- Walden Security, Nashville, TN $15.92 per hour

Pros:

- Provides safe and convenient facilities for residents and visitors parking.
- Using contract security service employees is the most cost effective and flexible manner to augment the Parking Services Division's staffing requirements.
- Allows parking Services to capitalize on extended weekend/nights/holiday hours and special event parking to provide better customer service.
- Vendor provides vehicles for their guards thereby reducing the City's liability of allowing non-employees to drive City vehicles.
- Vendor's decision to use electric vehicles helps reduce the carbon footprint in the downtown area.

Con:

- Total cost of $133,000.00 for one year with an option to renew for two additional years.

The necessary funds for the first year of the contract are already budgeted in the Parking Services' Operating Budget for FY 2017-18.

City staff recommends that City Council adopt a resolution authorizing the City Manager to sign a contract with Security Innovations Protective Services, LLC to provide unarmed security services in the City's parking garages and other facilities at a total cost of $133,000 annually with an option to renew for two additional years. And the option to extend the term of the contract for up to an additional two years to an amount in the approved budget. Also, further authorized to execute any change order to said contract which might arise during the time period of the contract up to the budgeted amount.

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F. RESOLUTION ADOPTING 2017 FOOD POLICY GOALS AND ACTION PLAN

This item was removed from the Consent Agenda for discussion and/or an individual vote.

G. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ASHEVILLE STAFFING RESOURCES INC. FOR TEMPORARY EMPLOYEE SERVICES IN THE CITY'S PARKING GARAGES, SURFACE PARKING LOTS, AND OTHER FACILITIES

This item was removed from the Consent Agenda for discussion and/or an individual vote.

H. ORDINANCE NO. 4628 - BUDGET AMENDMENT FOR THE PROCUREMENT OF HYBRID BUS BATTERIES AND SECURITY CAMERAS

Summary: The consideration of a budget amendment in the amount of $386,235, using $78,000 in local funds from the City of Asheville's FY15 Transit Bench and Shelters project and $308,235 in federal funds from multiple open federal grants, for the procurement of hybrid bus batteries and security cameras.

The City of Asheville has funds remaining in the following grants; NC-90-X439-01, NC-90-X395-01, NC-90-X475-00 and NC-90-X503-00. The City would like to use the remaining funds for the procurement of hybrid bus replacement batteries and security cameras to be located on buses and for both the ART Station and the Art Operations and Maintenance Facility.

The City of Asheville has remaining funds from multiple federal grants. The remaining federal funds equal $308,235. The funds within these grants are expiring soon and need to be expended prior to December 29, 2017. Security cameras on transit buses and at the transit facilities are outdated and do not provide high definition quality and do not operate well. The Transportation Department would like to purchase high definition cameras that will recognize license plate numbers and faces so we can properly monitor suspect activity to help keep these facilities and Asheville residents safe.

Funding for the replacement batteries totals about $251,800 and is anticipated to fund four battery packs and funding for the security cameras totals about $134,400 and is anticipated to fund eight cameras per bus as well as cameras at the transit center and garage facility.

This report is being reviewed by the Finance Committee on November 28th and if anything other than a unanimous approval is received, the details of the decision by the Finance Committee will be made clear to City Council at their meeting later that same day.

Pros:

- The bulk of project funding is provided by the FTA, covering approximately 80% ($308,235) of the total project cost ($386,235).

Con:

- The City of Asheville is responsible for the local match of $78,000.

The total combined financial impact for the projects is $386,000. Asheville's local match for the security cameras and batteries is approximately $78,000; funds for the match are currently available in the FY15 Transit Bench and Shelters project.

Staff recommends that City Council adopt a budget amendment in the amount of $386,235, using $78,000 in local funds from the City of Asheville's FY15 Transit Bench and Shelters project and $308,235 in federal funds from multiple open federal grants, for the procurement of hybrid bus batteries and security cameras.

ORDINANCE BOOK NO. 31 - PAGE 386

I. RESOLUTION NO. 17-259 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A PERMANENT UTILITY EASEMENT TO DUKE ENERGY PROGRESS INC. OVER CITY-OWNED REAL PROPERTY AT 171 SOUTH CHARLOTTE STREET

Summary: The consideration of a resolution to convey an easement to Duke Energy Progress, Inc. over a portion of City-owned property along South Market Street.

The City of Asheville owns real property at 171 S. Charlotte Street (PIN 9648-49-9147) identified as the Public Works Garage. There is a substantial number of large and complex improvements on this site. The topography of the site is such that there is a dramatic drop in elevation from the Beaumont/South Market Street side of the parcel to the rear of the buildings fronting South Charlotte Street. The Public Works buildings are located on the flat portion of the parcel with road frontage along South Charlotte Street. Duke Energy Progress is requesting to locate a utility pole at the Beaumont/South Market intersection, which is at the top of the steep bank at the rear of the parcel. Duke is requesting a 30 foot easement with restrictions on what can occur beneath the lines once they are installed. This permanent easement would impact approximately 240 square feet.

This request was precipitated by a requirement that the developer of the adjacent condominium complex on South Market Street keep City street lights active in the area. In order to meet this requirement, additional utility poles must be installed in the area and Duke is requesting to install a pole on the City's property.

The manager of the Streets Division in the Public Works Department along with the Real Estate Coordinator met with Duke's right-of-way agent and engineer on site. Public Works has no objections to the easement because of its location at the rear property line along a narrow ridge. The topography in this area does not make it amenable to future development; therefore, the easement does not present an impediment to the existing uses nor future development of the City-owned site. The existing utility lines along South Market Street will be connected to the new utility pole / street light, so no compensation is offered for this easement.

Pros:

- The addition of a power pole in this location will allow the developer to comply with City Lighting Requirements.
- Increased lighting will improve visibility in the area at a key intersection.

Con:

- None

Staff recommends City Council adopt a resolution granting the permanent easement for utility pole and associated distribution lines at the intersection of Beaumont and South Market streets.

RESOLUTION BOOK NO. 39 - PAGE 201

J. RESOLUTION NO. 17-260 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR FUNDING FROM THE N.C. DEPT. OF TRANSPORTATION FISCAL YEAR 2019 URBAN STATE MATCH PROGRAM, AND IF AWARDED, ENTER INTO SAID AGREEMENT

Summary: The consideration of a resolution authorizing the City Manager to apply for funding from the North Carolina Department of Transportation FY 2019 Urban State Match Program.

The North Carolina Department of Transportation - Public Transportation Division is soliciting requests for Urban State Match Funding to be applied as a match to Federally-funded facility or vehicle projects.

The City is required to purchase buses every year in order to maintain a healthy fleet. Transit vehicles are a huge capital cost that each demand significant resources to operate for their 12-year life. The City operates a peak fleet of 17 transit buses and maintains a total of 22 buses. In order to maintain operational efficiency and avoid spikes in capital outlays for new buses, one to two new buses should be purchased annually but due to a lag in purchases we are currently purchasing five vehicles.

The current opportunity for Urban State Match funding would provide up to up 10% ($495,591) of the total lifecycle cost of the five buses ($4,955,913), which includes the upfront capital costs as well as 12-years of battery lease payments.

This report is being reviewed by the Finance Committee on November 28th and if anything other than a unanimous approval is received, the details of the decision by the Finance Committee will be made clear to City Council at their meeting later that same day.

Pro:

- If awarded, the grant would provide $495,591 in funding that would otherwise have to be provided by the City's general fund

Con:

- The city share of the purchase would total $1,790,913

The total life-cycle cost of $4,955,913 will be supported with $2,544,409 from FTA, $125,000 from Proterra, and $495,591 from the grant. As a result, the City's local match for this purchase would be reduced from $2,286,504 to $1,790,913, of which $600,000 is currently budgeted in the FY 2018 CIP and $1,190,913 would be provided from future transit fund

operating budgets using diesel fuel savings resulting from the transition from diesel to electric vehicles.

Staff recommends City Council adopt a resolution authorizing the City Manager to apply for funding from the FY 2019 Urban State Match Program.

RESOLUTION BOOK NO. 39 - PAGE 202

K. RESOLUTION NO. 17-261 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH MATTERN & CRAIG INC. FOR THE BOND SIDEWALK BUNDLE B DESIGN PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute on behalf of the City of Asheville a professional services contract in the amount of $573,725.00 plus a contingency of 10% ($57,372.50) with Mattern & Craig Inc. of Asheville, NC. for the project known as Bond Sidewalk Bundle B Design, City of Asheville Contract #91800177.

The areas that were identified for the project have large pedestrian use and there is no sidewalk available or gaps missing between sections.

Project Name	Professional Services Contract $$	Contingency Amount	Total Project Budget	Percentage of Contract Vrs Project
Patton Ave- X1805	$87,275.00	$8,727.50	$616,000.00	14%
Johnson Blvd- X1804	$210,950.00	$21,095.00	$1,434,500.00	15%
New Haw Creek- X1806	$168,750.00	$16,875.00	$1,120,000.00	15%
Onteora Blvd- X1807	$106,750.00	$10,675.00	$588,000.00	18%
SUM	**$573,725.00**	**$57,372.50**	**$3,758,500.00**	15%

The areas identified will help to ensure that the City of Asheville remains compliant with current City standards and Americans with Disabilities Act. The RFQ was advertised on March 31, 2017. Design firms/ Engineers that submitted were the following:

Anchor QEA, of Asheville, NC
Mcgill and Associates,of Asheville, NC
Vaughn and Melton Inc, of Asheville, NC
Siteworks of Asheville,NC
Mattern and Craig, of Asheville, NC
Davenport, of Winston-Salem, NC
Henson Foley of Huntersville,NC
Wetherill of Raleigh,NC

Mattern & Craig Inc, of Asheville, NC proposes to perform all of the design work included in the contract. Work covered by this contract includes surveying, development of construction documents, permitting, environmental documents and community outreach. Right of way and easement negotiation can be added at an additional cost.

A 10% contingency ($57,372.50) has been added to allow payment for any unforeseen costs that typically arise during construction and design. The work produced from this design service contract will construct new sidewalk and fill in missing gaps to make existing sections of sidewalk connect with new sidewalk.

Pros:

- Design of sidewalk that will meet City and National standards.
- Improve mobility and safety on city streets.

Con:

- Construction will be disruptive to adjacent residences and businesses.

The total cost of this contract, including contingency, is $631,097.50. The project was authorized as a 2016 general fund bond project. These projects are initially funded using the the City's capital reserve funds which will then later be reimbursed through the issuance of bonds. The remaining funds in this budget will be used for construction of sidewalks in the project. These construction contracts will be presented to Council during a later meeting.

City staff recommends City Council adopt the resolution awarding the contract to Mattern & Craig Inc, of Asheville, NC. and authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of $573,725.00 plus a contingency of $57,372.50 (10%) for the contract known as Bond Sidewalk Bundle B Design, City of Asheville Contract #91800177.

RESOLUTION BOOK NO. 39 - PAGE 203

L. RESOLUTION NO. 17-262 - RESOLUTION AUTHORIZING THE CITY TO PARTICIPATE IN DUKE ENERGY PROGRESS' SMALL BUSINESS ENERGY SAVERS PROGRAM AND TO ENTER INTO A SOLE SOURCE CONTRACT WITH LIME ENERGY FOR THE PURPOSE OF INSTALLATION OF ENERGY EFFICIENT LIGHTING IN PUBLIC WORKS BUILDING A

Summary: The consideration of a resolution authorizing the City Manager to participate in Duke Energy Progress' Small Business Energy Saver Program and to enter into sole source provider contract for the purchase and installation of energy efficient lighting in Public Works A Building.

The electric utility Duke Energy Progress' Small Business Energy Saver (SBES) Program pays for energy efficiency upgrades up front, and covers up to 80% of the total project costs.

The Public Works building provides an opportunity to utilize the SBES program while yielding an estimate of $7,753.80 in annual energy savings. In terms of carbon reductions, the project will yield 65.6 MTCO2e towards our annual 4% carbon reduction goal the City has adopted.

Staff has analyzed the potential and costs for the project and determined that the SBES Program is a unique opportunity to leverage significant up front capital funding from Duke Energy Progress. The total cost to the City would be $75,322.40; however, utilizing Duke Energy Progress' utility incentive program, the project offsets the cost by 24%. This cost includes parts, labor and project management. The total cost of the project is $55,937.76 and will be funded from the green saving funds that are part of the Sustainability FY 2017-18 Budget.

The SBES Program is run through a single authorized contractor, Lime Energy. In order to participate in the SBES Program, the City needs to pursue a single source provider contract

with Duke Energy Progress / Lime Energy. See Exhibit A and Exhibit B. This is allowable as per N.C.G.S. 143-129(e)(6) which states that "the governing body of a political subdivision of the state shall approve the purchase of apparatus, supplies, material or equipment without formal bidding when (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration."

These energy efficiency upgrade supports City Council's 2036 Vision through a Clean and Healthy Environment and Smart City; additionally, the scope of work supports Resolution 07-90, establishing energy conservation goals and benchmarks as well as Resolution 11-77, increasing the municipal carbon footprint reduction goal to 4% every year.

Pros:

- Supports Resolution 11-77, reducing the City's municipal carbon footprint
- Leverages a DEP incentive which contributes to $19,384.64 of the total project cost

Con:

- None Identified

As noted above the total cost of the project is $55,937.76, with funding utilized from the green savings that are part of the Sustainability budget. Once complete, the upgrade will produce an estimate of $7,753.80 savings of energy costs per year.

Staff recommends City Council adopt a resolution authorizing the City Manager to enter into a sole source contract to purchase and install energy efficiency lighting as part of Duke Energy Progress' Small Business Energy Savers Program.

RESOLUTION BOOK NO. 39 - PAGE 204

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilman Smith moved for the adoption of the Consent Agenda, with the deletion of Consent Agenda Items "F" and "G". This motion was seconded by Councilman Young and carried unanimously.

ITEMS PULLED FROM THE CONSENT AGENDA FOR DISCUSSION AND/OR AN INDIVIDUAL VOTE

G. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ASHEVILLE STAFFING RESOURCES INC. FOR TEMPORARY EMPLOYEE SERVICES IN THE CITY'S PARKING GARAGES, SURFACE PARKING LOTS, AND OTHER FACILITIES

Summary: The consideration of a resolution authorizing the City Manager to enter into a contract with Asheville Staffing Resources, Inc. for temporary employee services in the City's parking garages, surface parking lots, and other facilities.

The City of Asheville, through the Parking Services Division, currently operates four parking garages, public restrooms, and several monthly parking and pay-by-space surface parking lots downtown. Parking Services Division utilizes a combination of City employees and

contract temporary workers to provide service and customer assistance in these facilities and lots. Generally, City employees work during the business day and early evenings while contract temporary services are used for fill-ins, special events, and to extend garage and public restroom hours during late evenings, weekends, and holidays. Use of temporary workers allows the greatest flexibility as needs vary greatly depending on time of year and events booked at the U.S. Cellular Center, outside special events, and other large venues downtown. On some days Parking Services may only need one temporary service employee to fill in for a City employee sick or on vacation. At other times, Parking Services may need six to 15 to support a major event downtown.

In June 2017 Parking Services requested proposals from interested vendors in providing temporary service employees. The City received only one proposal which remained unopened. Wanting to ensure the City received the best possible proposals, the request for proposal was re-issued in August 2017. At that point, the City received two proposals. The review team determined that Asheville Staffing Resources provided the best value for the service. They are located in Asheville. The total cost of the contract will be $96,000.00, for the remainder of this fiscal year, with an option to renew for 2 additional years. Respondents to the request for proposals were:

- Asheville Staffing Resources, Asheville, NC, $14.70 per hour
- Alliant Global Strategies, Inc., Richmond, VA, $14.94 per hour

Pros:

- Provides safe and convenient facilities for residents and visitors parking.
- Using temporary service employees is the most cost effective and flexible manner to augment the Parking Services Division's staffing requirements.
- Allows parking Services to capitalize on extended weekend/nights/holiday hours and special event parking to provide better customer service and to bring in additional revenue.

Con:

- Total cost of $96,000 with an option to renew for two additional years.

The necessary funds for the first year of the contract are already budgeted in the Parking Services' Operating Budget for FY 2017-18.

Staff recommends City Council adopt a resolution authorizing the City Manager to sign a contract with Asheville Staffing Resources to provide temporary services in the City's parking garages and other facilities at a total cost of $96,000 annually with an option to renew for two additional years. Also, further authorized to execute any change order to said contract which might arise during the time period of the contract up to the budgeted amount.

When Councilman Young asked if these services can be filled by City staff, Parking Services Manager Harry Brown explained that we primarily use these temporary staffers for special event parking. He said it's a way for us to have the flexibility to bring staff in when we need them and not pay for it when we don't.

In response to Councilman Young, Mr. Brown said that we do not know if Asheville Staffing pays their employees a living wage. City Attorney Currin said that if we ask Asheville Staffing if they pay a living wage, they answer it, and they don't get the contract, it looks like we considered it for awarding the contract. We have consulted with the School of Government and they have advised us not to ask since the statute says that we cannot consider that for awarding a contract.

In response to Councilwoman Mayfield, Mayor Manheimer suggested this matter be referred to the Finance Committee and City Attorney Currin said that they would research legal options for the City to perhaps accomplish Council's standard for employees being paid a living wage.

Councilman Young said that employers should know that the City of Asheville supports employers pay a living wage to their employees.

Since this contract will not go into effect until January 1, 2018, Councilman Smith moved to table this item until the December 19, 2017, meeting. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

F. RESOLUTION NO. 17-257 - RESOLUTION ADOPTING 2017 FOOD POLICY GOALS AND ACTION PLAN

Summary: The consideration of Council adopting the proposed 2017 Food Policy Goals and Action Plan.

In 2013 Asheville City Council adopted Resolution 13-17 establishing the City of Asheville's Food Action Plan in support of the Asheville Buncombe Food Policy Council Agenda. On September 6, 2016 the City Council adopted a strategic priority to revisit the 2013 Food Policy Action Plan.

The City engaged Asheville Buncombe Food Policy Council (ABFPC), with Bountiful Cities acting as the fiscal agent, to produce the revised plan. ABFPC, through a nine-month community engagement process produced the 2017 Food Policy Action Plan.

The resulting 2017 Municipal Food Policy Goals and Action Plan has a broader scope of impact and aims to position Asheville as a regional leader in comprehensive food planning.

Based on community feedback, the following food policy focus areas and goals were identified:

1. Focus Area: Food Access and Distribution
2. Focus Area: Farms, Food Production and Processing
3. Focus Area: Community Food Education
4. Focus Area: Resource Stewardship
5. Focus Area: State Food Policy and Legislation
6. Focus Area: Emergency Preparedness

The 2017 Food Policy Goals and Action Plan provides a comprehensive list of action steps that support the food policy focus areas and goals. Action steps reflect prioritization of (1) planting more food; and (2) creating metrics to build a foundation for tracking Asheville's food system achievements. Future action items will be guided based on metrics created through the assessment process, reviewed by the Sustainability Advisory Committee and the budget process.

The 2017 Municipal Food Policy Goals and Action Plan were reviewed by the Sustainability Advisory Committee on Energy and the Environment at their August meeting. Planning and Economic Development Committee reviewed the plan in October and November; prioritizing the planting of more food and creating metrics over the next two years.

Pros:

- Identifies long term food policy focus areas and goals

- Creates a framework for addressing Asheville's food systems
- Aligns with the City's Comprehensive Plan
- Advocates State food policy and legislation

Cons:

- Performance measures unidentified
- Formal relationships with key stakeholders and other governmental entities have yet to be developed

The Fiscal Year 2018 budget includes $15,000 to continue the relationship with ABFPC addressing action items listed in the 2017 Food Policy Action Items and Costs. Over the next two years the City will focus its efforts on the prioritized action items working through the Fiscal Year 2019 budget process.

Staff recommends City Council adopt a resolution authorizing the City Manager to adopt the Municipal Food Policy Goals and Action Plan.

Councilman Smith was pleased to have this product before Council tonight. Council has made this a priority and we have an array of partners who are willing to help us. We prioritized the planting of more food and creating a metrics to build a foundation for tracking Asheville's food system achievements. He thanked everyone who worked on this broad community process.

The following individuals spoke in support of the Municipal Food Policy Goals and Action Plan:

Ms. Kiera Bulan, Coordinator for the Asheville-Buncombe Food Policy Council
Ms. Gabrielle White, representing Patchwork Urban Farms
Ms. Nichole Hinebaugh, representing Bountiful Cities

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Smith moved to adopt Resolution No. 17-257. This motion was seconded by Councilman Bothwell and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 194

III. PRESENTATIONS & REPORTS:

A. Aaa RATING FROM MOODY'S INVESTOR SERVICES

Chief Financial Officer Barbara Whitehorn said that in August, 2015, Standard and Poor's Rating Services (S&P) awarded the City of Asheville the highest rating for its General Obligation (GO) debt, AAA. At that time, Moody's affirmed the City's GO rating of Aa1, one step below their highest rating of Aaa.

Now two years later, the City is well into work on it's major capital improvement program and has gained approval from the voters for $74 million of projects to be funded with General Obligation debt, moving the City forward with investments in strategic goal areas and infrastructure. Analysts from Moody's visited Asheville again in September, 2017. On October 10, 2017, City staff was notified that Moody's had increased the City's ratings for debt. The City's General Obligation debt was awarded the highest rating: Aaa.

The City issues several different types of debt, depending on the type of acquisition or project, and its purpose. These types of debt include: short-term installment financing, General

Obligation bonded debt, Limited Obligation bonded debt, Special Obligation bonded debt, and Revenue bonds.

General Obligation debt is the highest rated of the long-term debt options available to the City. Limited Obligation and Special Obligation Bonds and are usually rated one and two steps down from a government's General Obligation (GO) debt. This reflects the relative security of the revenue or assets backing the bonds. GO debt is the most secure, because it is secured by the property tax collections of the City, often referred to as "the full faith and credit" of the the City. LOBs are secured by a master indenture, a group of city-owned properties that are used as collateral. Ideally, these should be the most critical physical assets owned by a city, City Hall, fire stations and other municipal facilities. Properties that could easily be sold or repurposed are not used as part of the master indenture. SOBs are unique in that they are backed by sales and other taxes not levied by the City. Because the City has little direct control over these revenue streams, SOBs are rated lower than either GO debt or LOBs. Following are the current ratings for City of Asheville debt. (Each debt issuance requires a new rating or a confirmation of the existing rating.)

Agency	GO Bond Rating	LOBs Rating	SOBs Rating
Moody's	Aaa	Aa1	Aa2
Standard & Poor's	AAA	AA+	AA

With the increased rating from Moody's, the City's General Obligation debt is now rated prime investment grade, the highest rating recognized by the markets, by both Moody's and S&P.

Mr. Doug Carter, with Moody's Investor Services, updated City Council on the City of Asheville's debt. He reviewed (1) What is a credit rating, and who are S&P and Moody's?; (2) What is the importance of the highest credit ratings?; (3) What do the highest ratings say about Asheville?; (4) City infrastructure improvements and economic development; (5) Maintaining the ratings; and (6) Role of sound/strong policy-making and management.

B. QUARTERLY OPERATING AND CAPITAL BUDGET REPORTS

Director of Finance Barbara Whitehorn provided the Council with a report that reflects financial information on the City's overall financial position for the fiscal year through September 2017.

It is important to note that per North Carolina State accounting guidelines, the City accrues 90 days of revenue received from the State to the fiscal year ended June, 30. These revenues include sales and use taxes, utility taxes and ABC revenue received through September 30, 2017. Estimates forecast for these revenue for the fiscal year 2017-18 in this report are based entirely on historic trends.

Amendments. There were two budget amendments in the General Fund during the first quarter. The chart below shows the additions to the Adopted General Fund Budget.

Adopted General Fund Budget:	$120,705,145
Amendments:	

Grant for the City's Urban Forest Program	$6,000
Transit contract that exceeded estimates (Fund Balance)	$441,000
Amended General Fund Budget 9/30/2017	$121,152,145

Revenues. Through September 30, 2017, the City has collected $10.4 million in General Fund revenue, which represents approximately 9% of the amended General Fund revenue budget. With so little collection data available through the first quarter, staff bases most of its FY 2017-18 revenue projections on prior year results and multi-year trends. Property and sales taxes make up just over 70% of total General Fund revenue, and staff is currently projecting both of these revenues will end the year very close to budget estimates. Overall, Budget staff is currently projecting that ***FY 2017-18 General Fund revenue will finish the year at $120.4 million, which is $827,000 or 0.7% above the revised budget.***

Expenditures. General Fund expenditures through September 30, 2017 totaled $27.0 million or 22% of the amended budget, which is typical for this point in the fiscal year. Personnel expenses, the largest component of the General Fund budget, are on budget through the first quarter. Overall, staff is projecting that ***FY 2017-18 expenditures (including actual expenses and encumbrances) will finish the year at $120.2 million.***

Fund Balance. The City began FY 2017-18 with an unassigned fund balance of $20.1 million, after subtracting out the $1,181,000 fund balance appropriation included in the adopted budget. Unassigned fund balance equated to 16.6% of the adopted FY 2017-18 budget. After the start of the fiscal year, City Council approved the additional $441,000 fund balance appropriation noted above. This additional appropriation is reflected in the amended 9/30/2017 budget, which shows an unassigned fund balance of $19.6 million or 16.2% of budgeted expenditures. ***Based on current revenue and expenditure projections for FY 2017-18 (above), staff is forecasting a $1.7 million increase to the unassigned fund balance at June 30, 2018, for an estimated unassigned fund balance of $21.4 million or 17.8% of estimated expenditures.***

As with projected revenues through the first quarter, the estimate for an increase to fund balance is based on historical trends and forecasting. While an early estimate is provided, it is important to understand that there is minimal performance data available as of September 30. Forecast confidence will increase when second quarter results are available and current estimates have been borne out by actual financial performance.

She then reviewed the following July - September 2017 enterprise funds: Water Resources Fund, Street Cut Utility Fund, US Cellular Center Fund, Stormwater Fund, Transit Fund, and Parking Fund.

Capital highlights include (1) North Fork Dam Improvements - $35 Million (a) new spillway and armament of the dam; and (b) improves dam safety and meets State standards and climate resiliency expectations; (2) RADTIP - $27 Million (a) transportation improvements in the River Arts District; and (b) area enhancement to improve area redevelopment; (3) Martin Luther King Jr. Drive Improvements (GO Bond) - $2.5 Million - roadway and sidewalk improvements; and (4) bond stakeholder meetings (a) internal enhancement of project coordination with team

stakeholders; (b) communications plans and charters part of the development process; and (c) multiple budget checks - start early in a project and continue throughout project development.

GO Bond highlights include (1) total number of projects or project bundles - 32 (a) stand alone project examples include Jake Rusher Park, Haywood Street Improvements; and (b) bundled project examples include outdoor court improvements, bus shelters; (2) projects in design - 17 (a) project examples include Montford Complex, Bond-funded traffic signals; and (b) total value of design contracts awarded - $1,260,352.50; and (3) projects under construction contract - 2 (a) project examples include bus shelters, road resurfacing including Martin Luther King Jr. Drive; and (b) total value of construction contracts awarded - $4,431,912.70.

C. CITY COUNCIL STRATEGIC PRIORITIES UPDATE

Interim Assistant City Manager Jade Dundas provided Council with a quarterly update on the City Council Strategic Priorities. He said that in January 2016, Asheville City Council created a 20-year vision for the city. This Council vision reflects Asheville's unique character and the aspirations for the community. Council has used the vision as a guide when developing policies and priorities. He then focused on the progress and work being done on the Equity and Inclusion Initiative. For an update of all the strategic priorities, a document is available on-line. Council's vision states that, "We use a racial equity lens to review and achieve our city's strategic goals in health, education, housing, and economic mobility." Kimberlee Archie, the Equity and Inclusion Manager is leading the initiative.

The City of Asheville officially kicked off its Equity and Inclusion initiative on September 25, 2017, by bringing together a cross-section of employees, named the Equity Core Team, to increase understanding and skills for establishing the use of an equity lens in all City program and policies. Opportunities to learn about equity and inclusion are available at work and in the community. During October UNC-Asheville Center for Diversity Education will host two lectures that will help to give context to the work the City is undertaking.

The Parks and Recreation Racial Equity Action Plan is an internal working document that will guide racial equity work during 2017-20. It reflects what staff have heard from community members and groups through existing relationships and projects, and captures ongoing work from the past year's, work that was initiated this year, and new initiatives. It establishes timelines, accountability and performance measures for each action. Furthermore, it outlines key steps to ensure staff are equipped with necessary training, knowledge and tools to integrate racial equity into their work and the organization a whole. The Racial Equity Action Plan is a working document, and as such, it will be continually enhanced and improved upon through future staff and community dialogue. The action plan supports ongoing internal transformational change to ensure a continued high level of service to the evolving community. The Racial Equity Action Plan is organized under five goals:

1. Creating/developing/fostering a culture that values and advances racial equity.
2. Create an effective and inclusive government that engages all communities.
3. Create APRD workforce reflects the diversity of community across the breadth and depth of the organization.
4. APRD investments in contracting and procurement benefit the diversity of the community.
5. Providing programs and services that are responsive and reflective of community needs

This year at the Management Team CIP Budget retreat, Kimberlee Archie, Equity and Inclusion Manager, led the team through an exercise to consider capital investment through an equity framework.

Next steps include (1) Continued Implementation of Equity and Inclusion Initiative (a)

Development of Racial Equity Toolkit; and (b) Continued Engagement of External Partners and Stakeholders; (2) Council Retreat; and (3) Fiscal Year 2019 Budget Process.

D. CITY-OWNED PROPERTY DATABASE UPDATE

Real Estate Program Director Nikki Reid provided Council with an update on the new database tool of the visual inventory of City-owned property.

IV. PUBLIC HEARINGS:

A. 1568 BREVARD ROAD

RESOLUTION NO. 17-263 - RESOLUTION APPROVING THE RELEASE OF THE BUNCOMBE COUNTY OWNED PROPERTY LOCATED AT 1568 BREVARD ROAD (ALSO KNOWN AS THE BENT CREEK PROPERTY) FROM THE DEED RESTRICTION REQUIRING THAT THE PROPERTY BE USED FOR AN ECONOMIC DEVELOPMENT PURPOSE AS DEFINED IN N. C. GEN. STAT. SEC. 158-7.1; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY AND HENDERSON COUNTY REGARDING THIS PROPERTY TO DELETE THIS REQUIREMENT

Assistant Director of Planning & Urban Design Alan Glines said that this is the consideration of a resolution approving the release of the Buncombe County Owned property located at 1568 Brevard Road (also known as the Bent Creek Property-137.21 acres) (hereto the "Property") from the deed restriction requiring that the Property be used for an economic development purpose as defined in NCGS 158-7.1 and authorizing the City Manager to execute an amendment to the Interlocal Agreement between the City and Henderson County regarding this property to delete this requirement.

On April 14, 2015, the City Council approved the sale of the Property to Buncombe County by Henderson County for the appraised value of $6,815,00.00, in accordance with the terms of an Interlocal Agreement between the City and Henderson County dated April 16, 2014 as amended in April 2015. The Interlocal Agreement outlined certain requirements regarding the use and division of proceeds of any sale of the Property between the City and Henderson County and also contained the provision that any conveyance of the Property should be subject to the specific condition that the property be used for an economic development purpose pursuant to NCGS 158-7.1. At the time of purchase, Buncombe County was working with a potential economic development partner which was considering the expansion of its operations into Buncombe County. This economic development deal did not materialize and since that time, the County has not been able find any potential purchasers of the Property interested in using it for an industrial purpose. The County has, however, had interest from potential purchasers wanting to use the Property for residential development purposes and therefore, it has submitted a request to the City to rezone the Property from Industrial District (IND) to Residential Multifamily High Density District (RM 16)-this matter is also before you this evening.

In order for the Property to be rezoned from Industrial to Residential, it must first be determined that it should be released from the aforementioned economic development condition. NCGS 158-7.1 has a rather broad definition of economic development purposes which include aiding and encouraging the location of manufacturing enterprises, and the location of industrial and commercial plants within the city or county, but also include more generally, purposes that in the discretion of the governing body will increase the population, taxable property and business prospects of any city or county. While residential development might be considered to fall within this more general definition of economic development, the statute is typically interpreted to refer

to the location of industrial or commercial development and therefore, Buncombe County request the release of this condition to ensure that the Property may be freely used for residential development.

At its meeting on October 2, 2017, the Board of Commissioners of Henderson County voted to release the condition regarding use for economic development purposes on conveyance of the Property. City Economic Development Staff also supports release of this condition having conferred with the EDC, which does not believe this Property is suitable for industrial use, and concluding the Property is more suitable for a residential use, which will also have economic development benefits.

Pros:

- If the Property is sold to a private entity, it becomes taxable.
- May lead to the rezoning of property to Residential from Industrial, thereby making it more attractive to interested purchasers.

Con:

- May lead to rezoning of property from Industrial to Residential, leading to a further loss of Industrial zoned properties within the City.

City staff recommends approval of a resolution to release the condition requiring use of the Buncombe County owned property located at 1568 Brevard Road for an economic development purpose as defined in NCGS 158-7.1, and authorizing the City Manager to execute an amendment to the Interlocal Agreement between the City and Henderson County regarding this property to delete this condition.

Councilwoman Mayfield said that she has been contacted from some area residents who were concerned about the traffic volume on Ferry Road. Mr. Glines said that whatever is developed would have to adhere to City regulations and if the project met the threshold, it would need to come back to Council for approval.

A community resident spoke to Council about traffic concerns on Ferry Road and did not support a multi-family development. She also noted there are 2,174 planned apartment units for this area. They know that the area will be developed and hoped single-family units would be developed on that property.

A woman felt that that the 137 acres should be used for something more to make Asheville beautiful.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not read.

Councilman Smith moved for the adoption of Resolution No. 17-263. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 208

PUBLIC HEARING TO REZONE 1568 BREVARD ROAD FROM INDUSTRIAL DISTRICT TO RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT

ORDINANCE NO. 4629 - ORDINANCE TO REZONE 1568 BREVARD ROAD FROM INDUSTRIAL DISTRICT TO RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT

Assistant Planning & Urban Design Director Alan Glines said that this is the consideration of an ordinance to rezone 1568 Brevard Road from Industrial District to RM-16 Residential Multi-Family High Density District. This public hearing was advertised on September 22 and 29, 2017. On October 3, 2017, this public hearing was continued until this date.

Buncombe County is requesting a rezoning for a parcel located at 1568 Brevard Road from Industrial District (IND) to Residential Multifamily High Density District (RM16). The PIN for the property is 9636103860 and totals 137.22 acres.

The subject property is 137.22 acres and is currently undeveloped. The property has limited frontage on Brevard Road and is addressed based on this frontage. There is a more substantial frontage along Ferry Road and the property is often referred to as the Ferry Road property. The site is heavily wooded and has the French Broad River as a property border on the southeastern side.

The property has a long history that includes former ownership by the City of Asheville. The City sold the tract to Hendersonville County as part of an early water expansion agreement. Later Hendersonville County sold the track to Buncombe County for economic development purposes and retained an easement for the City of Asheville for future greenway connections. Neither the width of the greenway nor the specific route was specified in this sale except that it will be consistent with the greenway master plan. The property also borders I-26 but there is no direct access to the highway.

In addition to the direct French Broad River frontage, the site is in a natural undeveloped condition, wooded and with a slope down to the river. The natural grade of the parcel is 19% on average across the site.

The applicant has requested that the zoning be changed from Industrial to Residential multifamily high density (RM16) for the purpose of selling the property for residential development. While there has been no specific proposal submitted for the site, a change to a residential zone will limit the non-residential possibilities for the parcel.

An easement for future greenway is in place for the tract.

The purpose of the Industrial zoning district is to allow and encourage larger scale industrial and manufacturing uses. Industrial sites typically need good access to transportation facilities (roadways and highway) to support the movement of goods to and from the site. This specific site has indirect access to Brevard Road via the small Ferry Road connection and a narrow flagpole portion running toward Brevard Road adjacent to but separated by a separate city-owned parcel. Standing alone, the site is challenging from an access standpoint for an industrial use without additional land purchased from adjoining owners. The site with its current access could provide for residential development.

The RM16 zoning district is developed for a wide range of housing options from single family to multi-family with additional options for clustering the development away from the more sensitive areas of the property which may result in the protection of the French Broad River. A limited number of other non-residential uses are also allowed in the RM16 zoning district including schools and places of worship.

The subject property is surrounded by Buncombe County zoning: R1 and R3 to the north and west which are mostly reserved for single and two-family residential uses (R1) and multifamily uses if water and sewer are available (R3). The western edge of the property is zoned CS, Commercial Service along Brevard Road. Commercial Service encourages a

concentration of commercial activities but not strip development. Roadways are considered to be sufficient for such development. The proposed zoning change will be compatible with the existing uses surrounding the property. Higher density residential uses can provide a buffer between commercial services and residential uses of lower densities.

The property is a satellite annexation within the City of Asheville's jurisdiction because of the time when the property was owned by the City of Asheville. Rezoning applications are reviewed by the Planning and Zoning Commission with final consideration by City Council.

The 2025 Comprehensive Plan shows this area as an industrial use and recommends in general, the preservation of property for industrial uses. The site was recently contemplated for a large industrial development and one of the requirements for the site negotiation was additional land for improved access to Brevard Road from a neighboring property owner. In several recent requests to rezone industrial property within the city's jurisdiction, insufficient access to highways has been cited as a factor in the lack of suitability of particular properties for industrial uses. The working draft of the *Living Asheville Comprehensive Plan* notes the need to maintain industrial uses within the city, but also demonstrates the continued shortage of housing in the community

This action aligns most closely with the 2036 Council Vision in the following area: (1) *Quality Affordable Housing* –Goal 17 is to cooperate and form a partnership with Buncombe County to increase the supply of affordable housing. The proposed rezoning of Buncombe County owned land from Industrial to Residential Multi-family High Density (RM16) could result in a variety of housing types from single family to multifamily across the large 137 acre site. Any residential development proposal with 50 or more units will also be reviewed by City Council.

Considerations:

- The site has challenging access for industrial uses without additional land from adjacent properties or other off-site roadway improvements
- This rezoning to RM16 would allow a variety of housing options for the site which could benefit the community still facing a housing shortage
- A greenway easement for a future greenway is in place for this parcel
- The Comprehensive Plan notes the tension between maintaining suitable sites for industrial uses and the continued need for additional housing.

Based on the above findings and the analysis provided in the report, staff finds this request to be reasonable and within the public interest.

The Planning and Zoning Commission reviewed the request at their meeting on September 6, 2017. There was a robust discussion about changing the zoning designation and losing a potential industrial site. The Commission acknowledged the tension between retaining industrial areas and also the community need for additional housing. In the end though the commission voted unanimously to recommend approval of the change.

Mayor Manheimer opened the public hearing at 6:26 p.m., and when no one spoke, she closed the public hearing at 6:26 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Smith moved to approve the rezoning request for 1568 Brevard Road (PIN 9636-10-3860). From Industrial District to Residential Multifamily High Density District (RM16) and find that the request is reasonable is within the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: (1) the site is a suitable location for housing development which is needed in the community; and (2) the site, as-is, does

not have suitable infrastructure for an industrial use. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

ORDINANCE BOOK NO. 31 – PAGE 388

B. PUBLIC HEARING TO CONSIDER A SERIES OF TEXT AMENDMENTS TO ARTICLE VIII OF CHAPTER 7 OF THE CODE OF ORDINANCES PERTAINING TO DEVELOPMENT STANDARDS FOR THE HAYWOOD ROAD FORM CODE FOUND IN SECTION 7-8-28, TO INCLUDE A NEW HR7 - TRADITIONAL COMMUNITY DISTRICT AND DISTRICT STANDARDS

ORDINANCE NO. 4630 - ORDINANCE TO AMEND ARTICLE VIII OF CHAPTER 7 OF THE CODE OF ORDINANCES PERTAINING TO DEVELOPMENT STANDARDS FOR THE HAYWOOD ROAD FORM CODE FOUND IN SECTION 7-8-28 TO INCLUDE A NEW HR7 - TRADITIONAL COMMUNITY DISTRICT AND DISTRICT STANDARDS

Mayor Manheimer said that Council first heard this issue at their October 3, 2017, meeting; however, they did not hold a public hearing or take action and remanded the issue back to the Planning & Zoning Commission.

Assistant Planning & Urban Design Director Alan Glines said that this is the consideration of an ordinance amending Article VIII of the Chapter 7 of the Code of Ordinance pertaining to development standards for the Haywood Road Form Code found in Section 7-8-28 to include a new HR7 - Traditional Community District and District standards. This public hearing was advertised on November 17 and 24, 2017.

In September 9, 2014, the City Council adopted the Haywood Road Form Code as the first form district in the city. This applied to Haywood Road beginning almost at the French Broad River and proceeded for approximately 2.5 miles to Patton Avenue. The district established six zoning types based on the scale and characteristics of the area along the corridor. With several years experience using the ordinance, staff have identified amendments to facilitate the implementation of the code.

Staff is bringing back to Council general Haywood Road text amendments that were first presented to Council on September 25, 2017. During the hearing, Council directed staff to create a new Haywood Road district that would allow for a mix of residential and commercial uses except that it would not permit lodging facilities, including hotels and short term rentals (STRs), associated with the area below Beacham's Curve. Council also directed staff to consider additional study for lodging facilities along the entire Haywood Road corridor and include feedback from the West Asheville Business Association (WABA). There was concern that STRs may be inappropriate along the corridor. These three general subjects will be reviewed in this report separately.

Amendments to the general development standards of the Haywood Road Form-Based Code - The focus of these amendments is to create reasonable requirements in the code to retain the original vision for Haywood Road but allow greater flexibility to renovate and develop new projects. These changes have been identified during a number of communications with property owners, neighborhood associations, developers and design professionals concerning implementation of the code and from the review of development proposals by staff. Staff is proposing the following changes to the form code development standards:

- **Build-to-zone – main frontage and side street** - reduce the required percentage along the main frontage from 80% and 90 % of the lot frontage to 70%; for side streets, reduce

coverage to a minimum building depth of 25 feet to provide more flexibility to redevelop a site

- **Building setbacks** – some adjustments in the form of minimum and maximum distance from the right-of-way line to account for overhead utility or other easements
- **Outdoor amenity space** - align it with other urban areas of the city for more consistency and to encourage redevelopment
- **Building height allowances** - lessen the minimum heights floor-to-floor for flexibility which is especially helpful for smaller building floorplates.
- **Building fenestration detailing** (such as windows and doors) - revise how to measure fenestration and adjust percentages to allow more flexibility in building design
- **Streetscape** - clarify limitations on changes to Haywood Road since it is a DOT roadway
- Allowing more **height options in HR4 Traditional** - parcels in this area are more limited in size and depth. Buildings would be allowed from one to three stories
- Allow a building setback of at least 10 feet to create a plaza space or expand sidewalks to satisfy the building **stepback requirement** for upper floors
- **Proposed update for lodging facilities in the permitted use table to align with Council approval of review thresholds on 2/14/17, which is related to the number of guest rooms: 21 guest rooms or more and 20 guest rooms or less**

The form code also includes a permitted use table, a parking standard and a sign allowance. The following changes are proposed:

- Allow Bed and Breakfast and Homestay in HR1 Core
- Remove use by right with special requirements for Live-work uses
- Remove single family use for the entire corridor area; add duplex to all districts
- Add parking lots as a use in the use table
- Allow on-street spaces existing or proposed to count one-for-one toward the parking requirements
- Specify temporary use provisions of the UDO are allowed in the district
- Some clarification for parking, bicycle parking and parking for newly established eating and drinking establishments

Creation of a new seventh zoning category - A section of Haywood Road east of Beacham's curve and west of the river is an area currently zoned HR5 Live-work. The area with 43 parcels has a number of vacant parcels. There is the possibility for greater investment and redevelopment in this area with additional commercial activity that would be appropriate given the growth and investment in the surrounding area. Council directed staff to create a new district for this area that would be similar to the HR4 Traditional district (currently on neighboring parcels) but would not permit lodging facilities. Staff have added an amendment for a new HR7 Traditional Community district with scale and uses meeting these parameters.The following sections of the ordinance reference the proposed HR7 Traditional Community district:

Page 3 - the general map of the Haywood Road districts would be amended.
Pages 30 - 33, the HR7 TC district and the HR4 TRAD district are aligned for development requirements.
Beginning on page 43, to add a column for HR7 to the Permitted Use Table.
Page 47, to add HR7 to the Parking Table.
Beginning on page 51, to add HR7 to the Sign Table

Consideration of the appropriateness of lodging facilities for the entire Haywood Road corridor - Council directed staff to review with the Planning and Zoning Commission the appropriateness of lodging facilities (hotels, STRs, etc.) within the remaining zoning districts along the Haywood Road corridor. Per the discussion during the meeting staff also

recommended and Council agreed, to take this item to the West Asheville Business Association (WABA) for review and comment.

Lodging facilities with 21 guest rooms or more is already required to be reviewed as a conditional zoning citywide and be approved by City Council. Therefore, on November 1, 2017, the Planning and Zoning Commission discussed whether *lodging facilities with 20 guest rooms or less* should remain a permitted use along the corridor where it is permitted today, if they should be prohibited, if certain districts should allow the use or if other districts should prohibit the use. The Planning and Zoning Commission considered these issues and did not recommend any changes to the use table for lodging facilities, preferring to continue to permit lodging in the areas where they are allowed today. Austin Walker, WABA President, presented a letter on behalf of the WABA Board asking that no changes be recommended for the lodging facility use in this form code area. Several members of the community spoke to retaining lodging along the corridor in general.

The draft code provides distinct red-line entries for all of the portions of the ordinance that are being adjusted. This will allow the specific changes to be distinguished individually in the review.

The current changes were reviewed on June 6, August 31, September 19, and October 26, 2017, with the West Asheville Business Association (WABA). There was interest in the code and some questions about the application of the ordinance. WABA was generally supportive of the general development changes and the new HR7 Traditional Community district. They were concerned about any new limitations on lodging facilities in the sections of Haywood Road where they are currently permitted. WABA felt that the use is a component of a mixed-use corridor and would support local businesses.

Staff also reviewed the general concepts of this amendment with the East West Asheville Neighborhood Association (EWANA) at their meeting on June 14, 2017, and discussed changes to height for the HR4 Traditional district, as well as the rezoning being contemplated for the same area along Haywood Road. There was some concern and questions about short term rentals as a permitted lodging use along the Haywood Road Form Code area adjacent to the neighborhood.

In early August, staff also mailed an informational letter outlining the proposed code and rezoning changes specifically in the area of Beacham's Curve in the HR4 Traditional and HR5 Live Work section to neighbors within 200 feet of this specific area. This is the only section of Haywood Road where a rezoning is contemplated. After Council directed staff to adjust the ordinance by creating a new HR7 district, staff provided an additional notice letter in October to explain the latest changes.

The Comprehensive Plan encourages denser sustainable infill development along existing corridors as a long term development plan in the city. Changes to the UDO that further these goals are encouraged along with processes that involve public participation. The Haywood Road Form Code includes mixed-use development and multimodal transportation along with a number of other community identifiec goals such as historic preservation, flexibility for property owners and economic health.

The Haywood Road Form District fits within City Council's vision for *A Well-Planned and Livable Community* and *A Thriving Local Economy.* The code provides a clear framework for reinvestment and redevelopment in an important area of the city. The code provides a greater level of clarity and predictability for both the community, property owners and developers. Lastly, the process used to develop the original code also aligns with Council's goal of a *Connected and Engaged Community,* through the high level of engagement and community outreach with property owners, business owners and residents.

The Planning and Zoning Commission reviewed the amendment and voted unanimously to recommend approval of the broad list of development amendments (on September 6, 2017), and voted 5-1 to recommend approval of the addition of a new district (on November 1, 2017), HR7 Traditional Corridor, which would be similar in form to the HR4 Traditional district but would not allow lodging facilities as a specifically permitted use. The Commission found that the Haywood Road Form-Based Code amendment is reasonable and in the public interest and is consistent with the Comprehensive Plan by laying the framework for continued investment in mixed-use development, future job growth and housing.

The Planning and Zoning Commission recommended that lodging facilities remain a permitted use where they are currently allowed with no recommendations for changes along the rest of the Haywood Road corridor. Staff has not included any changes to lodging facilities in the corridor where they are already permitted based on direction provided by the Planning and Zoning Commission during their review. At the same meeting, the Planning and Zoning Commission also recommended that City Council review the issue of short term rentals (STR's) comprehensively across the city.

At her request, Vice-Mayor Wisler said that the Planning & Economic Development (PED) Committee will review excluding all lodging facilities as a permitted use across the City in the December/January timeframe.

Mayor Manheimer opened the public hearing at 6:40 p.m.

Mr. Austin Walker, President of the West Asheville Business Association, said that they support the rezoning of the river end of the District, but asked lodging facilities with 20 guest rooms or less continue to be allowed in the areas where they are allowed today. He said the Haywood Road Form Code was a community vision and that is what the community wants.

Mr. Michael Butrum, representing the Land of Sky Association of Realtors, urged Council to allow lodging facilities with 20 guest rooms or less to remain as a permitted use along the corridor.

Mr. Christopher Fink, representing neighbors on Brucemont Circle, advocated the development of west Asheville as a community and not a recreation zone. He hoped for community use along the corridor and that you maintain a community that supports residents opposed to visitors.

Mr. Mike Collins felt that lodging facilities should be a permitted use along the entire Haywood Road corridor.

Mayor Manheimer closed the public hearing at 6:49 p.m.

Councilman Haynes supported excluding all lodging facilities across all districts from the entire Haywood Road corridor. He noted we are not banning the lodging facilities, but just removing them as a right. People can still seek conditional zoning for their lodging project. He felt if we waited until after the PED Committee review, more lodging facilities with 20 guest rooms or less could be built in the interim.

Councilwoman Mayfield understood that we are not respecting the long process that the City and community went through to develop the Form Code. However, most of what is being proposed are changes based on things we have learned in the community. We have learned that affordability is only an increasing problem and illegal short term rentals are only an increasing

problem. Again, we are not prohibiting the lodging facilities but saying if you want to build a short term rental facility on the Haywood Road corridor, you need Council approval. We have found that in the 20 guest rooms or more projects we have gotten better projects and she saw no reason this wouldn't be the case with this as well.

Councilman Young said that there are merits on both sides of this argument. He would support the Form Code but hoped the next Council will comprehensively look at the issue of short term rentals to see if they really affect affordable housing.

Councilman Smith said that the Haywood Road Form Code did have a lot of community input and since it's completion we have seen the emergence of the seriousness of the short term rental issue across the City. This is not a ban, but just a removal of the use by right. The conditional zoning process remains available for all applicants.

Councilman Bothwell predicted the new Council will ban whole house rentals city-wide and permit accessory dwelling units.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mayfield moved to approve the Haywood Road Form Code amendment with an additional amendment to exclude lodging facilities (21 guest rooms or more and 20 guest rooms or less) of all types from all districts in the Haywood Road Form Code, and find that the request is reasonable and is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: (1) the code amendment will encourage infill development and vibrant mixed-use neighborhoods; and (2) the amendment will facilitate the implementation of the code. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

ORDINANCE BOOK NO. 31 – PAGE 391

C. PUBLIC HEARING TO REZONE PROPERTIES FOR A SECTION OF HAYWOOD ROAD WITHIN THE HAYWOOD ROAD FORM CODE AREA FROM HR5 - LIVE WORK DISTRICT TO HR7 - TRADITIONAL COMMUNITY DISTRICT

ORDINANCE NO. 4631 - ORDINANCE TO REZONE PROPERTIES FOR A SECTION OF HAYWOOD ROAD WITHIN THE HAYWOOD ROAD FORM CODE AREA FROM HR5 - LIVE WORK DISTRICT TO HR7 - TRADITIONAL COMMUNITY DISTRICT

Assistant Planning & Urban Design Director Alan Glines said that this is the consideration of an ordinance to rezone properties for a section of Haywood Road within the Haywood Road Form Code area from HR5 - Live Work District to HR7 - Traditional Community District. This public hearing was advertised on November 17 and 24, 2017.

The area proposed for rezoning consists of 43 separate PINs along the north and south sides of Haywood Road closest to the French Broad River. The lots on the south side are mostly undeveloped except for several single family homes and a small restaurant. On the north side is a mix of uses including a new three-story structure and other older commercial, distribution and warehouse uses.

The subject parcels are zoned HR5 Live-Work and were zoned this way with the adoption of the Haywood Road Form Code on September 9th, 2014. The Haywood Road Form Code was

developed with extensive public engagement and a community charrette to develop the plan. The form code work came after the adoption of the Vision Plan report for Haywood Road.

During the development of the original code, the consultant team was concerned about the potential limited amount of development interest along Haywood Road based on a market study that was performed. They did not want to have an unsuccessful corridor that might result if it was left with too many vacant underutilized parcels. Their recommendation was to create the HR5 Live-Work district to focus on small scale studio spaces and residential uses.

Staff has had approximately three years since the adoption of the original ordinance to utilize the Haywood Road Form-Based Code. Over this time staff have met with property owners, design professionals, neighborhood groups and other users of the code to answer questions and hear comments about which elements of the form-based code are working and which sections could be improved. Since this time the New Belgium Brewery was constructed and opened along Craven Street, and private investment in the River Arts District has continued. The entire eastern end of Haywood Road is also seeing a revival of new businesses and expansions of existing businesses, including several eating and drinking establishments, a cider house and a brewery, a skin care company and an ice cream-making facility opening nearby on the corridor, to name a few.

The HR5 Live-Work district permits a limited range of commercial activity and allows for multifamily housing. With the recent growth of activity located along Haywood Road at Beacham's curve and vicinity, the original concern that vacant underutilized parcels would reduce the economic success of the corridor seem to no longer apply.

At the City Council meeting on September 26, 2017, City Council directed staff to create a new form-based code district that would be similar to the scale and uses permitted in the HR4 Traditional district with the notable exception that "lodging facilities", which includes uses such as hotels and short term rentals, would not be permitted. The proposed HR7 Traditional Community achieves these goals and will allow a more complete range of commercial activities at a scale that will be compatible to the surrounding uses in the vicinity. City Council further directed staff to review the appropriateness of lodging facilities along the remaining sections of the Haywood Road corridor and this is reviewed under a separate wording amendments staff report.

In 2012 the New Belgium Brewery was approved along Craven Street; the brewery opened in 2016. The Haywood Road Form-Based Code was approved by City Council on September 9, 2014.

The process for reviewing rezoning requests is that they are considered by the Planning and Zoning Commission with a recommendation to City Council, and a final review by Council. The Planning and Zoning Commission reviewed the rezoning request on September 6, 2017, and again on November 1, 2017, for the latest adjustment to add the HR7 Traditional Community district. The commission unanimously recommended approval of the rezoning with a vote of 6-0.

Staff discussed the Haywood Road amendments and property rezoning at a meeting of the West Asheville Business Association (WABA) on June 6, August 31, September 19 and October 26, 2017. WABA was supportive of the new HR7 Traditional Community district. Staff also attended a meeting of the East West Asheville Neighborhood Association (EWANA) on June 14, 2017, and answered questions about the proposed rezoning, as well as details about the HR4 Traditional district. In early August 2017 and again in October as a part of public notice, staff sent an informational letter to property owners located within 200 feet of the proposed rezoning. Several neighbors and property owners contacted staff to inquire about additional information or to see how their properties aligned with the HR7 standards.

The zoning along Haywood Road to the west of the proposed rezoning area is HR4 Traditional, which is very similar to the proposed HR7 Traditional Community district in terms of form, with the exception that "lodging facilities" are permitted in the HR4 district. Surrounding neighborhood areas are zoned Residential Multifamily Medium Density district (RM8). The Haywood Road Form-Based Code accounts for adjoining residential properties with both a planted buffer and height reductions adjacent to the residential edge. The proposed change will be compatible with the surrounding area.

There are policies throughout the *2025* Comprehensive Plan supporting the need for higher-densities and a mix of uses, where placemaking is an important goal and transit is in place to support new development. Other sections of the Plan recommend creating opportunities for economic development through higher densities while reinforcing a strong urban form that enhances the pedestrian environment.

The proposal aligns with the 2036 Council visions in the following areas: (1) *A Well-Planned and Livable Community* - through the enhanced community focused design standards that accompany the Haywood Road Form Code; (2) *Transportation and Accessibility* – due to the requirements for wider sidewalks, pedestrian-friendly design and densities to support expansion of transit; and (3) *Thriving Local Economy* -encouraging a wider mix of compatible commercial uses and opportunities for more intense development (including a higher residential density).

Considerations:

- Economic conditions in the rezoning area have changed supporting greater opportunities for investment and redevelopment
- The proposed rezoning from HR5 Live-Work to HR7 Traditional Community is similar to the adjacent HR4 Traditional district in terms of form, with the exception that lodging facilities would not be permitted in the new HR7 district. The HR7 will also provide areas for community-scaled development that is compatible with the adjacent area
- Development requirements are in place to buffer residential areas from commercial impacts

The Planning and Zoning Commission unanimously recommended approval of the rezoning from HR5 Live-Work to HR7 Traditional Community on November 1, 2017, with a vote of 6-0. The Commission found the request to be reasonable and consistent with City-adopted plans and strategic goals for redevelopment along the Haywood Road corridor.

Mayor Manheimer opened the public hearing at 7:05 p.m., and when no one spoke, she closed the public hearing at 7:05 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the zoning map amendment from HR5 Live-Work district to HR7 Traditional Community district and find that the request is reasonable, is in the public interest, and is consistent with the Comprehensive Plan and other adopted plans in that: (1) opportunities for commercial investment and redevelopment are enhanced; (2) buffering requirements are in place to protect residential areas; and (3) the HR5 Live-Work district is no longer the most appropriate zoning for this area. This motion was seconded by Councilwoman Mayfield and carried unanimously.

ORDINANCE BOOK NO. 31 – PAGE 393

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 17-258 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY REAL PROPERTY LOCATED AT 427 BROADWAY STREET TO REED CREEK GREENWAY PLAZA, LLC, SUBJECT TO SPECIFIC AFFORDABLE HOUSING DEED RESTRICTIONS

Real Estate Program Director Nikki Reid said that this is the consideration of a resolution authorizing the City Manager to convey real property located at 427 Broadway Street to Reed Creek Greenway Plaza, LLC, subject to specific affordable housing deed restrictions.

The City of Asheville owns vacant property at 427 Broadway Street (approximately 0.38 acres) located directly adjacent to the former gas station at the Cauble Street intersection. The City has received an unsolicited bid from Reed Creek Greenway Plaza, LLC (RCGP) to purchase the property. Reed Creek Greenway Plaza, LLC (RCGP) purchased the former gas station site in 2016 and is now seeking to purchase and assemble the City's property into a larger site for mixed-use redevelopment (1.21 acre total site).

PIN #	City-owned Property Address	Parcel Size	Zoning	Description
9649142559	427 Broadway	0.38 acres (16,553 sf)	NCD - Neighborhood Corridor District	Corner lot on Broadway at Cauble Street; Vacant paved land adjacent to the Reed Creek Greenway and former Citgo Gas

Upon receipt of the unsolicited bid from RCGP, staff analyzed the offer and development concept through the lens of existing plans and policies. The City acquired the subject property in 2000 from NCDOT and constructed the Reed Creek Greenway to the rear of the property. The property is located on Broadway Street, within the study area for the Broadway Corridor Action Plan, adopted by Asheville City Council in August 2002. In the Action Plan, this site was recommended to be "Greenway / Mixed Use Development."

With respect to policy direction to re-purpose City-owned land for affordable housing, the City negotiated the inclusion of affordable housing as part of the proposal. The current offer is based on a purchase price of $115,000 (based on an appraisal that assumes certain restrictions on the property) plus an affordable housing deed restriction that requires the construction of 20% affordable rental units within the total site development (minimum of 8 units) available to households at 60% Area Median Income (AMI), with an affordability period of 25 years. In follow-up to the review by the Housing & Community Development Committee, the developer has also agreed to restrict short term rental on the property for a period of 25 years. Due to the fact that the developer has agreed to these affordable housing restrictions, the City has the ability to do a direct sale rather than put the property up for upset bids.

The proposed price point is based on an appraisal that considered environmental concerns associated with the prior gas station use. This property is contiguous to the former Citgo gas station, which operated for over twenty years before closing in 2015. The underground tanks were removed from the gas station property in accordance with NCDENR, and as a result, environmental deed restrictions were placed on certain areas of the gas station site to prohibit

use of property for residential, daycare and park purposes where the tanks were removed. While the City property is not specifically impacted by the environmental deed restrictions, it is possible that some residual petroleum contaminants may exist on the City property. With that being the case, the City sought to leverage the sale of its property to require that affordable housing is built on other areas of the site that are not impacted by the environmental issue.

Considering the inclusion of affordable housing into the master development plan, the fulfillment of the land use recommendations of the Broadway Corridor Action Plan, and the noted environmental issues, staff recommends the sale of this property to Reed Creek Greenway Plaza, LLC subject to affordable housing deed restrictions. In that RCGP has agreed to these affordability restrictions, North Carolina General Statute 160A-456, 157-3 and 157-9.4 permits the City to convey property through private sale wherein the development of a multi-family rental housing project includes at least 20% of the housing units for low-income persons-defined as 60% AMI and below, for at least 15 years. The proposed deal requires affordability for 25 years, which exceeds the statutory minimum of 15 years by a decade.

The Housing and Community Development Committee (HCD) will reviewed this item on November 21.

Pros:

- The addition of 8 affordable units of housing to 60% AMI for an affordability period of 25 years on a site with access to transit, job centers and educational opportunities.
- The sale of the property to a private owner will return the property to the tax rolls.
- Subsequent development of the property will increase economic activity on this corner.

Con:

- None identified.

Upon sale of this property, the City's General Fund will receive $115,000 in proceeds of sale.

Staff recommends City Council adopt a resolution authorizing the City Manager to convey real property located at 427 Broadway Street to Reed Creek Greenway Plaza, LLC, subject to specific affordable housing deed restrictions.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of Resolution No. 17-258. This motion was seconded by Councilman Smith and carried unanimously.

RESOLUTION BOOK NO. 39 – PAGE 200

B. PRIMARY ELECTION RESULTS - CITY OF ASHEVILLE - OCTOBER 10, 2017; GENERAL ELECTION RESULTS - CITY OF ASHEVILLE - NOVEMBER 7, 2017

Attached hereto as Exhibit "A" is the abstract containing the number of legal votes cast in the Primary Election, City of Asheville, held on October 10, 2017. Also attached as Exhibit "B" is the abstract containing the number of legal votes cast in the General Election, held on November 7, 2017.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Peter Landis suggested Council declare a temporary moratorium on short term rentals.

A woman suggested several process amendments regarding the Consent Agenda.

Because this was Councilman Bothwell's and Councilman Smith's last formal Council meeting, each thanked the citizens of Asheville for the opportunity to serve over the past eight years.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:15 p.m.

Magdalen Burleson
CITY CLERK

MAYOR

	STATISTICS			0001_CITY OF ASHEVILLE MAYOR					
	REGISTERED	VOTERS - TOTAL	CAST - BALLOTS TOTAL	CAST - BALLOTS BLANK	Jonathan Australin Glover	Esther Manheimer	Martin Ramsey	Jonathan Wainscott	OVER VOTES	UNDER VOTES
01.1 01.1	2059	362	0	14	228	73	28	0	19
02.1 02.1	3293	749	0	26	527	132	32	0	32
03.1 03.1	2444	519	0	4	367	111	16	0	21
04.1 04.1	1451	425	0	5	361	36	18	0	5
05.1 05.1	2521	654	0	9	547	48	28	0	22
06.1 06.1	1452	232	0	1	186	28	8	0	9
07.1 07.1	1860	418	0	14	318	49	17	0	20
08.2 08.2	2552	263	0	10	194	35	13	0	11
08.3 08.3	1640	199	0	8	132	42	8	0	9
09.1 09.1	3470	367	0	9	245	72	25	1	15
10.1 10.1	1683	255	0	14	173	52	8	0	8
11.1 11.1	1833	213	0	18	127	53	11	0	4
12.1 12.1	2225	449	1	3	320	99	18	0	9
13.1 13.1	2438	421	0	10	283	102	17	0	9
14.2 14.2	2329	370	0	11	232	99	14	0	14
14.3 14.3	1541	85	0	3	53	24	3	0	2
15.1 15.1	2199	493	0	6	360	85	24	1	17
16.2 16.2	2861	454	0	4	294	122	21	0	13
17.1 17.1	1681	445	0	11	357	44	17	0	16
18.2 18.2	5025	840	0	14	658	55	45	0	68
19.1 19.1	1488	112	0	7	80	9	7	0	9
20.1 20.1	1118	174	0	8	127	22	11	1	5
21.1 21.1	2571	402	1	10	322	33	21	0	16
22.2 22.2	2313	653	2	6	541	59	22	0	25
23.2 23.2	127	16	0	1	13	1	1	0	0
23.3 23.3	924	225	0	11	170	21	5	0	18
24.1 24.1	2514	181	0	10	120	37	5	0	9
25.1 25.1	2456	249	0	3	188	34	18	0	6
26.1 26.1	1854	232	0	3	165	43	14	0	7
28.1 28.1	2565	377	0	5	287	52	18	0	15
29.2 29.2	2927	548	0	18	419	39	27	0	45
43.2 43.2	15	1	0	1	0	0	0	0	0
44.1 44.1	1013	92	0	0	73	9	9	0	1
45.1 45.1	135	4	0	0	0	2	0	0	2
46.1 46.1	1	0	0	0	0	0	0	0	0
54.2 54.2	437	13	0	1	9	1	1	0	1
55.1 55.1	158	8	0	1	2	3	2	0	0
56.2 56.2	4	1	0	0	0	1	0	0	0

Exhibit "A"

	STATISTICS			0001_CITY OF ASHEVILLE MAYOR					
	REGISTERED	VOTER TOTAL	CAST - BALLOTS	CAST BLANK	Austin Jonathan Glover	Esther Mahmeier	Martin Ramsey	Jonathan Wainscott	OVER VOTES	UNDER VOTES
62.1 62.1	258	10	0	0	6	0	1	0	3	
70.1 70.1	56	2	0	0	1	1	0	0	0	
71.1 71.1	100	27	0	0	26	1	0	0	0	
ESOS	0	0	0	0	0	0	0	0	0	
ABSENTEE	0	0	0	0	0	0	0	0	0	
PROVISIONAL	0	0	0	0	0	0	0	0	0	
TRANSFER	0	0	0	0	0	0	0	0	0	
TOTALS	69591	11540	4	279	8511	1729	533	3	485	

[redacted] [redacted] [redacted]

	0002_CITY OF ASHEVILLE CITY COUNCIL													
	Patik Bhakta	Cecil Bothwell	Andrew Fletcher	Jeremy Goldstein	Vijay Kapoor	Jan (Howard) Kubiniec	Rich Lee	Kim Roney	Sheneika Smith	E. Saalo Vassall	Adrian Vassall	Dee Williams	Gwen Wisler	OVER VOTES	UNDER VOTES
01.1 01.1	31	92	12	51	118	13	96	85	151	82	152	99	0	104
02.1 02.1	31	267	47	115	316	6	214	206	374	98	246	215	3	109
03.1 03.1	20	184	37	57	231	13	176	183	209	54	174	158	3	58
04.1 04.1	35	98	9	127	236	16	125	87	115	65	91	211	0	60
05.1 05.1	93	167	11	256	355	19	161	61	129	121	123	315	0	151
06.1 06.1	18	58	13	60	122	7	90	50	73	32	61	82	0	30
07.1 07.1	13	142	19	52	262	16	160	91	142	37	141	125	0	54
08.2 08.2	27	82	11	39	125	11	43	55	134	21	119	57	0	65
08.3 08.3	19	48	16	17	65	5	52	56	131	5	117	24	0	42
09.1 09.1	50	101	28	72	130	18	118	103	153	27	135	91	0	75
10.1 10.1	15	65	16	27	48	3	47	72	191	34	167	39	0	41
11.1 11.1	10	66	15	23	64	4	56	77	107	23	103	50	0	41
12.1 12.1	37	109	21	45	125	9	164	251	223	40	146	125	0	52
13.1 13.1	22	103	30	42	118	6	126	285	225	26	155	75	0	50
14.2 14.2	25	86	29	44	76	4	96	250	197	32	146	66	0	59
14.3 14.3	10	17	5	12	26	5	27	34	51	6	37	11	0	14
15.1 15.1	35	141	20	57	185	16	159	253	220	34	150	142	3	64
16.2 16.2	35	124	33	66	126	15	150	243	196	46	152	101	0	75
17.1 17.1	51	104	8	161	245	12	133	63	115	78	79	199	3	84
18.2 18.2	202	152	12	232	730	21	132	39	82	141	114	266	3	394
19.1 19.1	22	20	9	35	78	7	19	19	13	17	29	33	0	35
20.1 20.1	10	54	7	23	94	15	56	35	57	22	44	68	0	37
21.1 21.1	26	115	18	94	231	17	134	70	128	47	106	136	9	75
22.2 22.2	71	168	14	207	358	11	166	84	164	103	146	320	6	141
23.2 23.2	0	8	0	3	10	0	3	3	4	2	4	10	0	1
23.3 23.3	43	59	5	108	130	3	62	23	36	22	28	80	0	76
24.1 24.1	30	44	18	35	76	10	50	62	72	10	55	43	0	38
25.1 25.1	25	93	11	50	132	7	70	55	80	29	61	92	0	42
26.1 26.1	17	70	14	39	79	5	61	118	87	14	82	58	0	52
28.1 28.1	21	105	24	99	182	7	98	105	126	45	105	143	3	68
29.2 29.2	103	114	21	96	498	13	110	33	79	34	109	135	0	299
43.2 43.2	0	0	0	0	1	0	0	0	1	0	1	0	0	0
44.1 44.1	11	20	10	22	44	5	31	25	35	10	22	31	0	10
45.1 45.1	2	0	2	0	2	0	0	2	0	0	0	0	0	4
46.1 46.1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
54.2 54.2	4	1	0	2	4	0	1	4	7	3	7	2	0	4
55.1 55.1	0	1	2	1	3	1	4	1	2	0	7	0	0	2
56.2 56.2	1	0	0	1	1	0	0	0	0	0	0	0	0	0

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0002_CITY OF ASHEVILLE CITY COUNCIL															
	Prathik Bhakta	Cecil Bothwell	Andrew Fletcher	Jeremy Goldstein	Vijay Kapoor	Jan (Howard) Kubinec	Rich Lee	Kim Roney	Shenekia Smith	E. Adrian Vassallo	Dee Williams	Gwen Wisler	OVER VOTES	UNDER VOTES
62.1 62.1	4	0	0	4	5	0	2	1	3	1	1	2	0	7
70.1 70.1	0	0	1	0	2	1	1	0	1	0	0	0	0	0
71.1 71.1	3	3	0	15	19	0	4	0	3	7	4	16	0	7
ESOS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ABSENTEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PROVISIONAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TRANSFER	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	1172	3081	548	2389	5652	321	3197	3184	4116	1368	3419	3620	33	2520

	STATISTICS			0001_CITY OF ASHEVILLE MAYOR					0002_CITY OF ASHEVILLE CITY COUNCI								
	REGISTERED VOTERS - TOTAL	CAST - BALLOTS TOTAL	CAST - BALLOTS BLANK	Esther Manheimer	Martin Ramsey	WRITE-IN	OVER VOTES	UNDER VOTES	Vijay Kapoor	Richard Lee	Kim Roney	Sheneika Smith	E. Demetrius Williams	Gwen Wisler	WRITE-IN	OVER VOTES	UNDER VOTES
01.1 01.1	2071	460	1	336	101	4	0	19	231	167	185	283	190	199	6	3	116
02.1 02.1	3322	976	0	738	197	11	0	30	547	337	489	655	305	417	9	6	163
03.1 03.1	2459	758	0	569	158	4	0	27	423	266	405	480	242	326	3	0	129
04.1 04.1	1455	542	0	458	76	4	0	4	389	223	166	259	112	359	2	0	116
05.1 05.1	2546	950	0	801	105	10	0	34	736	440	195	356	194	665	24	0	240
06.1 06.1	1457	392	1	326	58	0	0	8	275	201	108	214	98	220	1	0	59
07.1 07.1	1869	597	0	495	85	1	0	16	419	241	216	350	176	288	10	3	88
08.2 08.2	2575	419	0	321	77	1	0	20	235	117	162	258	211	165	3	3	103
08.3 08.3	1655	321	0	238	67	1	0	15	134	111	140	245	162	93	3	0	75
09.1 09.1	3491	586	1	434	121	1	0	30	317	247	258	361	195	231	7	6	136
10.1 10.1	1689	360	0	259	87	2	0	12	124	97	174	304	185	105	4	0	87
11.1 11.1	1841	304	0	212	74	4	0	14	114	86	158	212	131	123	5	0	83
12.1 12.1	2236	702	0	531	152	2	0	17	303	303	464	457	196	269	4	3	107
13.1 13.1	2460	617	0	425	180	2	0	10	244	235	458	409	223	169	5	0	108
14.2 14.2	2339	499	0	338	148	3	0	10	173	163	395	372	159	146	6	3	80
14.3 14.3	1543	166	0	113	48	1	0	4	77	45	103	110	72	57	3	0	31
15.1 15.1	2205	738	0	581	142	3	0	12	409	294	458	445	178	299	6	6	119
16.2 16.2	2881	681	0	482	179	6	0	14	315	281	466	426	197	330	8	0	120
17.1 17.1	1665	589	0	485	83	5	0	16	418	264	165	261	106	366	18	0	169
18.2 18.2	5050	1194	1	990	132	8	0	64	1131	341	164	399	210	836	17	3	481
19.1 19.1	1507	153	0	128	20	0	0	5	131	46	33	65	44	83	0	0	57
20.1 20.1	1121	261	0	211	45	1	0	4	181	96	106	143	67	152	1	0	37
21.1 21.1	2574	594	2	497	72	8	0	17	418	283	150	300	156	340	16	3	116
22.2 22.2	2321	945	0	815	107	3	0	20	734	361	218	436	200	668	8	3	207
23.2 23.2	126	9	0	8	0	0	0	1	8	1	1	4	3	7	0	0	3
23.3 23.3	931	304	0	257	37	3	0	7	245	132	76	113	62	205	9	0	70
24.1 24.1	2519	309	0	228	65	2	0	14	198	124	139	158	74	162	2	0	70
25.1 25.1	2457	408	0	323	72	1	0	12	261	152	157	217	100	218	4	0	115
26.1 26.1	1879	360	0	264	79	3	0	14	176	141	223	219	92	125	3	0	101
28.1 28.1	2590	536	0	413	109	3	0	11	348	206	208	277	144	296	8	3	118
29.2 29.2	2953	713	0	579	82	7	0	45	638	208	111	283	157	469	11	3	259
32.1 32.1	66	41	0														
33.2 33.2	1309	413	0														
33.3 33.3	1971	492	1														
34.1 34.1	1165	404	0														
35.1 35.1	1737	488	0														
36.1 36.1	469	302	2														
41.1 41.1	3	0	0														

Exhibit "B"

	STATISTICS			0001_CITY OF ASHEVILLE MAYOR					0002_CITY OF ASHEVILLE CITY COUNCI								
	REGISTERED VOTERS - TOTAL	CAST - BALLOTS TOTAL	CAST - BALLOTS BLANK	Esthe Mahaffey / Mahaffey	Martin Ramsey	WRITE-IN	OVER VOTES	UNDER VOTES	Vijay Kapoor	Rich Lee	Kim Roney	Shenekia Smith E. Smith	Dee Williams	Gwen Wisler	WRITE-IN	OVER VOTES	UNDER VOTES
42.1 42.1	193	9	1														
43.2 43.2	15	1	0	0	1	0	0	0	0	0	1	1	1	0	0	0	0
44.1 44.1	1019	151	0	118	31	1	0	1	106	61	52	86	26	81	1	0	40
45.1 45.1	134	4	0	0	2	0	0	2	2	0	0	2	0	2	0	0	6
46.1 46.1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
54.2 54.2	442	19	0	12	6	0	0	1	9	1	10	13	11	2	0	0	11
55.1 55.1	160	10	0	8	2	0	0	0	9	3	2	8	2	2	0	0	4
56.2 56.2	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
58.1 58.1	77	4	0														
59.1 59.1	336	32	1														
62.1 62.1	259	24	0	17	6	1	0	0	12	7	13	12	2	13	3	0	10
67.1 67.1	2394	565	0														
68.1 68.1	149	1	1														
69.1 69.1	433	2	0														
70.1 70.1	2963	161	14	1	1	0	0	0	1	1	1	2	1	0	0	0	0
71.1 71.1	1728	154	1	40	2	0	0	0	40	17	4	15	7	33	0	0	10
OS ESOS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS WABL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS NABL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS SBBL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS MORC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS FCON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ABSENTEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PROVISIONAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TRANSFER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	84814	19720	27	13051	3009	106	0	530	10531	6299	6834	9210	4691	8421	210	48	3844

	0003_TOWN OF BLACK MOUNTAIN MAYOR						0004_TOWN OF BLACK MOUNTAIN ALDERM							
	Don Collins	Weston Hall	Michael Sobol C.	WRITE-IN	OVER VOTES	UNDER VOTES	Jonathan Braden	Jeremie Kongeni	Bob Pauly	Matt Robinson	Ryan Stone	WRITE-IN	OVER VOTES	UNDER VOTES
32.1 32.1	35	2	4	0	0	0	1	15	22	0	37	0	0	7
33.2 33.2	220	46	146	0	0	1	24	168	140	73	305	9	0	107
33.3 33.3	251	68	170	0	1	2	35	185	162	120	372	2	2	106
34.1 34.1	155	58	185	2	0	4	15	213	131	58	281	4	0	106
35.1 35.1	261	31	193	1	0	2	33	214	146	90	364	5	0	124
OS ESOS	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS WABL	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS NABL	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS SBBL	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS MORC	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS FCON	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ABSENTEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PROVISIONAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TRANSFER	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	922	205	698	3	1	9	108	795	601	341	1359	20	2	450

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	0005_TOWN OF MONTREAT COMMISSIONER							0006_TOWN OF WEAVERVILLE MAYOR				0007_TOWN OF WEAVERVILLE TOWN COUN						
	Alice Lentz	Boggs	Grace Nichols	Kent Otto	Tom Widmer	WRITE-IN	OVER VOTES	UNDER VOTES	Al Root	WRITE-IN	OVER VOTES	UNDER VOTES	Doug Jackson	Dottie Sherrill	Earl Valois	Thomas Pressley II	WRITE-IN	OVER VOTES	UNDER VOTES
36.1 36.1	206	112	218	202	26	0	142												
58.1 58.1								4	0	0	0	1	3	2	0	0	0	2
59.1 59.1								28	2	0	2	23	22	7	7	2	0	3
67.1 67.1								488	21	0	56	414	383	86	178	6	0	63
71.1 71.1								51	0	0	15	37	40	21	24	0	0	10
OS ESOS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS WABL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS NABL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS SBBL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS MORC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
OS FCON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ABSENTEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PROVISIONAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TRANSFER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	206	112	218	202	26	0	142	571	23	0	73	475	448	116	209	8	0	78

	0008_TOWN OF WOODFIN ALDERMAN						0009_WOODFIN SANITARY WATER AND SE						0010_CITY OF ASHEVILLE CHARTER AMENDMENT			
	Jackie W. Bryson	A. Gienzen Debra Dannerley	Don Hensley	WRITE-IN	OVER VOTES	UNDER VOTES	Ivo Ballentine	W. Gash Sarah Sawaya	Don Haynes	WRITE-IN	OVER VOTES	UNDER VOTES	Yes	No	OVER VOTES	UNDER VOTES
01.1 01.1													96	306	0	58
02.1 02.1													168	736	1	71
03.1 03.1													135	562	0	61
04.1 04.1													96	415	0	31
05.1 05.1	0	0	0	0	0	0	161	183	153	8	3	653	216	684	0	50
06.1 06.1													89	279	0	24
07.1 07.1													74	482	0	41
08.2 08.2													112	278	0	29
08.3 08.3													93	205	0	23
09.1 09.1													157	386	0	43
10.1 10.1													68	270	0	22
11.1 11.1													60	208	0	36
12.1 12.1													117	543	0	42
13.1 13.1													89	490	0	38
14.2 14.2													94	370	0	35
14.3 14.3													46	110	0	10
15.1 15.1													110	589	0	39
16.2 16.2													133	514	0	34
17.1 17.1													115	442	0	32
18.2 18.2													537	568	0	89
19.1 19.1													59	87	0	7
20.1 20.1													48	198	0	15
21.1 21.1													156	408	0	30
22.2 22.2													215	671	1	58
23.2 23.2													3	6	0	0
23.3 23.3													104	186	0	14
24.1 24.1													89	208	0	12
25.1 25.1													106	280	0	22
26.1 26.1													44	293	0	23
28.1 28.1							8	9	8	1	0	16	97	416	0	23
29.2 29.2													295	375	0	43
41.1 41.1	0	0	0	0	0	0										
42.1 42.1	7	8	5	0	0	7										
43.2 43.2													0	1	0	0
44.1 44.1													46	95	0	10
45.1 45.1													2	2	0	0
46.1 46.1													0	0	0	0
54.2 54.2													7	12	0	0

	0008_TOWN OF WOODFIN ALDERMAN						0009_WOODFIN SANITARY WATER AND SE						0010_CITY OF ASHEVILLE CHARTER AMENDMENT			
	Jackie	W. Bryson	Debra	A. Gienz Dantanner	Don Hensley	WRITE-IN	OVER VOTES	UNDER VOTES	Ivo Balentine	W. Gassaway	Don Hayness	WRITE-IN	OVER VOTES	UNDER VOTES	Yes	No	OVER VOTES	UNDER VOTES
55.1 55.1															5	5	0	0
56.2 56.2															0	0	0	0
62.1 62.1															8	16	0	0
68.1 68.1	0	0	0	0	0	3												
69.1 69.1	2	2	1	1	0	0												
70.1 70.1	121	127	92	11	0	126	80	107	79	7	0	129	0	1	0	1		
71.1 71.1	37	36	30	9	0	26	0	1	0	0	0	8	12	29	0	1		
OS ESOS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
OS WABL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
OS NABL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
OS SBBL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
OS MORC	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
OS FCON	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
ABSENTEE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
PROVISIONAL	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
TRANSFER	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
TOTALS	167	173	128	21	0	162	249	300	240	16	3	806	3901	11726	2	1067		

Tuesday - December 5, 2017 – 4:00 p.m.

ORGANIZATIONAL SESSION:

Mayor-Elect Manheimer welcomed everyone to the organizational session.

The Marine Corp JROTC led City Council in the Pledge of Allegiance.

Interim Assistant City Manager Jade Dundas sang the National Anthem.

Pastor Kaycee lewis from River of Life International provided the invocation.

The Honorable Alan Z. Thornburg, Buncombe County Senior Resident Superior Court Judge, administered the Oath of Office to the following:

Mayor Esther Elizabeth Manheimer
Council Member Vijay Kapoor
Council Member Sheneika Elaine Smith
Council Member Gwen Colleen Wisler

RESOLUTION NO. 17-264 - RESOLUTION OF APPRECIATION TO CECIL BOTHWELL

Mayor Manheimer read the resolution.

Resolution No. 17-264 was adopted by acclamation.

Mayor Manheimer thanked former Councilman Bothwell for his service to Asheville and will make sure that he receives the appreciation resolution, a plaque, his name plate, and a City pen.

RESOLUTION BOOK NO. 39 - PAGE 207

RESOLUTION NO. 17-265 - RESOLUTION OF APPRECIATION TO GORDON D. SMITH

Mayor Manheimer read the resolution.

Resolution No. 17-265 was adopted by acclamation.

Mayor Manheimer thanked former Councilman Smith for his service to Asheville and presented him with an appreciation resolution, a plaque, his name plate, and a City pen.

Mr. Smith thanked the public and his family for allowing him to serve. He also thanked City staff and City Council for their professionalism and dedication to the citizens of Asheville.

RESOLUTION BOOK NO. 39 - PAGE 208

ELECTION OF VICE-MAYOR

Councilwoman Mayfield moved to nominated Councilwoman Gwen Wisler as Vice-Mayor of the City of Asheville. This motion was seconded by Councilman Kapoor carried unanimously.

SWEARING-IN ADDRESS

Mayor Manheimer gave a brief address about working together to build our community and overcome our challenges.

REMARKS - MEMBERS OF COUNCIL

Councilman Kapoor, Councilwoman Smith and Vice-Mayor Wilser each expressed their honor to be allowed to serve the citizens, appreciated the support of their family and friends, and looked forward to working for and with City residents.

Councilman Haynes, Councilwoman Mayfield and Councilman Young each welcomed the new Council members and looked forward to working with them to move the City forward.

ADJOURNMENT:

Mayor Manheimer adjourned the organizational meeting at 4:49 p.m.

Magdalen Bourneson
City Clerk

Mayor

Tuesday – December 19, 2017 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 28, 2017; AND THE ORGANIZATION MEETING HELD ON DECEMBER 4, 2017

B. RESOLUTION NO. 17-266 - RESOLUTION ADOPTING THE 2018 CITY COUNCIL MEETING SCHEDULE

RESOLUTION BOOK NO. 39 - PAGE 209

C. MOTION ADOPTING ASSIGNMENT OF BOARD & COMMISSION MEMBERS/LIAISONS FOR 2018-19

Summary: Deputy City Clerk Sarah Terwilliger has a complete listing of all appointments made for City Council liaisons and mandatory seats on the various boards and commissions.

RESOLUTION NO. 17-267 - RESOLUTION APPOINTING VIJAY KAPOOR AS A MEMBER TO THE HUB COMMUNITY ECONOMIC DEVELOPMENT ALLIANCE

Summary: Vice-Mayor Gwen Wisler has resigned as a member of the HUB Community Economic Development Alliance, representing the seat of a Planning & Economic Development Committee member. Councilwoman Mayfield has resigned as an alternate of the HUB Community Economic Development Alliance. Therefore, Councilman Vijay Kapoor be and he is hereby appointed as the City Council appointee and member of the City Council Planning & Economic Development Committee to serve as member of the HUB Community Economic Development Alliance until he is no longer a member of City Council or is no longer a member of the City Council Planning & Economic Development Committee.

RESOLUTION BOOK NO. 39 - PAGE 210

RESOLUTION NO. 17-268 - RESOLUTION REAPPOINTING GWEN WISLER AS A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD OF DIRECTORS

Summary: The term of Gwen Wisler, as a member on the Metropolitan Sewerage District Board of Directors, expires on January 19, 2018. Therefore, Vice-Mayor Gwen Wisler, 104 Kimberly Avenue, Asheville, North Carolina, be and she is hereby reappointed to serve an additional three-year term, term to expire January 19, 2021, or until her successor has been appointed.

RESOLUTION BOOK NO. 39 - PAGE 211

RESOLUTION NO. 17-269 - RESOLUTION APPOINTING JULIE MAYFIELD AS A MEMBER OF THE ASHEVILLE AREA RIVERFRONT REDEVELOPMENT COMMISSION

Summary: Former Councilman Cecil Bothwell has resigned as a member of the Asheville Area Riverfront Redevelopment Commission, thus creating a vacancy. Therefore, Councilwoman Julie Mayfield be and she is hereby appointed to the Asheville Area Riverfront Redevelopment Commission to serve as the City Council voting member until she is no longer a member of the Asheville City Council.

RESOLUTION BOOK NO. 39 - PAGE 212

D. RESOLUTION NO. 17-270 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT CHANGE ORDER WITH DUKE ENERGY PROGRESS' SMALL BUSINESS ENERGY SAVERS PROGRAM TO INCREASE THE AMOUNT OF THE CONTRACT TO REFLECT AN ERROR IN THE CONTRACT AUTHORIZATION AMOUNT AND UPDATED PRICING FROM THE CONTRACTOR

Summary: The consideration of a resolution authorizing the City Manager to sign a contract change order with Duke Energy Progress' Small Business Energy Savers Program to increase the amount of the contract not to exceed from $8,511.36 to $12,169.17 to reflect an error in the contract authorization amount and updated pricing from the Contractor.

On October 3, 2017, City Council voted to authorize the City Manager to enter into a sole source provider contract through Duke Energy's Small Business Energy Saver ("SBES") Program for the purchase and installation of energy efficient lighting in Fire Station #2 and Fire Station #7/North Asheville Community Center. The resolution had listed the project not exceed $8,511.36 which does not reflect the total cost of both lighting upgrades. It is anticipated that the total cost of both lighting upgrades will be $12,169.17 but we request the resolution be revised to $15,000 to account for any potential change orders up to the budgeted amount. This change is due to:

1. The Resolution quoted the upgrade for Fire Station #7 and not Fire Station #2
2. Updated pricing from the contractor

Pros:

- Supports Resolution 11-77, reducing the City's municipal carbon footprint
- Leverages a DEP incentive which contributes to $6,669.08 of the total project cost

Con:

- None Identified

As noted above the total cost of both projects is $12,169.17, with funding utilized from the Green Program budget. Once complete, the upgrade will produce a combined estimated of $2,945.06 savings on energy per year.

Staff recommends City Council authorize the City Manager to approve a contract change order increasing the total amount of the contract to $12,169.17 for the installation of energy efficiency lighting as part of Duke's SBES Program and authorizing the City to Manager to execute any change orders up to the budgeted amount.

RESOLUTION BOOK NO. 39 - PAGE 213

E. RESOLUTION NO. 17-271 - RESOLUTION ENDORSING THE BUNCOMBE COUNTY PATHWAY TO PREVENTION PLAN

Summary: Domestic violence, sexual assault and child abuse are serious social and public health issues that affect thousands of residents of the City of Asheville each year, causing multiple adverse health impacts. Research documents that children who are abused learn unhealthy behaviors and develop maladaptive coping skills, which can show up later in their adolescent and adult relationships as intimate partner and/or sexual violence. Helpmate, Our VOICE, the Mountain Child Advocacy Center and 20 other local agencies have partnered for 3 years to design a long-term plan to prevent domestic violence, sexual assault and child abuse. The Buncombe County Pathway to Prevention Plan employs a series of mutually-reinforcing strategies and activities mapped onto the social-ecological model, a public health approach to violence prevention, which is endorsed by the CDC. Focus areas for this plan include individual prevention education programming, youth focused programming, provider training, developing and incentivizing organizational structures that prevent violence, building community connections for resilience, and public policy advocacy. The Plan seeks to promote healthy relationships where people live, learn, work, play, and worship. The Plan intends to prevent multiple forms of violence with a few key strategies. The City Council of the City of Asheville endorses the Buncombe County Pathway to Prevention Plan to prevent domestic violence, sexual violence and child maltreatment and authorizes use of its logo on the document.

RESOLUTION BOOK NO. 39 - PAGE 214

F. RESOLUTION NO. 17-272 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND IF AWARDED. ACCEPT FUNDING FROM THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION FOR FISCAL YEAR 2019 FOR AUTOMATED BICYCLE AND PEDESTRIAN COUNTING EQUIPMENT

Summary: The consideration of a resolution authorizing the City Manager to apply for and if awarded, accept funding from the French Broad River Metropolitan Planning Organization (MPO) for FY 2019 funding for automated bicycle and pedestrian counting equipment in the amount of $48,000.

The French Broad River MPO has issued a call for applications for transportation planning funds that will be available in FY 2019. Staff has identified a need for automated bicycle and pedestrian counters to be used on new greenway facilities.

The automated counters will provide needed data regarding greenway use. Existing construction grants such as the TIGER VI grant from the Federal Highway Administration require ongoing bicycle and pedestrian counts that would otherwise need to be collected using manual labor, and the extent of manual counts would not be as thorough or as regular as automated counters.

The current opportunity for transportation planning funds is available to all jurisdictions in the MPO in Buncombe, Henderson, and Haywood Counties. The total available funding in this grant cycle for the three county area is approximately $90,000.

The grant requires a 20% local match. Staff intends to use the grant funds to purchase four automated counters, for a total cost of $60,000. The grant application will be for $48,000, and the local match of $12,000 will be provided by the City of Asheville. The match will need to be programmed in the FY 2019 budget.

This report is being reviewed by the Finance Committee on December 19th and if anything other than a unanimous approval is received, the details of the decision by the Finance Committee will be made clear to City Council at their meeting later that same day.

Pro:

- If awarded, the grant would provide $48,000 toward an automated system for bicycle and pedestrian user counts. This data would otherwise need to be collected manually.

Con:

- The required City Match of $12,000 will need to be programmed in the FY 2019 budget.

If awarded, the grant would require $12,000 in local matching funds to be included in the FY 2019 budget. The investment will reduce the need to use staff time or volunteers to conduct the counts and will be able to generate more complete and regular counts.

Staff recommends that City Council approve a resolution authorizing the City Manager to apply for and if awarded, accept funding from the French Broad River Metropolitan Planning Organization for Fiscal Year 2019 funding for automated bicycle and pedestrian counting equipment in the amount of $48,000.

RESOLUTION BOOK NO. 39 - PAGE 215

G. MOTION TO APPROVE THE FISCAL YEAR 2018-19 OPERATING BUDGET CALENDAR

Summary: Motion to approve the Fiscal Year 2018-19 Budget Calendar.

As a part of the Fiscal year 2018-19 Operating Budget development process, which began internally in late November, staff is proposing a budget schedule which encompasses the following:

- A series of Budget Worksessions with City Council beginning in March 2018,
- Formal presentation of the City Manager's Proposed Budget on May 8, 2018, and
- Budget adoption on June 12, 2018.

The proposed schedule, which outlines the key dates in the budget process.

Staff recommends that City Council review the calendar and approve the motion to adopt the Fiscal Year 2018-19 Budget Calendar.

H. RESOLUTION NO. 17-273 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GREENLIGHT ELECTRIC INC. FOR THE BOND TRAFFIC SIGNALS PHASE I PROJECT PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute, on behalf of the City of Asheville, a contract in the amount of $217,565 plus a contingency of 15% ($32,635) with Greenlight Electric, Inc. for the project known as Bond Traffic Signals – Phase 1, and further authorizing the execution of any change orders to said contract which may arise during execution of said contract up to the budgeted amount of $250,200.

This contract is for a General Obligation Bond project. Phase 1 will include three of the four proposed traffic signals approved by the 2016 Bond referendum (Along Patton Avenue, the intersections with French Broad, Otis and Asheland).

The project was advertised on October 5th, but due to a problem with the bids, all bids were rejected and the project was re-advertised on October 30th with the following bid results on November 14th:

Greenlight Electric, Inc. of Weaverville, NC	$217,565
ALS of North Carolina of Salisbury, NC	$292,294
Brooks, Berry, Haynie & Associates of Charlotte, NC	$314,555

Pros:

- Will upgrade aging traffic and pedestrian signals
- Project works towards fulfillment of General Obligation Bond

Con:

- Work will cause some traffic delays

There is $750,000 set aside for the four traffic signals in the General Obligation Bond Program leaving $499,800 for the remaining signal.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute, on behalf of the City of Asheville, a contract in the amount of $217,565 plus a contingency of 15% ($32,635) with Greenlight Electric, Inc. for the contract known as Bond Traffic Signals – Phase 1, and further authorizing the execution of any change orders to said contract which may arise during execution of said contract up to the budgeted amount of $250,200.

RESOLUTION BOOK NO. 39 - PAGE 216

I. RESOLUTION NO. 17-274 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ADC ENGINEERING FOR THE JAKE RUSHER PARK BOND PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a contract with ADC Engineering to provide design services for Jake Rusher Park Bond Project for an amount of $133,052, and further authorizing the execution of any contract amendments up to 10% ($13,350) above of the contract price, which may arise during execution of said project.

The primary goal of the project is to address equitable access to park facilities and recreation opportunities in Asheville. In the spring, staff sought input from the community on their preference for park redevelopment. The proposed concepts identified the unique history of the community, recognized the park setting as a gateway to the neighborhood, borrowed ideas from some of the best neighborhood parks in the country, and aimed to maximize recreational opportunities at Jake Rusher Park while keeping within the project budget.

Jake Rusher Park will be designed to improve the level of service and meet contemporary needs of neighborhood residents. Upgrades may include restrooms, picnic areas/structures, sprayground, new equipment, surfacing, fencing, site furniture, plant materials,

sport courts, associated facilities, open play areas, vehicular parking lots, accessible pedestrian circulation systems, park area and sport lighting, among other Park and Recreation park standard elements.

The City of Asheville (City) issued a Request for Qualifications (RFQ) for design services for the Jake Rusher Park Bond Project. In response to the RFQ, the City received five (9) Statements of Qualifications to be considered for this project. After thorough review and evaluation, staff recommended ADC Engineering, 25 Woods Lake Road, Suite 210, Greenville, South Carolina as the most qualified to perform the design services for this project.

Scope of Work - ADC Engineering has presented a scope of work and fee proposal for professional services associated with Jake Rusher Park Bond Project and will provide full design services, bidding administration, and contract administration/reporting during construction.

Project Budget - $1,295,565 million including $825,000 General Obligation (GO) Bond Funding.

Tentative Project Timeline:

Engineering/Design Services	Spring 2018
Permitting	Winter 2018
Request for Construction Bid	Winter 2018
Construction Begin	Spring 2019
Construction Complete	Winter 2019

Pros:

- Address identified recreational needs that are otherwise unattached to capital investments
- Focus on underserved areas of the city
- Address the needs of diverse park users through addition of assets in parks to better reflect changing neighborhoods
- Meet the Parks and Recreation goal of increasing accessibility and equity

Con:

- The park will be closed during renovations. Any closure will be advertised and coordinated with general park users and neighbors.

Funding for these services are already included in the adopted Capital Improvement Budget through private donations and the City's General Obligation (GO) Bond Funding.

Staff recommends City Council adopt the resolution authorizing the City Manager to execute a contract with ADC Engineering to provide design services for Jake Rusher Park for an amount not to exceed $133.052, and further authorizing the execution of any contract amendments up to 10% ($13,350) above of the contract price , which may arise during execution of said project.

RESOLUTION BOOK NO. 39 - PAGE 217

J. RESOLUTION NO. 17-275 - RESOLUTION AUTHORIZING THE ESTABLISHMENT OF A MOBILE FOOD VENDING PILOT PROGRAM FOR 68 HAYWOOD STREET

Summary: The consideration of a resolution authorizing the establishment of a Mobile Food Vending Program for 68 Haywood Street to take place between January 2018 and December 2018.

In response to City Council request, a temporary Mobile Food Vending program was referred to Finance Committee and is now being recommended for City Council approval with the Finance Committee's unanimous support at their November 28, 2017, meeting. As proposed, the program would simplify administrative fees and processes for mobile food vending including food trucks at 68 Haywood Street downtown.

Recommended by the Haywood Street Advisory Team and authorized by City Council, temporary uses of City-owned properties at 33 Page Avenue and 68 Haywood Street downtown are underway. The primary objective is to activate the subject sites on an interim basis while permanent solutions are being planned and implemented. A secondary goal is to test particular uses and installations in order to learn more about their function, successes and impacts in that location and in the community at large in order help inform both short and long-term decision-making.

Pop-up uses at 68 Haywood Street launched in August 2017 following a Request for Expressions of Interest (RFEI) process; fees for initially proposed programing were waived by City Council at the August 22, 2017 City Council meeting and launched in September 2017. Following the close of the RFEI process, organized events on the site are permitted through the City's existing Outdoor Special Event Permitting process. Passive and recreational uses that do not surpass thresholds in the City's Outdoor Special Event Guide are not required to obtain an Outdoor Special Event Permit, but may use the site during public open hours (7 AM - 10 PM daily). Since the site opened, both passive and organized uses have been light and infrequent. While several organizations were supported to use the space through the RFEI process, some events have been cancelled by organizers due to scheduling and capacity constraints.

At the October 24, 2017, City Council meeting, it was acknowledged by Council that while the site had been set-up to accommodate a variety of uses, including food trucks, the existing mechanism for permitting uses on the site may be cost prohibitive for food trucks. Staff was directed to propose a mechanism to Finance Committee for use of the site by food trucks.

Staff is now positioned to establish a Mobile Food Vending Pilot program for the year 2018 that would remove barriers to mobile food vending and further encourage use and entrepreneurship at 68 Haywood Street. Proposed is a simplified program with an abbreviated registration process and minimal fees (only the existing application fee) that could be administered through the Outdoor Special Events Office in the Community and Economic Development Department.

The one-time fee for a one-year permit (January 2018 - December 2018) would be $50, which is the already-established application fee for special events on public property. Liability insurance as well as a description and dimensions of the truck or vending structure would be required to be submitted by the vendor. Food trucks and food vendors who obtain the permit would be authorized to conduct sales of food and beverages during open hours of the site (7 AM - 10 PM) when other outdoor special events are not scheduled. Four vendors could be accommodated at any one time, and would be required to plug into the on-site electricity (as opposed to using a generator). The vendor would be responsible for removal of trash generated by their use.

As proposed, vendor participation for the Mobile Food Vending Pilot Program will not be scheduled in advance; spaces will be open and available on a first come, first serve basis for

those vendors possessing the permit. While allowing open and flexible scheduling in this way expedites implementation and minimizes administration and management of the program, staff acknowledges that other qualitative measures would not be included as part of the scheduling or prioritization process.

Pros:

- Removes/reduces barriers for food truck use on the site
- Can be initiated quickly and launched as a pilot for the calendar year 2018
- Requires minimal additional resources and staff time
- May increase overall use and vibrancy of the site
- Supports food truck/vendor entrepreneurship

Cons:

- Does not address equity considerations of vendors
- Administrative site maintenance costs unknown

No revenue from the use of 68 Haywood Street was included in the Adopted Budget. The revenue received through the proposed Mobile Food Vending program is based on the number of registrants throughout the year (there are approximately 75 local food trucks), $0-$4,000 collected as Special Event Application Fees (an existing fee established in the City's Fees and Charges). The Finance Committee has asked that utility expenses be monitored and tracked; staff will report back to the Finance Committee once expenses are known over a period of time representative of on-going use.

Staff recommends that City Council authorize the establishment of the Mobile Food Vending Pilot program in order to further encourage temporary activation of 68 Haywood Street and leverage investments already made in the site to accommodate temporary uses, including food trucks.

RESOLUTION BOOK NO. 39 - PAGE 218

K. RESOLUTION NO. 17-276 - RESOLUTION TO APPROVE PRIORITIES AND GUIDING PRINCIPLES FOR A REQUEST FOR QUALIFICATIONS FOR CITY-OWNED CEDAR HILL PROPERTY AT 411 DEAVERVIEW ROAD AND 18 PISGAH VIEW ROAD FOR AFFORDABLE HOUSING

Summary: The consideration of a request for City Council to accept housing density priorities and guiding principles for use in evaluation of a Request for Qualifications (RFQ) for development of the city-owned Cedar Hill property for affordable housing.

The City purchased two contiguous parcels, containing 16 +/- acres of land zoned RS-8, with water and sewer access in West Asheville following foreclosure of a Housing Trust Fund project, the Villas at Cedar Hill, in 2009. The city owned property known as the Cedar Hill site (2 contiguous properties at 411 Deaverview Road and 18 Pisgah View Road) is located near transit and schools, and therefore locationally efficient for the development of affordable housing. Due to its size, and its proximity to multiple housing types (rental, homeownership) in the West Asheville, the HCD Committee recommended an RFQ be issued at its October 27, 2017 meeting. HCD asked staff to return to HCD in November with concept designs that could be used in evaluation of responses to the RFQ that align with the City's affordable housing and density goals.

Additionally, the following Guiding Principles and Priorities for evaluation are recommended to be included in the RFQ:

Guiding Principles:

- To understand and respect the surrounding community and integrate the development into the neighborhood;
- To promote and maintain a high standard for design, aesthetics and construction;
- To uphold and contribute to the City of Asheville's long term vision for increased density along transit corridors within city limits;
- To incorporate and encourage environmentally sustainable approaches and solutions in every aspect possible with special considerations to protecting and enhancing the lower stream;
- To provide and contribute to diversified housing opportunities that attract varied ages, incomes, family sizes and overall demographics;
- To promote and support walkability and social connections both within the project and to the surrounding community;
- To celebrate and utilize views from the property to surrounding mountains and promote concepts that provide shared amenity spaces and keep views for all to enjoy.

Required:

- Minimum 150 units
- Mixed housing types that include rental and ownership units
- Minimum 50% of the units must be affordable (80% AMI and below for rental, 100% AMI and below for ownership)
- Community services option near Deaverview access point (i.e., community center, child care center, office space)

The HCD Committee reviewed the action and asked the following additional considerations be given to responses demonstrating ability for:

- Energy efficiency
- Community garden
- Long-term and/or permanent affordability
- Prioritizing units available to households at <60% AMI

The City's Housing Trust Fund, HOME Investment Partnership Funds, a Land Use Incentive Grant and Housing Bond dollars are additional City resources available for a qualified developer.

Pro:

- The recommendations for housing density priorities and guiding principles for use in evaluation of the RFQ are consistent with the City's Comprehensive Affordable Housing Strategy.

Con:

- None noted.

There is no fiscal impact to this specific action. Existing affordable housing funds will be used to assist in development of the project.

Staff recommends City Council approve the Housing and Community Development Committee housing density priorities and guiding principles for use in evaluation of a Request for Qualifications to develop the city owned property known as Cedar Hill at 411 Deaverview Road and 18 Pisgah View Road for affordable housing.

Councilman Young stressed that the language in the RFQ does not preclude single-family detached homes on this property.

RESOLUTION BOOK NO. 39 - PAGE 219

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Mayfield and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. WATER ACCOUNT COURTESY CALLS

Interim Water Resources Director David Melton updated City Council on the Water account courtesy calls pilot program. He explained customers have 20 days after the utility bills have been mailed to keep the account current. On the 21st day it goes into a past due status and they receive a notice that the account is past due. There is then another 15 days before disconnection. The courtesy call program was developed with the help of the Information Technology Department, City Attorney's Office, and the Communication and Public Engagement Division. The program uses Asheville Alert in the last 15 days notification period to notify the customer of the disconnection date. During the pilot program (in place for 5 months), approximately 9,000 courtesy notifications have been made. Prior to this program, they disconnected for non-payment approximately 1,000 customers a month, but with this program, they have disconnected for non-payment approximately 1,900 over the five month pilot program period.

IV. PUBLIC HEARINGS:

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 17-277 - RESOLUTION ESTABLISHING AN AUDIT COMMITTEE

Ms. Patricia Rosenberg, City Internal Auditor, said that this is the consideration of a resolution authorizing the creation of an Audit Committee.

Program Description - The Audit Committee will be composed of five members: one Council member and four outside members. City Council will appoint Audit Committee members, and the Audit Committee will elect their chair. Each outside committee member will be both independent (no conflicts of interest) and financially literate, with the ability to read and understand audit reports. Audit Committee members must have a minimum of 5 years of experience in the management of accounting, finance, or audit for corporation, non-profit, and/or government. There must be at least two Certified Public Accountants and/or Certified Internal Auditors serving on the Audit Committee. The outside Audit Committee members will serve three (3) year staggered terms. The Internal Auditor will serve as the committee liaison but will not be a voting member of the Audit Committee.

Staff further recommends that the audit committee meet four times a year (quarterly), with authority to convene additional meetings, as circumstances require.

Responsibilities - The audit committee should have the following responsibilities:

- Review internal audit reports;
- Review with management and the external auditors the results of the financial statements audit;
- Report to City Council about committee activities, issues, and related recommendations as needed, but at a minimum, one time a year; and
- Provide an open avenue of communication between internal audit, the external auditors, and City Council.

Benchmarking - The Internal Auditor looked at the following cities in North Carolina: Wilmington, High Point, Greenville, Concord, Charlotte, Raleigh, Durham, Cary, Fayetteville, and Greensboro. Of those cities, High Point, Concord, Raleigh, and Cary do not have audit committees. Below is the audit committee structure in each city.

City	Number	Composition	Meetings per Year
Wilmington	8	Three Council members, five City staff	6
Greenville	9	Mayor, two Council members, City Manager, Assistant City Manager, Financial Services Manager, Director of Financial Services, Internal Auditor, external auditors	2
Charlotte	4	Four Council members	12
Durham	6	Two council members, three members of the business community, and one alternate City Council member (must include one CPA and one person with experience in the finance industry); the City Manager is an ex-officio non-voting member	12
Fayetteville	7	Three Council members, two members from local universities, the City Manager, and the Internal Audit Director	4
Greensboro	7	Three Council members, one outside member, City Manager, Internal Audit Director, Financial & Administrative Services Director	1

The Internal Auditor also looked at national benchmarking. The Association of Local Government Auditors (ALGA) conducts an annual benchmarking survey of its members and includes questions about audit committees. According to its 2016 survey, two-thirds of respondents (56 respondents of 88 total) had an audit committee. Of those respondents with an audit committee, approximately 75% have citizens/accounting professionals, 50% have elected officials, and 15% have management serve on their audit committees.

Best Practices - According to the American Institute of Certified Public Accountants (AICPA), audit committees should have three to six members who have enough financial knowledge to be able to read and understand audit reports and should have a minimum of four meetings per year (quarterly). ALGA recommends that audit committees have both members of council and financial experts from the community, and they should specifically exclude employees of City management.

Staff recommends that City Council adopt a resolution authorizing the creation of an Audit Committee.

Mayor Manheimer explained that even though we have good practices and processes around financial matters, Council felt this structure of an audit committee would be an improvement.

In response to Mayor Manheimer, Ms. Rosenberg explained the several avenues to report any concerns.

Councilwoman Mayfield felt the one Council member on the Committee should be the Chair of the Finance Committee.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of Resolution No. 17-277. This motion was seconded by Councilman Haynes and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Closed Session

At 5:13 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit involving the following parties: PHG Asheville, LLC vs. City of Asheville. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 6:06 p.m., Vice-Mayor Wisler to come out of closed session. This motion was seconded by Councilman Young and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:06 p.m.

Magdalen Bullerson
CITY CLERK

Esther E. Clark
MAYOR

Tuesday – January 9, 2018- 3:00 p.m.

Capital Improvement Plan Worksession

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; and City Clerk Magdalen Burleson

Absent: None

Chief Financial Officer Barbara Whitehorn reviewed the following agenda with Council the (1) Capital Budget Process (a) Calendar (i) 01/09/2017 overview; and (ii) March, 2017 prioritization; (2) Multi-year Debt Management and CIP (a) Brief history of Asheville CIP spending; and (b) Financial model development; (3) Multi-year Cash Flow Assumptions (a) Existing projects in capital plan, (b) Options and alternatives, (c) Logical investments; and (d) Unfunded projects; and (4) Current Multi-Year Planning and Resources (a) Cost escalators and inflation assumptions; and (b) Revenue/Resources Growth Assumptions (i) Property Tax; (ii) Grants and Partnership Opportunities; and (iii) Other Revenues.

She explained that the capital budget process that began in September moves to Council for the first of two worksessions in January, 2018. This worksession is intended to provide Council context for decision-making and prioritization that will be completed in March, 2018. The capital process is a year-round function for City staff involved in the planning, financing and execution of capital projects. Additionally, there are annual tasks that are completed as part of the budget development process.

Annual work begins in September with an Executive Team (City Manager and Assistant City Managers) overview meeting. Departments then are tasked with evaluating existing capital projects and emergent needs and preparing to present and discuss these with the Budget Division and capital projects team. The Management Team, which is made up of all department directors, takes a day to discuss and prioritize capital needs. The Finance Committee and the Council approve the CIP Budget Calendar in October/November.

The Council's work on the annual capital budget begins in earnest in January with a worksession primarily focused on process and context. At this meeting, Council provides staff with overarching goals that guide staff in their preparation of a recommended capital budget. Based on guidance from the January meeting, staff develops a draft recommended budget that is presented to Council at the March worksession, at which time Council prioritizes projects and gives direction to staff for developing the final recommended capital budget.

Multi-year Debt Management and CIP - The City of Asheville for many years spent minimally on capital projects. Baseline capital maintenance was completed; however, management and Council identified opportunities to leverage City funds into capital projects that would have a long-term positive impact on the City. In FY 2013-14, Council adopted a 3-cent tax increase for capital investment. 2-cents were to be dedicated to "economic development" projects with 1-cent for capital maintenance. At the time, 1-cent on the tax rate was the equivalent of $1.1 million. A discussion of the impact of debt financing as opposed to pay-go was presented to Council in May, 2014, which illustrated the difference in capacity between cash and debt funding of projects. Over five years, the total collections from the 3-cents would total approximately $16.5 million. Debt financing provided a capacity, for the same annual cash flow, of over $100 million. She presented a review of the current financial model.

Multi-year Cash Flow Assumptions - Staff evaluates cash flow assumptions regularly throughout the fiscal year. Each completed project provides information on changes in costs and other variables. Annually, the cash flow model is updated to ensure that the City has the financial resources to pay the debt service on the projects planned in the multi-year cash flow. She provided Council with a brief overview of the cash flow model and assumptions.

Current Multi-Year Planning and Resources

Costs and Cost Estimates - An analysis of cost experience and future cost estimates is completed annually to ensure that the City can complete projects to which it has committed. Estimates are compared to actual with a trend analysis of costs. Construction indices and local experience are evaluated to determine adjustments necessary to existing estimates.

Reevaluating the cost estimates for projects has become even more important than in previous years; the City is experiencing double-digit annual percentage increases in construction costs. The process for establishing estimates will be discussed at the worksession.

Revenue and Resources - Evaluating the available resources and the potential risks to the revenue streams is a critical step in the annual capital budget process. This annual evaluation includes economic scenario testing and the following revenue streams:

1) Dedicated Property Tax revenue
2) Fund Balance growth (investment income)
3) Dedicated pay-go funding from General Fund revenue
4) Cash inflows- land sales
5) Grants and partnerships

The economic scenarios include a 1%, 2% and 3% average growth rate for property tax revenue growth. These percentages were chosen based on trends; the City experienced 1.65% average tax base growth between FY 2015 and FY 2017. The average increase in valuation for FY 2018 was 29% city-wide because of reassessment. The required reassessment of property tax values is completed every four to eight years per State statute. This increase in valuation is not considered in the average over time. Annual growth is not driven by reassessment or the revaluation of existing properties, but rather new growth or improvements (i.e. building an addition onto a existing home). During the recession, the City experienced less than 1% growth annually, but has seen improving annual growth since 2015. Another positive sign for continued growth is the significant increase in permit values for new construction over the last three years. This and other data indicate that property tax growth will continue to rebound. To be fiscally conservative and to ensure that funds are adequate for long-term debt service, a 2% average growth rate was chosen for the financial model projections and forecast. There is an estimated unused capacity for 2019-2023 of $5 Million ($1 Million over 5 years).

Grants and partnerships create opportunities for the City to invest in projects that might otherwise not be financially feasible. The City regularly applies for Federal and State grants, as well as grants from the Tourism Development Authority, which has assisted in funding several major City projects including the River Arts District, improvements to the US Cellular Center and others. Grants can offset from 20-80% of the cost of capital investments, allowing the City's limited funds to go further. Partnerships provide an additional model for capital investment and have been used by the City as well. She presented a review of resources and opportunities.

City Council then discussed whether to program the $5 Million capacity or leave it in a contingency fund. Discussion surrounded the schedule of project planning for Fiscal Year 2019-2023 and why some projects, i.e., Thomas Wolfe Renovations, Downtown Placemaking, and Livingston Street, were not included on the schedule. Ms. Whitehorn explained why those

were not included, noting that (1) Livingston Street was just an oversight and will be added as an unfunded project; (2) Downtown Placemakers will be funded in operations; and (3) Thomas Wolfe Renovations is an unfunded project and with the moving of the substation Community & Economic Development Director Sam Powers said they will begin to engage stakeholders and look at cost effective phasing of how renovations could be accomplished. Council also discussed some projects on the schedule that could possibly be moved out to future years or reduced, i.e., I-26 and Beaucatcher.

Ms. Whitehorn, along with other appropriate members of staff, responded to various questions/comments by Council. Those questions that could not be readily answered will be distributed to City Council.

After discussion, with the understanding that there is the ability to push some projects out to future years, Vice-Mayor Wisler moved to affirm the Capital Improvement Plan as presented by staff. This motion was seconded by Councilman Young and carried unanimously.

After discussion, Councilman Young moved to not earmark the estimated $5 Million unused capacity other than to slide it into contingency with the understanding that if it is not needed for contingency that Council will allocate the funds after further discussion. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 4:00 p.m., Mayor Manheimer adjourned the worksession.

Tuesday – January 9, 2018- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 19, 2017

B. ORDINANCE NO. 4632 - TECHNICAL BUDGET AMENDMENT TO APPROPRIATE FUNDING FOR PRIOR YEAR CONTRACTS AND PURCHASE ORDERS THAT ROLLED FORWARD TO FISCAL YEAR 2017-18

Summary: The consideration of a technical budget amendment in each of the City's annual operating funds to appropriate from restricted and assigned fund balance the required budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to Fiscal Year (FY) 2017-18.

As part of its ongoing operations, the City enters into various contracts and purchase order agreements throughout the fiscal year. When these contracts and purchase orders are entered into, budget funds are encumbered for the full amount of the expected purchase. Often these contract and purchase orders are not fully completed and paid in one fiscal year. North Carolina General Statutes provide authorization for local governments to reserve the unexpended portion of these prior year commitments and roll those budgets forward to the new fiscal year.

As a part of the FY 2016-17 annual audit, staff identified prior year commitments and carry-over appropriations to roll forward to FY 2017-18, and these dollar amounts were deducted from the unassigned fund balance amounts that were reported in the Comprehensive Annual Financial Report. The technical budget amendment will provide authorization to officially appropriate these amounts in the FY 2017-18 budget for each of the City's annual operating funds.

Pros:

- Provides budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to FY 2017-18.

Con:

- None.

As noted above this budget amendment simply provides budget authorization for prior year commitments which have already been restricted or assigned in the City's FY 2016-17 financial statements. There is no impact on unassigned/available fund balance in the City's operating funds.

City staff recommends City Council approve the technical budget amendment in each of the City's annual operating funds to appropriate from restricted and assigned fund balance the required budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to FY 2017-18.

ORDINANCE BOOK NO. 31 - PAGE 396

C. RESOLUTION NO. 18-1 - RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO DISPOSE OF CITY-OWNED PERSONAL PROPERTY VALUED AT $30,000 OR MORE

Summary: The consideration of a resolution authorizing the sale of one (1) 2005 W. Star 4900 Tandum Dump Truck deemed surplus City personal property.

The City's Water Resources Department, Division of Maintenance, identified a 2005 W. Star 4900 Tandum Dump Truck, as surplus personal property, with no anticipation of utilization by the City. Pursuant to N.C.G.S. §160A-266, the Sale and Disposal of Personal Property valued at $30,000 or more must be approved by City Council. The City's Purchasing Manager has authority to dispose of personal property valued at less than $30,000 by private negotiation and sale. The estimated wholesale value of the 2005 W. Star 4900 Tandum Dump Truck is listed at $40,000 plus $1000 - $10,000 above wholesale depending on condition. Bids were solicited and received from several potential purchasers. The final bid amount at the close of the Auction on Sunday, December 17, 2017, was $52,100.00. City Council is being asked to approve the sale of the Dump Truck for $52,100.00.

Pros:

- Promotes City of Asheville fiscal responsibility of disposing of surplus property which generates revenue.
- Space utilization eliminates the need to store large, unused equipment.
- Competitive process yielded market price, statute contemplates.

Con:

- None

The dump truck is fully depreciated and the Water Resources Fund will recognize the entire $52,100 as revenue from the sale of assets.

City staff recommends City Council adopt a resolution approving the sale of the 2005 W. Star 4900 Tandum Dump Truck to the prospective purchaser for the amount of $52,100.

RESOLUTION BOOK NO. 39 - PAGE 222

D. ORDINANCE NO. 4633 - BUDGET AMENDMENT TO UTILIZE FUNDS FROM THE U.S. DEPT. OF JUSTICE BALLISTIC VEST PARTNERSHIP

Summary: The consideration of a budget amendment in the City's Special Revenue Fund in the amount of $53,272.98 utilizing funds from US Department of Justice Ballistic Vest Partnership (BVP) ($26,636.49) and FY 2017-18 budgeted City General Operating Funds ($26,636.49) to establish the BVP 2017 project.

The City of Asheville Police Department currently participates in the US Department of Justice BVP program. The funds allocated through this program are designed to offset departmental cost associated with purchasing ballistic vests. The City of Asheville has been awarded $26,636.49 through this program, which requires the City to match this amount dollar-for-dollar. The budget amendment is necessary to authorize the full project budget amount of $53,272.98 in the Special Revenue Fund. The City's match of $26,636.49 will come from the Police Department's adopted FY 2017-18 operating budget. The funding will enable the purchase of 71 bulletproof vests over the next 2 years.

This was presented to the Finance Committee on December 19, 2017, and approved.

Pros:

- Reduction in cost to the City of Asheville for the purchase of ballistic vests
- Increase in officer safety by providing crucial safety equipment

Con:

- Requires City match.

As noted above, this grant requires a match of $26,636.49, which will come from the Police Department's existing General Fund budget (Patrol Division – Supplies – Safety Equipment). It should be noted that the overall fiscal impact to the City of Asheville is reduced due to the fact that the APD would have to purchase these vests at full replacement costs if we did not accept this grant award.

Staff recommends City Council approve a budget amendment in the City's Special Revenue Fund in the amount of $53,272.98 to establish a the Ballistic Vest Partnership (BVP) 2017 Project.

ORDINANCE BOOK NO. 31 - PAGE 398

E. RESOLUTION NO. 18-2 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT GRANT FUNDS UNDER THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM FOR THE DWI TASK FORCE GRANT 2019

Summary: The consideration of a resolution authorizing the City Manager to apply for and enter into a contract with the North Carolina Governor's Highway Safety Program (NCGHSP) for a grant to fund 1 year of the multi-jurisdictional DWI Task Force involving the Asheville Police Department (APD) and Buncombe County Sheriff's Office (BCSO).

In Asheville and Buncombe County, the number of impaired drivers has been a serious concern to citizens and law enforcement for many years. October 2013, the NCGHSP granted the APD a four year grant to combat impaired driving incidents within Buncombe County. The Asheville Buncombe DWI Task Force was began operating in August 2014. Since then, the Asheville Buncombe DWI Task Force has made 1450 Driving While Impaired arrests and has conducted 79 Drug Evaluations on impaired. The DWI Task Force has focused efforts to educate the public of the dangers of impaired driving, through partnering with other agencies, local high schools and non-profits.

The NCGHSP contacted APD and suggested the DWI Task Force continue with its efforts by extending the Task Force Grant for Fiscal Year (FY) 2019. The continuation cost of the DWI Task Force in FY19 would be a total of $441,278.90. These funds would cover related training and salary and benefits for the DWI Task Force consisting of four APD officers and two Buncombe County Deputies. The 75% match would be split between the City and the County in the following manner:

- The City of Asheville's match will be a cost of $227,438.25 (four officers).
- Buncombe County's match will be a cost of $103,520.92 (two deputies).

Under this grant, APD would continue to assign one sergeant and three officers while BCSO would continue to provide two deputies. The DWI Task Force will continue to conduct DWI enforcement and educational activities within Asheville and Buncombe County.

This was presented to the Finance Committee on December 19, 2017, and approved to proceed to City Council.

Pros:

- NCGHSP grant funds are used to pay for 25% of the costs of salary and benefits for the DWI Task Force members.
- Potential reduction in impaired driving collisions, injuries and deaths throughout Asheville and Buncombe County.
- Partnering with local schools and nonprofit agencies to enhance public awareness of driving while impaired, and alternatives to driving while impaired.

Con:

- Funding from NCGHSP is awarded annually.

As noted below, the City's match for FY 2019 is $227,438.25. This represents a slight increase from the budgeted FY 2018 match of $200,494. Staff will include this match in the FY 2019 Proposed Budget that is submitted to City Council in May 2018. It should be noted that in the absence of the grant, the general fund impact would be approximately $303,251 per year to fully fund one sergeant and three officers and provide their equipment. The table below shows

the cost to the city for this project.

FY 2019	APD Match	$227,438.25
FY 2019	State Award to APD	$75,812.75
FY 2019	BCSO Match	$103,520.92
FY 2019	State Award to BCSO	$34,506.98
FY 2019	**TOTAL PROGRAM**	**$441,278.90**

City staff recommends City Council adopt a resolution authorizing the City Manager to apply for and accept grant funds through the North Carolina Governor's Highway Safety Program for DWI Task Force FY 2019.

RESOLUTION BOOK NO. 39 - PAGE 223

F. ORDINANCE NO. 4634 - BUDGET AMENDMENT FROM THE OFFICE OF NATIONAL DRUG CONTROL AND POLICY FOR THE HIGH INTENSITY DRUG TRAFFIC AREA 2017 GRANT

Summary: The consideration of a budget amendment in the City's Special Revenue Fund in the amount of $22,335 for the Office of National Drug Control and Policy's High Intensity Drug Traffic Area (HIDTA) 2017 grant, in which the Asheville Police Department (APD) serves as the fiduciary for the Asheville Area HIDTA Task Force.

The mission of the HIDTA program – authorized by the Anti-Drug Abuse Act of 1988 and administered by the Office of National Drug Control Policy – is to reduce drug trafficking in the most critical areas of the country, thereby reducing the impact of illegal drugs in other areas. Asheville has for many years been designated as a HIDTA site. Asheville HIDTA serves as a key drug trafficking reduction effort, critically positioned between the Atlanta HIDTA and the Appalachia HIDTA.

The Asheville HIDTA is comprised of members of the United States Drug Enforcement Administration (DEA), Asheville Police Department, Buncombe County Sheriff's Office, Henderson County Sheriff's Office and McDowell County Sheriff's Office. The Asheville HIDTA is a component of the Asheville DEA Task Force. The HIDTA task force primarily concentrates on high volume, high value drug trafficking. As an example, the task force was recently involved in a case involving the large seizure of controlled substances from persons with local and national ties, involved in the trafficking of narcotics in this region and beyond.

The City of Asheville serves as the fiduciary for the Asheville HIDTA. The allotted funds from the federal government will be used for investigative purposes. The expenditure of all funds are tracked and audited by both local and federal authorities.

This was presented to the Finance Committee on December 19, 2017, and approved.

Pros:

- Federal HIDTA monies will be used for investigative purposes.
- Continue to foster partnerships with Federal and Local Law Enforcement Agencies.

Con:

- Funding from the Office of National Drug Control and Policy is awarded annually.

Fiscal Impact: There is no impact to the City's General Fund budget.

City staff recommends City Council approve a budget amendment in the City's Special Revenue Fund, in the amount of $22,335 to establish the HIDTA 2017 Grant Project.

ORDINANCE BOOK NO. 31 - PAGE 400

G. RESOLUTION NO. 18-3 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH BROWN AND CALDWELL FOR PROFESSIONAL ENGINEERING SERVICES FOR MISCELLANEOUS WATER TREATMENT PLANT UPGRADES PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a contract amendment with Brown and Caldwell to increase the professional engineering services contract in the amount of $70,000 from a total budget of $364,000 to $434,000 for the Miscellaneous Water Treatment Plant Upgrades Project.

On October 27, 2015, City Council approved a professional engineering services agreement in the amount of $364,000 with Brown and Caldwell for the Miscellaneous Water Treatment Plant Upgrades Project. The purpose of the project is to conduct a variety of upgrades at the North Fork and Mills River WTP's.

The contract amendment reflects the need for additional services performed by Brown and Caldwell that were not anticipated in the original scope of service. During project bidding and construction administration, Brown and Caldwell had to spend additional time: (1) updating City project documents to conform to City standards and expectations, (2) rebidding the project following the initial bid opening due to receipt of less than three bids as required per NC General Statute, (3) designing several work change directives in response to unknown field conditions, and (4) attending additional site meetings and visits during construction.

Due to the sensitivities of this project being in a active treatment facility, staff chose to prequalify contractors that had demonstrated expertise and a proven track record in this type of work. The internal review of the prequalification documents and contracts took much longer than anticipated by the consulting engineer when they estimated services. The additional design and construction administration services were required due to unforeseen issues that were not visible or known to the engineers at the time of site inspection and design. Discovering unexpected site conditions is not unusual for a project of this nature where much of the infrastructure being rehabilitated is not visible until construction has started.

Pro:

- This project will finish repairs that needed to be made to the North Fork and Mills River WTP's in order to operate the plants efficiently and ensure sustainability.

Con:

- None.

The funding needed for this agreement is currently allocated within the Water Treatment Plant Improvements Project in the Water Resources Capital Improvement Projects (CIP) Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a change order with Brown and Caldwell to increase the professional engineering services contract in the amount of $70,000 from a total budget of $364,000 to $434,000 for the Miscellaneous Water Treatment Plant Upgrades Project.

RESOLUTION BOOK NO. 39 - PAGE 224

H. ORDINANCE NO. 4635 - BUDGET AMENDMENT FOR PROCUREMENT OF FIVE ZERO-EMISSION, BATTERY-ELECTRIC TRANSIT BUSES

Summary: The consideration of a budget amendment in the amount of $481,000 in the Transit Capital Projects Fund from multiple federal and state grants for the procurement of five zero-emission, battery-electric transit buses.

The City currently operates a peak fleet of 17 transit buses and maintains a total of 23 buses. In order to maintain a healthy transit fleet, a regular purchase of new buses is required as old vehicles meet the end of their useful life, typically 12 years or 500,000 miles. These investments are guided by the ART fleet replacement schedule that defines the City's transit needs for the next 15 years. The FY 2018 purchase need is five vehicles, a higher-than-usual amount but occasionally necessary when a large number of transit vehicles retire at the same time.

In September 2017, the City's Transportation Department won a highly-competitive grant to purchase zero-emission buses through the Federal Transit Administration's (FTA) Low or No Emission Vehicle Program. The City of Asheville was selected as the only award recipient in North Carolina and was granted $633,333. This grant, combined with others intended for transit capital purchases, will allow the City to purchase five zero-emission, battery-electric buses.

The holding place that was budgeted in the FY 2018 CIP for bus purchases totaled $3,149,000. Since that time, we have finalized bus configurations and adjusted the approach to the capital lease structure for the battery component of the vehicles in order to bring down the yearly cost of lease payments, which has increased the upfront cost. The final capital projection is $3,630,000, which is $481,000 higher than initially projected, although the local match has not changed. The increase in the battery lease prepayment will reduce annual battery lease payments per bus from $32,000 to $20,000, an operational savings of $60,000 per year for the five buses. The lease payments and electricity charges the city will pay for each bus (~$25,000 each) will be consistent with what has been the norm for diesel fuel yearly payments, though we will be subsidizing clean energy instead. The cost of charging equipment and installation for each bus is included in this budget.

This project will provide needed transit vehicles while also supporting multiple city goals related to clean energy and carbon reduction. Although the upfront cost of electric buses is higher, the life-cycle cost is lower because fuel and maintenance of electric buses is less expensive and thereby contributes to a greater overall savings. Electric buses have maximum ranges of about 175 miles before having to be recharged, which at this time is sufficient to replace diesel buses on certain routes. Increased spare ratios will be required to complete an entire transition of the ART fleet unless battery technology continues to improve.

Staff has finalized bus configurations and is preparing the purchase order. The following summarizes the project timeline:

- ➔ Contract Negotiations: December 2017
- ➔ Engineering Design Review/Approval: May 2018
- ➔ Bus Production: November 2018
- ➔ Bus Delivery: December 2018
- ➔ Revenue Service Launch: February 2019

This item was reviewed by the Finance Committee on December 19, 2017, and they unanimously recommended that it move forward to City Council for review and approval.

Pros:

- The bulk of project funding--$2,550,000--is provided by the FTA
- Reduces the City's operating costs and dependence on imported fossil fuels
- More efficient engines that use 80% less energy
- Reduced harmful emissions
- Greater fuel price stability
- Aligns with the City's carbon reduction goals; Clean Energy Economy goals, energy efficiency (Energy Innovation Task Force) goals, and commitment to taking action to reduce climate pollution consistent with the Paris Accords
- Improves neighborhood quality of life from quieter engines

Cons:

- The City of Asheville is responsible for the local match of $600,000
- Electric bus batteries currently have a reduced range compared to diesel buses, and without further advances in battery technology the fleet would require a higher spare ratio

The total budget for this project has increased from $3,149,000 to $3,630,000, requiring a budget amendment of $481,000, which is funded with all non-City revenue. Asheville's local match of $600,000, which is already available in the FY 2018 Transit CIP, remains unchanged.

Staff recommends that City Council approve a budget amendment in the amount of $481,000 in the Transit Capital Projects Fund from multiple federal and state grants to purchase five battery-electric transit buses.

ORDINANCE BOOK NO. 31 - PAGE 402

I. RESOLUTION NO. 17-4 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SANITARY SEWER EASEMENT TO THE METROPOLITAN SEWERAGE DISTRICT FOR A SEWER LINE THAT RUNS UNDERNEATH THE TENNIS COURTS IN MONTFORD PARK

Summary: The consideration of a resolution authorizing the City Manager to convey a sanitary sewer easement to the Metropolitan Sewerage District of Buncombe County (MSD) for a sewer line that runs underneath the tennis courts in Montford Park.

The City of Asheville owns the 4.28 acre park at the corner of Cumberland Avenue and Montford Park Place. There is currently an eight (8) inch vitreous clay sewer line that runs underneath the two tennis courts and connects with another sewer line at Cumberland Avenue to serve that neighborhood. The sewer line is scheduled for rehabilitation because of its material and condition. MSD would prefer that the sewer line be moved out from under the tennis courts, but the location is limited due to the existing connections to a nearby line, a retaining wall and the challenging topography on either side of the tennis courts. MSD claims a prescriptive easement over the existing sewer line because there is no recorded easement. MSD plans to rehabilitate a deteriorating line and establish a permanent easement for the sewer line at the same time. The temporary easement automatically expires when construction is complete.

MSD is requesting a twenty (20) foot permanent easement and a fifteen (15) foot temporary easement alongside the roughly 405 linear feet of pipe. Plans call for replacing the eight (8) inch clay pipe with an eight (8) inch high-density plastic pipe, and MSD plans to use underground pipe bursting technology that will eliminate the customary surface digging with pipe

replacement. Bore pits will have to be excavated and equipment lowered into the holes. This method should reduce or eliminate any potential damage to the existing tennis courts. Although the pipe will be inserted underground, there will still be disruption to the area when bore pits are excavated and equipment lowered into the holes. Both tennis courts will be closed during construction to ensure public safety.

MSD does not compensate property owners when they rehabilitate an existing line. It should also be noted that because sewer infrastructure rehabilitation serves a public purpose, they do not compensate other units of government for any easement granted.

Pete Wall, representing Capital Projects, and the Real Estate Coordinator met with MSD staff to discuss the project, review preliminary plans, and plan for coordination of efforts. Debbie Ivester of Parks and Recreation has reviewed the plans and requested input from appropriate staff. They would prefer that the line be relocated away from the park but are not actually recommending it. The City has plans to renovate the park and resurface the tennis courts in connection with the capital improvement bond program, and MSD will coordinate their construction with the renovation of the park. MSD plans to perform construction in February of 2018 with the City's renovation of the park to follow.

Pros:

- Granting of the easement will allow MSD to rehabilitate a sewer line that is in poor condition and needs maintenance.
- MSD's use of pipe bursting will reduce the impact of construction and shorten its duration.
- MSD is willing to accommodate the City's bond improvement schedule.

Cons:

- Future sewer maintenance activities may have an impact on the use of the court. Although these will be minimal the possibility remains.

No monetary consideration is involved in this conveyance.

Staff recommends City Council adopt a resolution authorizing the City Manager to convey an approximately 8,100 square foot permanent easement and a 6,075 square foot temporary construction easement to MSD for a sewer line across the City park at 345 Montford Avenue.

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J. ORDINANCE NO. 4636 - BUDGET AMENDMENT FOR THE DESIGN AND CONSTRUCTION OF A RETAINING WALL TO REPAIR A SLOPE FAILURE BETWEEN SKYVIEW PLACE AND SUNSET DRIVE

Summary: The consideration of a budget Amendment, in the amount of $750,000, from debt proceeds in the General Capital Project Fund for the purpose of the design and construction of a retaining wall to repair a slope failure between Skyview Place and Sunset Drive.

In October, 2017, heavy rains caused the slope below Skyview Place to fail and slide down onto Sunset Drive. Skyview Place is a one way road and the landslide has caused the egress portion of Skyview to be closed, forcing two-way traffic on a narrow, mountainous road not suitable for this purpose. City staff is committed to maintaining safe access throughout the City. Currently, all essential services are being provided to the residents in the area; however, the egress issue requires a solution.

This section of Skyview Place has experienced landslides in the recent past; the slope immediately adjacent to the current slope failure was repaired in 2014 with a retaining wall after a failure in that location. The retaining wall has stabilized the adjacent slope and no further issues have been experienced or are anticipated. The 2014 project was emergency funded via a budget amendment from general fund balance.

This issue was presented and approved by the Finance Committee on December 19, 2017.

Pros:

- The slope will be stabilized and will not threaten adjacent property and homes.
- Skyview Place will be reopened to the normal traffic pattern.

Cons:

- Design and contract construction will consume City Staff time and City Funds.
- Payment requires an appropriation from General fund balance.

The budget amendment for the design and construction of the retaining wall will be funded with debt proceeds utilizing capacity within the existing Capital Improvement Program (CIP) model.

City staff recommends that City Council adopt the budget amendment for the funding to adequately fund the design and construction of a retaining wall to stabilize the slope.

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Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilman Young moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Kapoor and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. FISCAL YEAR ENDED JUNE 30, 2017, AUDIT REPORT

Finance Director Barbara Whitehorn introduced Mr. Dan Goughery, representing Cherry Bekaert, who reported on the Fiscal Year ended June 30, 2017, audit report.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 153 SMOKY PARK HIGHWAY FROM HIGHWAY BUSINESS DISTRICT/CONDITIONAL ZONING TO COMMERCIAL EXPANSION DISTRICT/CONDITIONAL ZONING FOR THE EXPANSION OF A MULTI-TENANT COMMERCIAL DEVELOPMENT FOR INGLES MARKETS

Due to an error in the legal advertisement, this public hearing will be heard on January 23, 2018.

B. PUBLIC HEARING TO CONSIDER AMENDMENT TO CHAPTER 7, ARTICLES II, V, VII, VIII, XVI AND XVII OF THE CODE OF ORDINANCES FOR THE PURPOSE OF DEFINING DIFFERENT LODGING TYPES, ADDING SPECIAL REQUIREMENTS FOR CERTAIN LODGING TYPES, AND IDENTIFYING IN WHICH DISTRICTS THEY MAY BE LOCATED

ORDINANCE NO. 4637 - ORDINANCE AMENDING CHAPTER 7 , ARTICLES II, V, VII, VIII, XVI AND XVII OF THE CODE OF ORDINANCES FOR THE PURPOSE OF DEFINING DIFFERENT LODGING TYPES, ADDING SPECIAL REQUIREMENTS FOR CERTAIN LODGING TYPES, AND IDENTIFYING IN WHICH DISTRICTS THEY MAY BE LOCATED

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to amend Chapter 7, Articles II, V, VII, VIII, XVI and XVII of the Code of Ordinances for the purpose of defining different lodging types, adding special requirements for certain lodging types, and identifying in which districts they may be located. This public hearing was advertised on December 29, 2017, and January 5, 2018.

She said that basically this ordinance would revise and clarify existing regulations affecting the review and administration of development standards for all lodging uses.

On October 24, 2017, Planning staff provided an update to the City Council on homestay and short-term vacation rental (STVR) regulation and enforcement. The report identified basic permitting and enforcement metrics but also noted several concerns. Included in those concerns was the growing number of residential projects being constructed for the purpose of providing STVRs instead of housing, and the perceived increase in the number of residential unit conversions to STVRs, resulting in a loss of housing units overall. At Council's direction, staff worked to identify the extent of the conversions inside and outside the Central Business District (CBD) and presented those results to the Planning & Economic Development Committee on December 19, 2017. In summary, the analysis showed that in both the CBD and in areas outside the CBD, there was an exponential growth in the number of dwelling units converted to STVRs over the last three years with areas of concentrated growth in the CBD and form code districts. In addition, new residential construction was being converted or constructed with the intent to convert a percentage of, or all units, to STVRs.

In addition, prior to the Planning & Economic Development (PED) Committee report, there had been a growing concern that due to the rapid increase in the number of other types of lodging uses in the city, more specific regulation was needed for those uses as well, in order to preserve the character of the city and protect its residents. Planning staff had initiated work on a wording amendment that would create a structure to allow for more individualized regulation of various forms of lodging, including STVRs. The PED Committee provided further direction and voted to support this amendment.

This wording amendment includes three primary components:

1) Clarify and amend existing lodging related definitions and identify and add definitions for other lodging uses not previously identified;
2) Revise the Permitted Use tables to include the newly defined lodging uses and amend the tables as directed, and
3) Require an annual permit, similar to what is required for Homestays, for all lawfully established STVRs.

Included among the new definitions are several for the various kinds of *Hotels* (large, small & extended stay), along with a definition for *Short-term vacation rental.* Currently, these uses are all covered under a single *Lodging facilities* category that is not defined. Recognizing the varying activities and impacts of these uses, the ability to regulate them independently was needed. Once the new lodging uses had been identified and defined, an update to the different Permitted Use tables was also necessary to understand how and within which zoning districts these uses would be allowed.

Also included in the amendment is a new permit requirement for all existing, lawfully established short-term vacation rentals and for ones which are lawfully created in the future. This is necessary to assist in enforcement and make sure that only those STVRs that are truly continuing in accordance with the UDO's nonconformity provisions are allowed to continue, and to confirm the same with conforming STVRs on a yearly basis. The law allows legal nonconformities to continue, but it has been well established that zoning ordinances are construed against the indefinite continuation of a such uses, and that nonconforming uses are not favored. Because there are so many STVRs (and illegal ones) and limited staff and the times they are rented is hard to monitor, this is a mechanism that balances the owner's right to continue and the City's right to terminate nonconformities which are not legally continuing under the UDO. The analysis previously performed by staff identified existing permit holders that could be used to help facilitate notice regarding new permit requirements. Once the new annual permit is established, a regular annual renewal notice would be sent as the city currently does for certain permit types. Lastly, the amendment also includes various non-substantive amendments designed to ensure consistency between the different affected code sections.

As mentioned above, this amendment was discussed at the December 19, 2017, PED Committee meeting. The feedback from the Committee has been incorporated into this amendment.

The Asheville Downtown Commission has also provided input on the subject and requests greater control and regulation of short-term vacation rentals in the downtown while supporting research and analysis of targeted strategies to incent and encourage the continued development of housing units.

This proposal was reviewed and approved by a vote of 4:1 by the Planning and Zoning Commission at their January 3, 2018, meeting. All wording amendments receive final approval by City Council.

This wording amendment supports the City's Comprehensive Plan as it relates to protecting, preserving and enhancing existing neighborhoods by controlling business activity and related nuisances in residential areas through effective regulation. Regarding Council's 2036 Vision, regulating homestays and other short term rentals is most closely aligned with the Council goals of a ***Well-Planned and Livable Community*** and ***Quality Affordable Housing*** by controlling nuisance impacts on the community and ensuring a reasonable supply of long-term housing.

Staff recommends approval of the wording amendment text modifying Articles II, V, VII, VIII, XVI and XVII to define and regulate various forms of lodging which is consistent with the Comprehensive Plan and other adopted plans.

In response to Councilman Kapoor, Ms. Tuch said that this amendment would not allow a person to convert a dwelling unit into a STVR as a use by right. Converting a dwelling unit into a STVR as a use by right can only happen in the Resort District (e.g., Crown Plaza, Grove Park Inn, areas around Richmond Hill). There is an application process available for anyone who wants to propose any kind of lodging project in any other area of the City.

Mayor Manheimer opened the public hearing at 5:29 p.m.

Of the individuals that spoke, several were opposed to the amendment in that they felt that they should be allowed to benefit from Asheville's tourist trade downtown.

Of the individuals that spoke, several were supportive of this amendment as there is a severe housing storage and the proliferation of STVR in the downtown neighborhood is detrimental to their sense of community.

In response to the current President of the Asheville Bed & Breakfast Association, City Attorney Currin said that if a bed & breakfast is legally established, they can continue to operate in same manner. For legally established businesses, a change in regulations, or a change in ownership, does not require you to conform with the new regulations. The non-conforming status will run with the land.

Mayor Manheimer closed the public hearing at 5:54 p.m.

Councilwoman Mayfield said that this is not about whole house short-term rentals in residential areas and it's not about homestays. Homestays are still legal and that is the mechanism we chose to help people who live here continue to make their house affordable. This is about steming the tide of lost housing and ensuring that people are building new long-term housing. We are trying to keep downtown a place that has a good mix that is for people who live here.

Councilman Young was concerned and disappointed about how this process moved quickly, omitting the conversation about how we deal with STVR overall. He felt we needed to have that conversation in a comprehensive way before moving forward.

Councilman Kapoor supported a larger conversation on this subject as well; however, he did not think that this proposed amendment will foreclose that discussion. He felt that the speed of this amendment was important due to the data indicating the number of downtown units converting to STVRs.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mayfield moved to approve the revised wording amendments to UDO Articles II, V, VII, VIII, XVI, and XVII which defines and regulates various forms of lodging uses, and find that the request is reasonable, is in the public interest, and is consistent with the Comprehensive Plan and other adopted plans in the following ways: the amendment (1) Modifies development standards to promote harmony and compatibility with surrounding neighborhoods; and (2) Defines and provides greater clarity with respect to lodging related land uses. This motion was seconded by Vice-Mayor Wisler and carried on a 6-1 vote, with Councilman Young voting "no."

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V. UNFINISHED BUSINESS:

A. ENERGY INNOVATION TASK FORCE REPORT

ACCEPTANCE OF YEAR-END UPDATE OF THE ENERGY INNOVATION TASK FORCE

Councilwoman Mayfield, Co-Chair of the Energy Innovation Task Force (EITF), said that this is a request to accept the year-end report of the EITF; reiterate the City's commitment to the EITF's goals and a multi-year partnership between the City, Buncombe County and Duke Energy; and reallocate previously allocated funds to support a community campaign to improve energy efficiency and reduce energy use.

The City of Asheville, Buncombe County and Duke Energy jointly created the EITF in April 2016 as a collaborative, community effort to achieve two goals:

1. Avoid or delay building a 190-MW natural gas, peaking unit anticipated to be needed in the early 2020's, and
2. Create a clean energy future in Western North Carolina.

As a first step toward achieving these goals, Council approved $205,000 as part of this year's budget process to fund the initial EITF recommendations. While most of those funds have been spent for their intended purpose, $36,000 remains unspent (mainly intended for education initiatives) and is available to be re-allocated for other EITF-related recommendations, upon City Council approval.

As indicated during the budget discussions, these initial investments by the city were intended to be the first step in the development and implementation of a longer work plan and campaign. After 19 months of research and planning, the EITF now has a path forward to reach these goals that includes technology innovations, improvements to and increased subscription rates to existing Duke Energy programs, Duke Energy pilot projects, committed and anticipated investments by the City and County in clean energy projects, and partnerships with community non-profits. A summary of the work and the path forward is included in the presentation.

Key to the reaching the EITF's goals is bringing all of these efforts together under a single branded, community campaign called the Blue Horizons Project. This will be a coordinated marketing and outreach campaign that will ask residential and business customers to take specific actions to help reduce or shift energy use. The specific recommended actions will change over time in order to keep customers engaged and offer more options for action.

While this campaign relies heavily on Duke Energy's programs, implementation of the campaign must be the responsibility of the EITF convening partners and members. Critical to the campaign's success will be the sense of collective, community responsibility it will generate and the need for everyone to participate if we are to reach our goals. It will not likely be successful if the public perceives it to be solely a Duke Energy marketing effort.

To that end, it is critical that the convening partners continue to commit resources to ensure the long term success of this partnership. Most of those resources will take the form of staff time in supporting the work of the EITF and the Blue Horizons Project, but each partner is also being asked to contribute at least $25,000 to support marketing for the campaign and the expenses of a campaign coordinator. Now that the EITF is moving out of planning and into implementation, there is a need for centralized coordination of outreach, communications, marketing, community partners, projects, website maintenance, tracking metrics of success, and fundraising. The EITF leadership envisions this position would be housed at the Green Built Alliance, which has been a leader in the EITF. Both the County and Duke have committed at least $25,000 to support the Blue Horizons Project campaign coordinator position and work plan.

To truly ensure the success of this enduring, multi-year partnership, Council will need to consider longer term funding. That, however, is more appropriately addressed within the regular budget/financial planning process, including considering funding in this next cycle to ensure the original projects intended to be covered by the FY18 allocation are accomplished.

SACEE has indicated its support for the city's long term commitment to this partnership as well as re-allocation of $25,000 at this time to support the campaign.

Pros:

1. Advances Council's goals established by the EITF resolution and other resolutions aimed at moving Asheville toward a cleaner, affordable, smarter energy future
2. Advances Council's vision for A Clean and Healthy Environment, which states, "Asheville continues to be a leader in innovative technologies and conservation efforts in response to global climate change."

Con: None.

None as these funds have already been allocated to support EITF recommendations.

Recommended Action includes (1) Accept the EITF report and re-commit long term support for the EITF, its goals, and the multi-year partnership between the City, Buncombe County, and Duke; and (2) Reallocate $25,000 of funds previously allocated to other EITF efforts to support the work of a campaign coordinator and associated marketing expenses for the Blue Horizons Project, conditioned on the County and Duke Energy committing at least an equal share (which they have done).

Mr. Jason Walls, Co-Chair of the EITF, reviewed the report via the following PowerPoint:

"Setting the stage: (1) Consistent electric demand growth over the past several decades (a) Since 2006, the region's peak demand has + 1.5% annually; and (b) Our region experiences winter system peaks on average 30% higher than summer; and (2) Duke Energy projects a capacity shortfall of 17 megawatts per year beginning 2023, leading to a new 190-MW peaking power plant - The community asked Duke Energy Progress to give them a chance to reduce energy use, charting a cleaner energy future for the region.

"This is how the community takes action: City of Asheville, Buncombe County and Duke Energy convened the EITF: (1) 16 local leaders representing regional business and community interests; and (2) Convened in May 2016 with two goals: (a) Avoid or delay the construction of the 190 MW natural gas peaker plant planned for 2023; and (b) Transition the Duke Energy Progress-West Region to a cleaner, affordable and smarter energy future, rooted in community engagement and collaboration, that is mutually beneficial to the community and Duke Energy. Rocky Mountain Institute (RMI) was engaged to support the EITF facilitation and provide a global perspective to validate assumptions and identify/share best practices.

"Defining the challenge (1) We know more about how customers in the region use energy today than ever before; and (2) RMI's analytical expertise was leveraged to complete a baseline analysis of regional electricity use (a) Rapid growth in peak electrical demand. Growth in Asheville/Buncombe County is a primary driver; (b) Peak demand occurs on the coldest winter mornings; (c) Homes are transitioning from gas and propane to electric HVAC for heating; and (d) Siloed approaches sub-optimize the results achieved.

"Identifying solutions (1) Based on RMI's analysis, two primary focus areas are: (a) Expansion of targeted energy efficiency; and (b) Shifting when customers use electricity; (2)

Priorities: (a) Increase participation in energy efficiency; (b) Improve penetration of demand-side management; and (c) Expand renewables and other advanced solutions; and (3) Recommendations: (a) Establish a brand and launch a campaign to inform, educate and engage the community; (b) Leverage, expand and bundle existing programs and efforts; (c) Increase investment and focus on low-income programs; (d) Develop and implement new programs; and (e) Establish goals/targets to track progress.

"Enabling success: (1) Launch *Blue Horizons* Campaign: This campaign allows people to connect their actions with a larger movement; (2) Hire a project manager: Having someone who is accountable to manage commitments, timelines, initiatives and the campaign is critical to moving further faster; (3) Create a central hub. An online platform to cross promote programs within Duke's portfolio and local initiatives/programs will make participation easier; (4) Train and cultivate local contractors. As we grow participation and awareness, local contractors need to be ready to implement these measures (5) Leverage, expand and bundle existing programs. Make it easy to find and use existing programs; and (6) Advance low-income EE efforts. Leverage existing efforts to improve the lives of people in our communities."

Ms. Sonya Marcus, Sustainability Advisory Committee on Energy & the Environment Committee (SACEE) representative on the EITF, was proud of the work taking place and felt it was moving in the good direction. She said there is a concern on SACEE that we continue to provide critical funding for the activities outlined as priority activities in our clean energy framework, and the reallocation of these funds are actually being detracted from other initiatives that we had planned to fund in this cycle. She hoped Council would be hope and willing to discuss further funding allocations for priority energy projects that really target City operations.

Councilwoman Mayfield said that this partnership with Duke Energy and the County continues to be unique in the country. For us to continue to achieve the goals as the EITF as well as the City's sustainability goals around energy, this will require us to participate in a long-term multi-year partnership with these partners. That will require us to consider allocations every year as part of our budget cycle.

When Vice-Mayor Wisler stated that she supported this action; however, she wanted to see measurables; Mr. Walls said that at their EITF meeting coming up this Friday, they will talking with that group about some of those goals and about how they are going to measure the success of that position in the first year of this effort. City Manager Jackson also noted that this will be a performance contract and those measures will be tracked with the quarterly payments to Green Built Alliance.

When Councilwoman Smith asked if SACEE is supporting the reallocation of the funds because in future years there will need to be other allocations made for clean energy, Ms. Marcus replied yes.

RESOLUTION NO. 18-5 - RESOLUTION APPROVING THE ADDITION OF THE ENERGY INNOVATION TASK FORCE RECOMMENDATIONS TO THE CITY OF ASHEVILLE'S SUSTAINABILITY MANAGEMENT PLAN AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GREEN BUILT ALLIANCE

Summary: On June 23, 2009, Asheville City Council adopted Resolution 09-135 to adopt the Sustainability Management Plan to direct implementation of carbon reduction measures and strategies. On October 22, 2013, Asheville City Council adopted Resolution 13-228 to support a local clean energy future for the city and the region. On October 27, 2015, Asheville City Council adopted Resolution 15-200 supporting the Community Clean Energy Policy Framework which aims to reduce carbon emissions and encourage a clean energy economy through a partnership

with Duke Energy. On March 22, 2016, Asheville City Council adopted Resolution 16-64 establishing a joint City, County and Utility Energy Innovation Task Force that is committed to: (1) Transition the Asheville/Buncombe County area of Duke Energy Progress' - West Region to a cleaner, affordable and smarter energy future, rooted in community engagement and collaboration, that is mutually beneficial to the community and Duke Energy; and (2) Avoid or delay the construction of a 190 MW natural gas peaker plant planned for 2023. The Energy Innovation Task Force members include representatives from the lead partners, environmental and clean energy advocacy organizations, and local businesses and institutions; and have endeavored to accomplish the desired outcomes established in Resolution 16-64. Since August, 2016, with input from the City, County and Duke Energy, Rocky Mountain Institute has aided process design and facilitation, led data collection and the data synthesis process with Duke, supported analytical and research needs, contributed to solution development, and completed a strategic evaluation that forms the foundation for a broader EITF strategy. The recommendations from the Energy Innovation Task Force identified investments in commercial and residential energy efficiency as the first step to alleviate peak demand. On December 20, 2017, the Sustainability Advisory Committee on Energy and the Environment made a motion to support the city's long term commitment to the EITF partnership as well as re-allocation of $25,000 to support the Blue Horizons project coordinator. Making an annual investment in the Blue Horizon's project coordinator administered through the Green Built Alliance will promote efficiency programs provided by City of Asheville, Buncombe County and Duke Energy Progress. The convening partners, Buncombe County and Duke Energy Progress, included in Resolution 16-64 have already allocated resources to support the Blue Horizon's project coordinator. Fiscal Year 2018 budget includes $205,000 from the General Fund to support initiatives from the EITF. The EITF recommendations go beyond Fiscal Year 2018 and will be considered in the Fiscal Year 2019 budget planning process. Therefore, (1) The City of Asheville accepts and approves the recommendations from the Energy Innovation Task Force by incorporating it into the adopted Sustainability Management Plan and any amendments thereto; and (2) The City Manager be, and he is hereby authorized, to enter into an agreement with Green Built Alliance to support the Blue Horizon's project coordinator.

When Mayor Manheimer asked for public comment, no one spoke.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Mayfield moved for the adoption of Resolution No. 18-5. This motion was seconded by Councilman Young and carried unanimously.

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RESOLUTION NO. 18-6 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH BUNCOMBE COUNTY TO ENLIST ROCKY MOUNTAIN INSTITUTE TO CONTINUE ITS EFFORTS IN ACCOMPLISHING THE ENERGY INNOVATION TASK FORCE PHASE III SCOPE OF WORK

Summary: The consideration of an authorization for the City Manager to enter into a Memorandum of Understanding (MOU) with Buncombe County to enlist Rocky Mountain Institute (RMI) to continue its efforts in accomplishing the Energy Innovation Task Force's (EITF) Phase III Scope of Work.

Buncombe County, the City of Asheville and Duke Energy Progress established a collaborative task force known as the Energy Innovation Task Force to research and recommend energy efficiency and demand-side management programs in Buncombe County.

The EITF workgroup leaders have committed to working to delay or avoid the construction of an additional fossil fuel-powered combustion turbine electricity generating facility at the Asheville plant site in 2023.

Since August 2016, with input from the workgroup leaders, RMI has helped facilitate discussions, overseen data collection and synthesis, supported research efforts and solution development at no cost to the work of the EITF (Phase I and Phase II).

The parties now wish to continue the work of the Rocky Mountain Institute on behalf of the EITF collaboration, Phase III Scope of Work. Phase III includes a final report of all outcomes of Phase I, II and III.

Phase III was allocated in the FY18 City budget from the General Fund as part of the $205,000 to support the EITF initiative.

The Memorandum of Understanding states:

- For the sake of efficiency, the County agrees to contract with RMI to perform Phase III and pay the full amount due to RMI, which is anticipated to cost $90,000 worth of services and up to $9,000 in travel expenses; and
- The City agrees to reimburse the County for half of the amount paid, up to $50,000, to RMI by the County within thirty (30) days of the County's payment to RMI of these budgeted funds.

The Buncombe County MOU was unanimously approved by the Finance Committee on October 24, 2017.

As part of the FY18 budget, $205,000 has been budgeted from the General Fund for the EITF. Of that funding, $50,000 was allocated to support ongoing engagement of RMI.

Staff recommends City Council adopt a resolution authorizing the City Manager to enter into an Intergovernmental Agreement with Buncombe County to enlist Rocky Mountain Institute (RMI) to continue its efforts in accomplishing the EITF's desired outcomes.

When Mayor Manheimer asked for public comment, no one spoke.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Mayfield moved for the adoption of Resolution No. 18-6. This motion was seconded by Councilman Young and carried on a 6-1 vote, with Councilwoman Smith voting "no."

Councilwoman Mayfield noted that the work from RMI has been completed and there are no other plans to bring them back.

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B. REDEVELOPMENT OF CITY-OWNED LAND FOR AFFORDABLE HOUSING

POLICY DIRECTION FOR THE REDEVELOPMENT PROCESS AND $15 MILLION ALLOCATED FOR THIS PURPOSE

Community Development Director Heather Dillashaw, Real Estate Program Director Nikki Reid, and Project Manager Stephanie Monson Dahl reviewed with Council the re-purposing of City-owned land for affordable housing. They explained that the Affordable Housing Strategy and the 3-Year Council Strategic Priorities adopted in 2015 include (1) strengthening the City's existing affordable housing programs for low- and moderate-income households; (2) exploring innovative approaches to providing additional housing and a broader range of housing options; (3) prioritizing the highest return on investment as measured by (a) number of affordable units; (b) percentage of permanently affordable units; (c) contributions to long-term economic and tax base growth; and (d) sustainability; and (4) utilizing locally efficient City-owned land for affordable housing. They explained the due diligence on the the sites identified (1) 171-179 S. Charlotte Street, (2) 81-91 Riverside Drive and (3) 319 Biltmore Avenue. They will then facilitate a planning process and due diligence study to maximize results - access complexity of issues on the property, opportunities/constraints, and level of financial investment required to maximize return on investment. Before Council at this time is a resolution authorizing the City Manager to enter into a professional services contract with Lord Aeck Sargent for the design, land planning, engineering, financial feasibility and consulting services necessary to perform the due diligence for affordable housing on real properties identified by the City of Asheville.

Next steps include (1) a due diligence and affordable housing feasibility analysis in the winter/spring of 2018 and the process will take between 6-8 months to conduct pre-development analysis; (2) in the late summer of 2018 Council will review the due diligence findings and give direction to staff to authorize to proceed with redevelopment of one or more of the selected sites (and potentially a relocation of Fleet/Public Works); and (3) in the late fall, we will solicit qualifications and/or proposals from developers for affordable housing on one or more of the site identified.

RESOLUTION NO. 18-7 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH LORD AECK SARGENT FOR DUE DILIGENCE SERVICES FOR AFFORDABLE HOUSING ON CITY-OWNED PROPERTY

The general obligation bond program allocates $25 million for affordable housing, of which $15 million is directed to the redevelopment of City-owned land for this purpose. On February 7, 2017, City Council directed staff to proceed with performing due diligence on three specific properties to support affordable housing. The sites identified include (1) 171-179 S. Charlotte Street, (2) 81-91 Riverside Drive and (3) 319 Biltmore Avenue. The City of Asheville is the owner of the properties located on S. Charlotte Street and Riverside Drive. The City has negotiated an option to purchase the property at 319 Biltmore Avenue, which is currently owned by Duke Energy.

The goal of the due diligence study is to assess the feasibility of achieving successful affordable housing developments on each of the selected sites. While all three sites are in close proximity to Downtown, they reside in different contexts and each site has its own challenges and opportunities to be explored. The study seeks to identify the physical opportunities and constraints with respect to development, the number of affordable units that can be developed on each site, the massing and conceptual improvements that could be built onsite and the market conditions for mixed use development. Additionally, the study seeks to validate and test specific finance / affordability scenarios from a pro-forma perspective and create implementation strategies to set the stage for procurement of development partners. The scope of work also includes a public engagement process designed to share findings on proposed redevelopment scenarios and garner stakeholder feedback. Ultimately, this information for each of the three sites is being presented to City Council with the intent (1) to obtain Council's direction on making any or all of the sites available for redevelopment and (2) to provide a basis for the City's financial participation in redevelopment in order to achieve specific affordable housing goals.

In May 2017, the City published a Request for Qualification (RFQ) and requested submittals of qualifications from firms interested in conducting due diligence of these properties. In response to the Request for Qualifications, the following seven firms submitted packages:

Lord Aeck Sargent (Atlanta, GA)	Mathews Architecture (Asheville, NC)
McMillan Pazdan Smith (Asheville, NC)	Kassinger Development Group (Asheville, NC)
AHEAD Group (Asheville, NC)	Glazer Architecture (Asheville, NC)
KA DesignWorks (Aspen, CO)	

The review team utilized a scoring matrix to assess the qualifications of the proposed firms. Three firms scored high enough to be short-listed for on-site interviews, including Lord Aeck Sargent, Mathews Architecture and McMillan Pazdan Smith. The professional team of Lord Aeck Sargent was well-qualified in all required disciplines, with extensive experience in urban redevelopment, affordable housing financials, and technical assessments. The Lord Aeck Sargent team includes sub-consultants that are listed as minority business enterprises, and consultant team members are located in Asheville and Atlanta. Scoring by the review team indicated Lord Aeck Sargent as the highest-rated offeror in this procurement.

Negotiations were undertaken with the selected firm, and the team demonstrated its flexibility and an understanding of the City's needs on all parts of this study. This firm also demonstrated the ability to produce the needed results in an appropriate timeframe. The complete base scope of work can be contracted for $240,660. The scope of work is also structured so that if a roadblock or impediment to development is detected early on within a specific site, then any further study on the site will cease and no further funds will be expended for due diligence on that site.

The Affordable Housing Advisory Committee has discussed this planning process and due diligence study. The Housing and Community Development Committee reviewed at their December 19, 2017, meeting and recommends City Council authorize the City Manager to enter into this professional services contract with Lord Aeck Sargent.

Pros:

- Allows the performance of a key study critical to implementing the Affordable Housing Bond Program;
- Multi-disciplinary team includes design, land planning, engineering, financial feasibility and other relevant disciplines needed to deliver redevelopment scenarios; and
- Performing this work will set the stage for developing needed affordable housing units on locationally-efficient sites.

Con:

- None identified.

The project will be funded through the City's available cash resources.

Staff recommends City Council adopt a resolution authorizing the City Manager to enter into a professional services contract with Lord Aeck Sargent not to exceed $240,660 for the design, land planning, engineering, financial feasibility and consulting services necessary to perform the due diligence for affordable housing on real properties identified by the City of Asheville.

Ms. Monson-Dahl said that if the resolution is approved they will begin with a community engagement plan. Ms. Reid will be hiring a firm that can provide geotechnical services for not

only this, but for some of the other strategic investment sites in other work that the City needs. Council will be considering that contract to support this work.

Vice-Mayor Wisler hoped that given the timeline for these projects we won't be running up against the 7 years to spend the bond money set aside for affordable housing. Councilwoman Mayfield noted that we do have the ability to reallocate the money to other affordable housing projects.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Young moved for the adoption of Resolution No. 18-7. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

RESOLUTION BOOK NO. 39 – PAGE 230

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

RESOLUTION NO. 18-8 - RESOLUTION APPOINTING A MEMBER TO THE AUDIT COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a City Council member to the newly created Audit Committee.

It was the consensus of the Boards & Committee Committee to appoint Vice-Mayor Wisler to this seat.

Vice-Mayor Wisler moved to appoint herself as the City Council member to the Audit Committee to serve until her term on City Council expires. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 231

RESOLUTION NO. 18-9 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Board of Adjustment.

The terms of Nelda Holder (Alternate), Richard Fort (Regular), Daniel Summerlin (Alternate) and Philip Harden (Regular) expire on January 21, 2018.

The following individuals applied for the vacancy: Carter B. Webb, Sarah Katzmark and Ken Sherlin.

It was the consensus of the Boards & Commissions Committee to (1) reappoint Mr. Hardin as a Regular Member; (2) reappoint John Kledis as an Alternate member; (3) appoint Carter Webb as an Alternate member; (4) appoint Paul Wilczynski (who is currently serving as an Alternate member) as a Regular member; and (5) readvertise for Mr. Wilczynski's alternate seat.

Vice-Mayor Wisler moved to (1) reappoint Philip Hardin as a Regular member to serve an additional three-year term, term to expire January 21, 2021, or until his successor has been appointed; (2) reappoint John Kledis as an Alternate member to serve a three-year term, term to expire January 21, 2021, or until his successor has been appointed; (3) appoint Carter Webb as an Alternate member to serve a three-year term, term to expire January 21, 2021, or until his successor has been appointed; (4) appoint Paul Wilczynski to serve as a Regular member to serve a three-year term, term to expire January 21, 2021, or until his successor has been appointed; and readvertise for the Alternate seat left vacant by Mr. Wilczynski. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 232

RESOLUTION NO. 18-10 - RESOLUTION APPOINTING MEMBERS TO THE DOWNTOWN COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Downtown Commission.

The terms Byron Greiner, Michael McDonough and Jimi Rentz expired on December 31, 2017.

The following individuals applied for the vacancy: Brendan Ross, Edward Dewey, Linda Mathiasen, Peter Landis, Joshua Beckman, Leslie Stewart, Mary Kay Smith, Robin Raines, Carleton Colllins, Kelly Prime, Richard Winchell, Steven Lee Johnson, Jane Mathews, Kimberly Hunter, Rebecca Nicole Huber-Brown, Greg Hoffman, Aaron Ryba, Andrew Fletcher and Sarah Craycraft.

It was the consensus of the Boards & Commissions Committee to appoint Kimberly Hunter, Andrew Fletcher and Steven Lee Johnson.

Vice-Mayor Wisler moved to appoint Kimberly Hunter, Andrew Fletcher and Steven Lee Johnson to each serve a three-year term respectively, terms to expire December 31, 2020, or until their successors have been appointed. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 233

RESOLUTION NO. 18-11 - RESOLUTION APPOINTING MEMBERS TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Homeless Initiative Advisory Committee (HIAC).

The terms of Charles Rosenblum, Sabrah n'haRaven and Jay Lively expired on November 1, 2017.

The following individuals applied for the vacancy: Kerry Keihn, Val Ball, Michelle Stowe Ong, Joey Grisanti, Angela Dubs, Marcia Bacoate, Donald Alexander, Kate Caton, Douglas Ray Oeser, Andrew Monroe, Timothy Moser, Bill Robinson, Michael Carlebach, Roberto L. Hess, Thomas Cash and Tamarie Macon.

At the request of the HIAC, it was the consensus of the Boards & Commissions Committee to reappoint Mr. Rosenblum; appoint Marcia Bacoate; and wait until the HIAC puts forth a recommendation for their third vacancy.

Vice-Mayor Wisler moved to (1) reappoint Charles Rosenblum to serve an additional three-year term, term to expire November 1, 2020, or until his successor has been appointed; (2) appoint Marcia Bacoate to serve a three-year term, term to expire November 1, 2020, or until her successor has been appointed; and (3) wait until the HIAC puts forth a recommendation for their third vacancy. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 234

RESOLUTION NO. 18-12 - RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABILITY ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Sustainability Advisory Committee on Energy & the Environment..

The terms of Geoffrey Habron, Lael Gray and John Noor expired on December 31, 2017.

The following individuals applied for the vacancy: Lateef Cannon, Zephyr Jost, Larry Haas, David Penrole, Renee Mazurek, Catherine Rosfjord, Red Moonsong, Patrick Ciccotoo, Rick Freeman, Frank Wolf, Bob Roepnack, E. Benjamin Edwards, Kelly Gloger, Lin Orndorf, Ursula Jorch, Lisa Almaraz, Maureen Drinkard and Amy Smith.

It was the consensus of the Boards & Commissions Committee to reappoint Mr. Habron and Mr. Noor and appoint Renee Mazurek

Vice-Mayor Wisler moved to (1) reappoint Geoffrey Habron and John Noor to each serve an additional three-year term respectively, terms to expire December 31, 2020, or until their successors have been appointed; and (2) appoint Renee Mazurek to serve a three-year term, term to expire December 31, 2020, or until her successor has been appointed. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 235

RESOLUTION NO. 18-13 - RESOLUTION APPOINTING MEMBERS TO THE TREE COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Tree Commission.

The terms of Marc Williams, Amy Kemp and Diane Hillgrove expired on December 31, 2017. In addition, there currently exists a vacancy left by Carl Nyberg, term to expire December 31, 2018.

The following individuals applied for the vacancy: Casey Cave, Sharon Sumrall, Cecil Bothwell, Martha Dyke and Amy Smith.

It was the consensus of the Boards & Commissions Committee to (1) reappoint Ms. Hillgrove; (2) appoint Cecil Bothwell Sharon Sumrall; and (3) appoint Amy Smith to the unexpired term left by Mr. Nyberg.

Vice-Mayor Wisler moved to (1) reappoint Diane Hillgrove to serve an additional three-year term , term to expire December 31, 2020, and (2) appoint Cecil Bothwell and Sharon

Sumrall to each serve a three-year term respectively, terms to expire December 31, 2020; and (3) appoint Amy Smith to serve the unexpired term of Mr. Nyberg, term to expire December 31, 2018, or until her successor has been appointed. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 236

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Will Thibodeau explained how he felt there was a lack of impartiality in local government.

Mr. Ken Sherlin felt that the reappointment of Mr. Philip Hardin as a Regular member to the Board of Adjustment is not valid since Mr. Hardin had previously served two terms.

Closed Session

At 6:51 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit involving the following parties: PHG Asheville, LLC v. the City of Asheville. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3); (3) To establish or to instruct the City's staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the terms of a contract for the acquisition of real property by purchase, option, exchange or lease. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(5); and (4) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6); and to prevent the disclosure of information that is confidential pursuant to N.C. Gen. Stat. § 160A-168, the Personnel Privacy Act. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 8:51 p.m., Councilwoman Mayfield to come out of closed session. This motion was seconded by Councilman Young and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:51 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – January 23, 2018 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 9, 2018

B. RESOLUTION NO. 18-14 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT FUNDS IF AWARED THROUGH THE N.C. GOVERNOR'S CRIME COMMISSION'S STATE APPROPRIATION COMMITTEE FOR THE 2017-18 BODY/DASHBOARD CAMERAS - LOCAL SOLICITATION

Summary: The consideration of a resolution authorizing the City to apply for and accept funds if awarded through the North Carolina Governor's Crime Commission's State Appropriation Committee for the 2017-18 Body/Dashboard Cameras — Local Solicitation for a state-issued matching grant in the amount of $61,535.

The City of Asheville Police Department (APD) requests authorization to apply for and accept funds if awarded from the NC Governor's Crime Commission's State Appropriation Committee 2017-2018 Body/Dashboard Cameras - Local Solicitation. If the grant is approved APD will be allocated $61,535 based upon the state-issued matching grant ($1 state for every $1 local). The distribution of funds would be approved through a signed Memorandum of Understanding.

Funds will be utilized to purchase 50 Axon Fleet Dashboard Camera Systems for APD police vehicles, along with the camera accessories. The video cameras will: 1) enhance the police-community partnership guided by integrity, fairness, respect, and professionalism; 2) produce a "civilizing effect" for both the police officers and citizens; 3) provide transparency on the scrutiny of traffic stops; 4) augment APD's criminal and internal investigations, particularly on Driving While Intoxicated (DWI) traffic stops; and (5) enhance and streamline the sharing of recordings with the Buncombe County District Attorney's Office for discovery in criminal cases.

This funded state-issued matching grant for the purchase of Dashboard Cameras, as the studies suggest because of the "civilizing effect," will enhance the police-community partnership by decreasing citizen complaints on police officers, to include decreasing the use-of-force complaints; while at the same time decreasing the number of assaults against police officers.

Moreover, criminal and internal investigations will be augmented through audiovisual evidence that corroborates the factual basis of an incident.

This report will be presented to the Finance Committee on January 23, and if there is anything other than a unanimous approval is received, the details of the decision by the Finance Committee will be made clear to City Council at their meeting later that same day.

Pros:

- Dashboard Cameras should produces a "civilizing effect" that enhances the police-community partnership with decreased citizen complaints on the police; decrease use-of-force complaints; and decreased assaults on police officers; and add transparency to the scrutiny of traffic stops.
- Enhanced criminal and internal investigations, particularly DWI traffic stops.

Cons:

- Ongoing budgeted funding required to sustain the Dashboard Camera program into the future police operations that includes the current FTE to manage the program and the continual costs for the storage, maintenance and replacement after the approximate five-year service life of the devices.
- Ongoing task and costs associated with managing, storing, providing discovery, and following retention schedules.

If the grant is awarded, the city will incur an expense as the Local Solicitation is a state-issued matching grant ($1 state for every $1 local). The total expense for the purchase of the 50 camera systems is $123,070; $61,535 from the State grant and $61,535 provided by the City of Asheville from the allocated APD CIP funds intended for Dashboard camera purchases and APD's FY18 operating budget. Moreover, there will be continual annual costs for storage, maintenance and replacement after the approximate five-year service life of the devices.

Staff recommends City Council adopt the resolution authorizing the City Manager to apply for grant funds through the NC Governor's Crime Commission's State Appropriation Committee for the 2017-2018 Body/Dashboard Cameras - Local Solicitation in the amount of $61,535.

RESOLUTION BOOK NO. 39 - PAGE 237

C. RESOLUTION NO. 18-15 - RESOLUTION ACCEPTING AN HONORARIUM FROM THE UNIVERSITY OF NORTH CAROLINA - ASHEVILLE'S MCCULLOUGH INSTITUTE

Summary: The consideration of a resolution authorizing the City Manager to accept, on behalf of the Office of Sustainability, the McCullough Institute Honorarium from the University of North Carolina's (UNC) Asheville campus.

The McCullough Fellowship Program at UNC Asheville connects undergraduate researchers with area organizations, businesses and resources to address real work challenges in one or more the the following areas: Land Use and Conservation, Urban Planning, Sustainable Agriculture, and Resilience and Environmental Sustainability. Each fellowship includes honorarium for project partners. The honorarium is in the amount of $800.00.

Over the last year, the Office of Sustainability mentored a McCollough Fellow to examine "Food Cultivation in Urban and Public Green Spaces: Design, Management, Civic Engagement and Lessons from the Field." Resulting in several workdays with City parks staff and community partners to bring much needed maintenance to the Dr. George Washington Carver Edible Park as

well as a seed exchange and community walking tours to educate the public on the edible plants within the park.

The work of the McCollough Fellow supports the Resolution 17-257, the City's Food Policy Action Plan. The honorarium in the amount of $800 will be utilized for future maintenance and organized work days within the edible park honoring the work and collaboration of the McCollough Institute.

Pros:

- Supports Resolution 17-257 Food Policy Action Plan
- Management of Dr. George Washington Carver Edible Park

Con:

- None

There is no fiscal impact.

Staff recommends City Council adopt a resolution authorizing the City Manager to accept, on behalf of the Office of Sustainability, the McCullough Institute Honorarium in the amount of $800.00.

RESOLUTION BOOK NO. 39 - PAGE 238

D. RESOLUTION NO. 18-16 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION TO FUND THE TRANSIT PLANNING PROGRAM, SECTION 5303 OF THE FEDERAL TRANSIT ADMINISTRATION

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with the N.C. Dept. of Transportation (NCDOT) to fund the Metropolitan Planning Program, Section 5303 of the Federal Transit Administration (FTA).

The FTA Section 5303 Metropolitan Planning Program is part of the annual Unified Planning Work Program (UPWP) of the French Broad River Metropolitan Planning Organization (FBRMPO), which outlines transportation planning tasks to be performed by the FBRMPO. The Metropolitan Planning Program is designated to pay exclusively for transit planning activities, such as grant administration and reporting activities, short-range and long-range transit planning, transportation improvement program preparation, Title VI and DBE programs, and planning and operational analyses. The funds are used to supplement the Transit Planning Manager position (90% of the grant) and other transit related positions (the remaining 10%) for time spent on transit planning.

This funding makes it possible to have dedicated staff developing and engaging in complex processes such as the transit master plan implementation, route changes, and to develop programs required by the Federal Transit Administration for Asheville, as designated recipient, and sub-recipients to ensure compliance with federal regulations. This resolution is required by the North Carolina State Department of Transportation.

FY 2018-19 funding totals $75,000. The subject grant will provide 80% of the anticipated funding ($60,000), the North Carolina Department of Transportation will provide 10% ($7,500), and the City of Asheville will provide the remaining 10% ($7,500). The grant funding and the City's local match are budgeted annually in theTransit Services Fund budget.

This report is being reviewed by the Finance Committee on January 23, 2018, and if anything other than a unanimous approval is received, the details of the decision by the Finance Committee will be made clear to City Council at their meeting later that same day.

Pros:

- Supplements funding for multiple transit-related positions.
- Enables the City of Asheville to use $67,500 in Federal and State funds for transit planning activities.

Con:

- A 10% local match in the amount of $7,500 is required.

The total grant funding is $75,000. As noted above, the City is required to provide a 10% local match in the amount of $7,500. The anticipated grant funding and the City's local match in the amount of $7,500 are budgeted annually in the Transit Services Fund budget.

City staff recommends that City Council adopt a resolution authorizing the City Manager to enter into an agreement with the North Carolina Department of Transportation to fund the transit planning program, Section 5303 Metropolitan Planning Grant of the Federal Transit Administration for FY 2018-19.

RESOLUTION BOOK NO. 39 - PAGE 239

E. ORDINANCE NO. 4638 - BUDGET AMENDMENT FROM THE FEDERAL TRANSIT ADMINISTRATION FOR THE JOB ACCESS AND REVERSE COMMUTE (JARC) PROJECTS

Summary: The consideration of a budget amendment in the amount of $196,648 from the Federal Transit Administration to set up project budgets for Fiscal Year (FY) 2016 and FY 2017 Job Access and Reverse Commute (JARC) projects.

Job Access and Reverse Commute (JARC) is a Federal Transit Administration (FTA) grant program that is targeted at providing job access in urbanized and suburbanized areas. The job access refers to projects relating to the development and maintenance of transportation services designed to transport low-income individuals to and from jobs and activities related to their employment. The reverse commute refers to a public transportation project designed to transport residents of urbanized areas to suburban employment opportunities.

JARC is funded through a 10% allocation of FTA 5307 funds that are administered by the French Broad River Metropolitan Planning Organization (FBRMPO). The FBRMPO posted the call for projects on March 27, 2017. A total of $537,692 was awarded for projects in the FBRMPO region including $292,163 to the City of Asheville to partially fund ART Sunday Service and Route 170 to Black Mountain. $48,881 is also available to the City of Asheville for JARC Administration. A summary of the funded projects for FY 2016 and FY 2017 JARC funding is shown below:

Sub-Recipient	Project	Amount funded	Local Match
Mountain Projects (Haywood County)	Deviated Fixed Route - Capital	$56,000	$14,000
Mountain Projects (Haywood County)	Deviated Fixed Route - Operations	$58,000	$58,000
Buncombe County	Black Mountain Trailblazer	$82,648	$82,648

City of Asheville	Limited Sunday Service	$187,200	$187,200
City of Asheville	Route 170	$104,963	$104,963
City of Asheville	Program Administration	$48,881	N/A

The City of Asheville expenses for Limited Sunday Service, Route 170, and Program Administration are already budgeted in the adopted Transit Services Fund budget so no budget amendment is needed for that portion of the grant. The budget amendment in the amount of $196,648 will provide budget authorization for the City to receive and pass through the subrecipient grant amounts from FTA.

This report is being reviewed by the Finance Committee on January 23, 2018, and if anything other than a unanimous approval is received, the details of the decision by the Finance Committee will be made clear to City Council at their meeting later that same day.

Pros:

- This funding will help maintain existing transit services that are essential to many residents.
- This funding will help offset operating costs.
- The City receives $48,881 for administration purposes, which does not require a local match.

Con:

- The City funding for Limited Sunday Service and Route 170 requires a local match.

The City of Asheville's fiscal impact is the local match for Sunday Service and Route 170 that totals $292,163. The local match is already budgeted within the adopted Transit Services Fund budget .

Staff recommends City Council adopt a budget amendment in the amount of $196,648 from the Federal Transit Administration and local sources to set up project budgets for FY 2016 and FY 2017 Job Access and Reverse Commute (JARC) projects.

ORDINANCE BOOK NO. 31 - PAGE 416

F. ORDINANCE NO. 4639 - BUDGET AMENDMENT FROM THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION FOR AN UPDATE TO THE CITY'S PEDESTRIAN PLAN AND AMERICANS WITH DISABILITIES TRANSITION PLAN UPDATE

Summary: The consideration of a budget amendment in the City's Special Revenue Fund in the amount of $175,000 to budget $140,000 in federal grant funds awarded through the French Broad River Metropolitan Planning Organization (MPO) along with a City match of $35,000 for an update to the City's pedestrian plan and ADA transition plan; and a budget amendment of $35,000 in the City's General Fund from unassigned fund balance to appropriate the City match.

By Resolution 16-117, adopted May 17, 2016, City Council authorized the City Manager to apply for, and if successful, to execute agreements to accept the funding for several grants from the French Broad River MPO, including $175,000 for an update to the city's 2005 pedestrian plan and older ADA transition plan. The grant was awarded, with project funding slated for FY 2017-18. Execution of the grant agreement is pending the adoption of this budget amendment to add the project to the current budget.

This report is being reviewed by the Finance Committee on January 23, 2018 and if

anything other than a unanimous approval is received, the details of the decision by the Finance Committee will be made clear to City Council at their meeting later that same day.

Pros:

- Allows the City to update the pedestrian and ADA transition plans
- Leverages $140,000 in grant funding

Con:

- Grant requires $35,000 in local match from General Fund unassigned fund balance

As noted above, the City's local match is $35,000. It will be funded through an appropriation from General Fund unassigned fund balance.

Staff recommends City Council adopt the attached budget amendment in the City's Special Revenue Fund in the amount of $175,000 to budget $140,000 in federal grant funding awarded through the French Broad River MPO along with the City's match of $35,000; and a budget amendment of $35,000 in the City's General Fund from unassigned fund balance to appropriate the City match.

ORDINANCE BOOK NO. 31 - PAGE 418

G. RESOLUTION NO. 18-17 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDING FROM THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION FOR FISCAL YEAR 2018 FOR A TRANSPORTATION FEASIBILITY STUDY ON BILTMORE, MCDOWELL AND BROADWAY AND TO EXECUTE ALL NECESSARY AGREEMENTS

ORDINANCE NO. 4640 - BUDGET AMENDMENT FOR TRANSPORTATION FEASIBILITY STUDY ON BILTMORE, MCDOWELL AND BROADWAY

Summary: The consideration of (1) a resolution authorizing the City Manager to accept transportation funds from the French Broad River Metropolitan Planning Organization (MPO) for a feasibility study regarding transportation operations on Biltmore Avenue, McDowell Street and Broadway; and (2) a budget amendment in the City's Special Revenue Fund in the amount of $200,000, to budget $160,000 in federal grant funds, with a required City match of $40,000; and a budget amendment of $40,000 in the City's General Fund from unassigned fund balance to appropriate the City match.

In May of 2016 City Council approved a resolution authorizing the City Manager to apply for, and if successful, to execute funding agreements for transportation funding from the French Broad River MPO. One of these grant applications was for the engineering and design of complete streets projects on Biltmore Avenue, Coxe, Avenue, and South Lexington Avenue.

Ultimately, the French Broad River MPO awarded funding for project design of Coxe Avenue and South Lexington Avenue. Both of these design projects are currently included in the City's Capital Improvements Program.

With regard to Biltmore Avenue, the MPO committees decided to direct funds toward a feasibility study that would look more comprehensively at north-south mobility in this area. In particular, north-south bicycle facilities are needed. Biltmore Avenue will be studied along with the parallel corridor of McDowell Street to look at all modes of transportation, including the feasibility of adding bicycle facilities.

In addition to Biltmore and McDowell, the Broadway corridor was added to this study because all of these corridors are owned and operated by the North Carolina DOT, and have

similar operational issues. Namely, these are relatively high volume traffic corridors with an identified need for bicycle facilities. Adding the facilities would be challenging given the current configuration of the streets.

This resolution and budget amendment clarifies the following: 1) The French Broad River MPO initiated a corridor study process for Biltmore Avenue, McDowell Street and Broadway; 2) The need for this study arose, in part, in response to a funding application from the City of Asheville for complete streets projects; 3) that the MPO programmed $160,000 in federal funding toward the study; and 4) the City of Asheville is expected to manage the study and provide the $40,000 match.

This report is being reviewed by the Finance Committee on January 23, 2018, and if anything other than a unanimous approval is received, the details of the decision by the Finance Committee will be made clear to City Council at their meeting later that same day.

Pros:

- Advances the implementation of the City's Complete Streets Policy
- Leverages $160,000 in federal grant funding
- Continues a cooperative effort with the NCDOT and the French Broad River MPO

Con:

- Grant requires $40,000 in local match from General Fund unassigned fund balance

As noted above, the City's local match is $40,000. It will be funded through an appropriation from General Fund unassigned fund balance.

Staff recommends City Council (1) adopt the resolution authorizing the City Manager to accept transportation funds from the French Broad River MPO for a feasibility study of transportation operations on Biltmore Avenue, McDowell Street and Broadway; and 2) adopt the budget amendment in the City's Special Revenue Fund in the amount of $200,000 to budget $160,000 in federal grant funding awarded through the French Broad River MPO along with the City's match of $40,000; and a budget amendment of $40,000 in the City's General Fund from unassigned fund balance to appropriate the City match.

RESOLUTION BOOK NO. 39 - PAGE 240
ORDINANCE BOOK NO. 31 - PAGE 420

H. RESOLUTION NO. 18-18 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND IF AWARDED ACCEPT, A GRANT FROM THE NATIONAL LEAGUE OF CITIES LEADERSHIP IN COMMUNITY RESILIENCE GRANT

Summary: The consideration of a resolution authorizing the City Manager to apply for a grant, and accept funding if awarded, from the National League of Cities Leadership in Community Resilience Grant.

Asheville's Climate Resiliency Assessment is designed to help the City be prepared for and lessen the impacts of future extreme weather events.

Over the past year, the City engaged with the University of North Carolina Asheville's National Environmental Modeling and Analysis Center (NEMAC) to analyze possible impacts of extreme weather through modeling the City's vulnerabilities and risk.

The current planning focuses on prioritization of identified preparedness options. The intent of this phase is to develop options and strategies that can be incorporated in City and community policy agenda through the City's Comprehensive Plan, *Living Asheville*.

The National League of Cities Leadership in Community Resilience grant offers an opportunity for the City to receive a year-long assistance program to be delivered in three (3) ways:

1. Policy and practice exchange,
2. $10,000 Grant to support a local resilience event, and
3. Attendance to the 2018 Resilient Cities Summit.

The Office of Sustainability will utilize grant funding, if awarded, to create a proactive framework centered around educational outreach and awareness to mitigate risk and build community resilience around identified climate threats.

This item was passed unanimously by the Finance Committee to advance to City Council's Consent Agenda.

Pros:

- Supports community resilience through the City's Climate Resilience Assessment
- Supports the City's Sustainability Master Plan

Con:

- None

If awarded, the $10,000 grant will be spent during the Fiscal Year 2018 - 2019. Matching funds are not required. As a result, the only fiscal impact related to the City is staff time to manage and participate over the next 12 months.

City Council approval of a resolution authorizing the City Manager to apply for, and accept funding if awarded, a grant from the National League of Cities Leadership in Community Resilience.

RESOLUTION BOOK NO. 39 - PAGE 241

I. RESOLUTION NO. 18-19 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CLARK PATTERSON LEE, P.C., FOR DESIGN SERVICES FOR THE ART TRANSIT STATION FACILITIES RENOVATION PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a Professional Services Agreement with Clark Patterson Lee, P.C. in the amount of $188,000 for design services for the ART Transit Station Facilities Renovation Project.

On March 28, 2017, at the Budget Work Session, City Council directed staff to proceed with a design to improve the ART Transit Station based on a recommendation from the 2009 Transit Master Plan for Near-Term Enhancements that were never completed. The above-referenced master plan recommended that the City should *"make modest improvements to the Downtown Transit Center. In order to prolong the life of the transit center until a replacement is constructed, modest improvements and repairs should be made to the central location of transit service."* This project will be managed by the Building Construction Division in General Services, in coordination with the Transit Planning Division of the Transportation Department as sponsor.

On July 18, 2017, the General Services Department issued a Request for Qualifications for Architectural & Engineering Services for the ART Transit Station Facilities Renovation project for a contract that includes planning & public engagement, design, and construction administration services. The project will involve a complete renovation of the ART Transit Station with the goals of: improving passenger experience; improving building performance and energy efficiency; maximizing the renovation within budget; and minimizing disruptions to transit performance.

The design will consider all structures on the 0.5-acre parcel, including the passenger waiting area, restroom, dispatch & break room, passenger loading platform, and canopy. Also, the design will consider the site's potential for expanding building footprint. Lastly, the design will assess the feasibility of adding a solar array on top of the canopy roof and, if feasible, will design the solar array. The base scope for this design work is funded by the General Fund, and the solar assessment and design work would utilize Sustainability "Green CIP" Funds.

In response to the Request for Qualifications, the department received three submittals on September 25, 2017. Companies responding were:

1. Moser, Mayer, Phoenix Associates (Moser, Mayer, Phoenix Associates was acquired by Clark Patterson Lee, P.C. while the fee proposal was being negotiated. The acquisition was completed on November 1st, 2017.)
2. LS3P Associates Ltd.
3. Form & Function Architecture

Following a review of qualifications by City staff and the program manager, Moser, Mayer Phoenix Associates (now Clark Patterson Lee, P.C.), was selected as the most qualified firm and provided a negotiated fee of $188,000.

Pros:
- This project will improve passenger experience by modernizing the transit station facilities, and fulfilling the near-term enhancements recommended in the last Transit Master Plan.
- This project is aligned with the City, General Services and Office of Sustainability's goals of continued investment and improvement of the City's facilities through Capital Improvement Projects, in order to provide lower cost, more sustainable facilities.

Con:
- None.

The funding needed for this agreement is currently allocated within the ART Transit Station Renovation Project (B1703) in the Capital Improvement Program (CIP) Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a Professional Services Agreement with Clark Patterson Lee, P.C., for the amount of $188,000 for design services for the ART Transit Station Facilities Renovation Project.

RESOLUTION BOOK NO. 39 - PAGE 242

J. ORDINANCE NO. 4641 - ORDINANCE TO ENACT AND/OR CHANGE THE SPEED LIMITS ON VARIOUS SECTIONS OF STREETS IN THE CITY OF ASHEVILLE

Summary: The consideration of an ordinance to enact and/or change the speed limits on various sections of streets in the City of Asheville.

According to state law (NCGS # 20-141), the statutory speed limit in North Carolina is 35 mph inside municipal corporate limits for all vehicles and 55 mph outside municipal corporate limits for all vehicles except for school buses and school activity buses.

Furthermore, local authorities may authorize by ordinance higher speeds or lower speeds than the statutory 35 mph speed limit on locally-maintained streets provided that the higher speed limit cannot exceed 55 mph. Speed limits authorized by local authorities are effective when the appropriate signs are erected. Speed limits on N.C. Dept. of Transportation (NCDOT) maintained streets may also be raised or lowered but require concurring ordinances to be passed by both the NCDOT and the City authorizing the speed limit.

City staff recently reviewed all existing speed limit ordinances for accuracy and applicability. This review revealed a number of ordinances that are incorrect for various reasons. In some cases, the descriptions are incorrect or no longer apply. In a couple of instances, the streets or portions of the streets no longer exist or were abandoned from City maintenance. Additionally, there is a school zone speed limit concurring ordinance where the school is no longer in existence.

City staff has determined that:

1. The following streets no longer exist as City maintained roadways: Pearlman Alley, Second Street, and University Heights.

2. The following NCDOT streets no longer have concurring ordinances or no longer are identified as shown in the ordinances: Airport Road, Pearson Bridge Road, and Riverside Drive.

3. The following streets were previously maintained by NCDOT and had a concurring ordinance for 25 mph, but when they were taken over by the City, the concurring ordinance was not rescinded and a City ordinance was not enacted: Braeside Circle, Sycamore Drive, Sycamore Terrace.

4. The ordinances for the following streets are no longer correct due to wording or other errors/omissions or partial abandonments: Aston Street, Beverly Road, Davidson Street, Edgewood Road (Enka), Fairview Road, Federal Alley, South Beaumont Street, Spruce Street, and Wilson's Alley.

5. The ordinances for the following streets conflict due to lower speed limits being enacted without the repeal of the higher speed limit: Columbine Road and Wolfe Cove Road.

6. The following school zones are obsolete because the schools no longer exist: Haywood Road (St. Joan of Arc School), and Victoria Road (St. Genevieve).

Pros:

- The speed limit ordinances will be current and accurate.
- The ordinances will be more enforceable.
- Obsolete ordinances will be removed.
- City staff will be able to "clean up" the speed limit ordinances.

Con:

- None.

There is no anticipated financial impact for this action.

City staff recommends that City Council repeal ordinances from streets that have changed or no longer apply and approve an ordinance detailing correct names and descriptions.

ORDINANCE BOOK NO. 31 - PAGE 422

K. ORDINANCE NO. 4642 - ORDINANCE TO PROHIBIT MAKING RIGHT TURNS ON A RED INDICATION AT THE INTERSECTION OF DEAVERVIEW ROAD AND BEAR CREEK ROAD NORTH AND THE INTERSECTION OF PATTON AVENUE AND NORTH FRENCH BROAD/SOUTH FRENCH BROAD AVENUES; AND TO REMOVE THE RIGHT TURN ON RED PROHIBITION FROM THE INTERSECTIONS OF HAYWOOD STREET AND BATTERY PARK AVENUE, LIBERTY STREET AND FAIRVIEW ROAD, AND PATTON AVENUE AND CHURCH STREET

Summary: The consideration of an ordinance enacting a prohibition from making right turns on a red indication at the intersection of Deaverview Road and Bear Creek Road North and the intersection of Patton Avenue and North French Broad/South French Broad Avenues; and to remove the right turn on red prohibition from the intersections of Haywood Street and Battery Park Avenue, Liberty Street and Fairview Road, and Patton Avenue and Church Street.

According to state law (NCGS # 20-158), local authorities, with reference to highways under their jurisdiction, are authorized to control vehicles at intersections and other appropriate places, by erecting or installing steady-beam traffic signals and other traffic control devices, signs, or signals. This section further discusses right turns on steady red indications and the means to restrict them.

City staff recently reviewed the right turn on red ordinance for accuracy and applicability. This review revealed a number of intersections that have the restriction, but are no longer signalized. Those intersections are Haywood Street and Battery Park Avenue, Liberty Street and Fairview Road, and Patton Avenue and Church Street. Council action is required to remove these restrictions.

City staff has conducted engineering studies to determine their appropriateness at two intersections. Based on these studies, a right turn on red prohibition will increase the safety for all modes of transportation without adding undue delay or hardship to motor vehicles. Those are the intersection of Deaverview Road and Bear Creek Road North and the intersection of Patton Avenue and North French Broad/South French Broad Avenues.

Pros:

- The right turn on red indication ordinances will be current and accurate.
- The new intersections will be more friendly to all modes of transportation.
- City staff have responded favorably to citizen's requests.

Con:

- None.

The financial impact to install the appropriate signs at the two intersections is less than $500 and is included in the Transportation's operating budget for the current fiscal year.

City staff recommends that City Council approve an ordinance enacting a prohibition from making right turns on a red indication at the intersection of Deaverview Road and Bear Creek Road North and the intersection of Patton Avenue and North French Broad/South French Broad Avenues. City Staff further recommends that City Council remove the right turn on red prohibition

from the intersections of Haywood Street and Battery Park Avenue, Liberty Street and Fairview Road, and Patton Avenue and Church Street as these signals have been removed.

ORDINANCE BOOK NO. 31 - PAGE 425

L. RESOLUTION NO. 18-20 - RESOLUTION TO AMEND THE RESOLUTION ESTABLISHING THE HOMELESS INITIATIVE ADVISORY COMMITTEE TO UPDATE THE NAME, PURPOSE AND DUTIES OF THIS COMMITTEE

RESOLUTION NO. 18 -21 - RESOLUTION ADOPTING THE ASHEVILLE-BUNCOMBE HOMELESS INITIATIVE ADVISORY COMMITTEE'S NEW BYLAWS

Summary: The consideration of a resolution adopting the Asheville-Buncombe Homeless Initiative Advisory Committee (HIAC) new Bylaws and a resolution amending HIAC's enabling resolution to update the name, purpose and duties of the HIAC to recognize a joint committee of the City of Asheville and Buncombe County.

Looking Homeward: Ten Year Plan to End Homelessness in Asheville and Buncombe County was adopted as a guiding document in 2005 by the City of Asheville and Buncombe County. The Ten Year Plan was the culmination of community efforts and stakeholders to address housing the significant chronic homeless population in Buncombe County.

In 2008, the City of Asheville and Buncombe County established the Homeless Initiative Advisory Committee within the City organization, primarily for the purpose of implementing the Ten Year Plan to 'address issues related to homelessness, to provide for official recognition, and allow for appropriate administrative support' of the plan. In 2009, the City of Asheville became the Lead Agency for the Continuum of Care (CoC), designated as NC 501, a federally recognized entity capable of receiving federal dollars targeted to addressing homelessness. Subsequent policies developed and guided by the HIAC, as well as increased funding have enabled a systems' response to homelessness resulting in: the reduction of all types of homelessness, the number of persons that become homeless, the duration and frequency of homeless episodes and a reduction of the number of persons experiencing chronic homelessness from 293 in 2005 to 74 in 2017. Funding for NC 501 has more than doubled in the last ten years as a result of comprehensive strategies and HIAC oversight of the CoC.

The Homeless Initiative Advisory Committee's Five Year Strategic Plan adopted in 2017, addresses the ongoing issues of homelessness in Buncombe County and is predicated on the original success of the Ten Year Plan. The HIAC acts in advisory capacity to implement the strategic plan and make funding and policy recommendations to Council to ensure oversight and community support for these critical initiatives. The proposed Bylaws reflect HIAC's role as the advisory body that works to reduce the underlying causes of homelessness in Buncombe County through support of system-wide collaboration designed to decrease the many barriers homeless individuals and families face in accessing safe, stable and affordable housing.

On November 21, 2017, the HIAC recommended and the Housing and Community Development Committee approved and recommended to the Boards and Commissions Committee and City Council, approval and adoption of the revised Bylaws, the accompanying resolution and approval and adoption of the amended resolution detailing the purpose and duties of the HIAC beyond the initial oversight of the Ten Year Plan in Buncombe County. The Boards and Commissions Committee approved and recommended to City Council approval and adoption of the HIAC Bylaws and all accompanying resolutions on January 9, 2018.

The federal, state and local funding all support or subsidize quality affordable housing and align with the 2036 Council Vision of an inclusive, diverse community and quality affordable housing by supporting an effective network of community service providers to address homelessness.

This recommendation complies with the goals of the Five Year Strategic Plan on Homelessness in Buncombe County adopted by City Council and Buncombe County in 2017 and the 2015 Comprehensive Plan.

Pros:

- HUD funding is a key funding resource for homeless individuals and families in the community. HUD funding is dependent on proper implementation of community wide strategies within a prescribed framework to serve the homeless population in Buncombe County.
- The HIAC serves as the advisory committee to ensure compliance and effective use of key federal, state and local dollars in excess of 1.2 million dollars every year.

Cons:

- HUD funding is allocated yearly in the Congressional Budget process, and is subject to change annually.

Homeless program services and subsidy funding is received from the US Department of Housing and Urban Development and the State of North Carolina. Existing Community Development staff administer and monitor current programs and initiatives

Staff requests to City Council to approve and adopt the Asheville-Buncombe Homeless Initiative Advisory Committee's proposed Bylaws; and amend their enabling resolution establishing the purpose and duties of the HIAC to coordinate and support efforts to address issues of homelessness throughout the NC 501 Continuum of Care.

RESOLUTION NO. 18-20 - RESOLUTION BOOK NO. 39- PAGE 243
RESOLUTION NO. 18-21 - RESOLUTION BOOK NO. 39- PAGE 245

M. REQUEST TO RENAME LAKEWOOD PARK IN KENILWORTH TO LEAH CHILES PARK

Summary: Announcement of a request to rename Lakewood Park to Leah Chiles Park.

Community members James Vaughn and Kevin Broadwater are proposing to rename Lakewood Park to Leah Chiles Park, and to donate a historical plaque to be located on site.

Leah Chiles and her husband James Chiles were the founders and developers of the town of Kenilworth in the 1920's. In 1928, Leah Chiles became the first women elected mayor of a town in western North Carolina. As Mayor of Kenilworth, Mrs. Chiles stood up for rights of Kenilworth residents by demanding a vote of residents before agreeing to annexation by the City of Asheville in 1929. Mrs. Chiles was also a businesswoman, continuing the Kenilworth Development Corporation after the death of her husband. Additionally she created a nationally renowned art exhibition in Asheville and founded the Kenilworth Galleries. The present day Lakewood Park was donated to the town of Kenilworth in 1924 and is located directly across the street from the historic James Madison Chiles and Leah Arcouet Chiles House.

Pursuant to the City's policy on naming public facilities, Mr. Vaughn and Mr. Broadwater submitted the renaming proposal and the required petition signed by over 30 registered voters who reside within the city limits of Asheville.

The proposal was presented to the Recreation Advisory Board on November 13, 2017, and the Kenilworth Neighborhood Association on July 11, 2017, and received unanimous support from the board and association.

Also pursuant to the City's naming policy, Council shall make the announcement at a scheduled public meeting as to provide for an opportunity to receive input from appropriate sources. Prior to voting, the Council may solicit the advice of surrounding property owners, residents, affected parties and other City officials or anyone else that the Council believes can contribute meaningful input.

In order to receive that input, Council will make a decision at its next regularly scheduled meeting.

The City Clerk's office has verified with the Buncombe County Board of Elections that at least 30 signatures on the request are registered voters of the City.

The cost to the City to support the renaming of Lakewood Park to Leah Chiles Park is $4,000 to $6,000 for the park identification sign. The funds to support the cost is budgeted in the City's Capital Improvement Program for the Parks and Recreation Department. There is no cost associated with the historical plaque since it will be donated to the City.

The Recreation Advisory Board recommends the renaming of Lakewood Park to Leah Chiles Park, and to place a historical plaque on-site to honor Leah Chiles.

N. MOTION APPROVING THE BOARD OF ALCOHOLIC BEVERAGE CONTROL'S TRAVEL POLICY ADOPTED JANUARY 26, 2016

Summary: Each year the N.C. ABC Commission, in compliance with Chapter 18-B700, Article 7, g (2), requires its 167 ABC boards to get annual approval of board travel policies from their appointing authorities. Section g (2) of 18B-700 states, "The local board shall annually provide the appointing authority's written confirmation of such approval...".

The ABC Board approved the current policy January 26, 2016. Two years ago the ABC Board incorporated all the elements to changes in the City's Travel Policy, and we made no changes to the current policy.

The ABC Board formally requests the City of Asheville's written confirmation of the Asheville Board of Alcoholic Control Travel Policy.

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilman Young moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. I-26 CONNECTOR UPDATE

Transportation Director Ken Putnam gave a brief update on the I-26 Connector Project, concentrating on the consultant they hired. On October 12, 2017, the consultant had a kick-off meeting and during that date they also had three separate meetings - one with City staff, one with the N.C. Dept. of Transportation (NCDOT), and various stakeholders including the Asheville Design Center, Housing Authority (Hillcrest), Burton Street community, Montford community, and the East West Asheville Neighborhood Association. They reviewed the urban design (surplus property redevelopment), transportation designs review greenways planning, and aesthetics betterment concepts.

Councilwoman Mayfield said that a key priority is reclaiming the Patton Avenue corridor for development and they are hopeful that the NCDOT will revise their current design to allow for more of reclaiming that corridor.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 153 SMOKY PARK HIGHWAY FROM HIGHWAY BUSINESS DISTRICT/CONDITIONAL ZONING TO COMMERCIAL EXPANSION DISTRICT/CONDITIONAL ZONING FOR THE EXPANSION OF A MULTI-TENANT COMMERCIAL DEVELOPMENT FOR INGLES MARKETS

ORDINANCE NO. 4643 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT 153 SMOKY PARK HIGHWAY FROM HIGHWAY BUSINESS DISTRICT/CONDITIONAL ZONING TO COMMERCIAL EXPANSION DISTRICT/CONDITIONAL ZONING FOR THE EXPANSION OF A MULTI-TENANT COMMERCIAL DEVELOPMENT FOR INGLES MARKETS

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to conditionally zone property located at 153 Smoky Park Highway from Highway Business District/Conditional Zoning to Commercial Expansion District/Conditional Zoning for the expansion of a multi-tenant commercial development for Ingles Markets. This public hearing was advertised on January 12 and 19, 2018.

She said the applicant is requesting review of conceptual plans for the construction and renovation of a commercial retail development at 153 Smoky Park Highway with a conditional zoning request from Highway Business (HB) to Commercial Expansion (COM EXP) District. This project is considered under conditional zoning pursuant to Sections 7-7-8 and 7-8-42 of the Unified Development Ordinance (UDO).

The subject property (PINs 9628-10-0202, 9628-10-2994 and 9628-10-5221) are currently owned by Ingles Markets Inc; the petitioner is Ingles Markets Inc and the project contact is Preston Kendall.

The project site consists of multiple parcels with a combined area of over 32 acres. There are existing retail structures and surface parking on the site; some will be renovated while some will be removed for new construction.

The project area is zoned Highway Business Conditional Zone (overlay from Ordinance No. 3954, approved in 2011 but not constructed). Nearby uses along the commercial corridor are largely retail business in nature and zoned HB. There are residential uses and residential zoning to the north and northwest (RS-4) and Institutional zoning across Smoky Park Highway to the south (Asheville School). The Norfolk Southern rail line and right-of-way runs across the southeastern edge of the project site.

The applicant is proposing to demolish several existing structures on the site and build new retail spaces and a new grocery store as well as retain and renovate the strip retail building on the westernmost side of the site. The total square footage for all uses combined is approximately 251,493 square feet. The plan includes a gas canopy use towards Smoky Park Highway and shows three outparcels at the front of the site that would be developed as Level II projects in the future.

The plans propose a minimum of 620 surface parking spaces which does not meet the minimum number of spaces required based on the overall retail square footage proposed *(see condition)*. There is an existing parking area in front of the building to be renovated, which would otherwise not be permitted in this location according to district standards *(see condition)*.

There are a number of access and mobility standards required by the expansion district that will be met by the proposal, including requiring future outparcel development to have internal driveways only *(see condition)* and connecting internally to the State Employees Credit Union to the west. However there are conditions requested as well such as multiple driveways onto Smoky Park Highway (see *condition*).

Plans show a ten-foot sidewalk along the Smoky Park Highway frontage with a pedestrian crossing from Asheville School to the south and across the drive to Lowes to the west. Existing sidewalks are not able to be expanded across the bridge over the rail line at the eastern end of the project frontage and there is no sidewalk heading north into the Lowe's driveway along the bridge on this side of the street. Bike lanes into the development from Smoky Park Highway have been provided, as well as a location for a future transit pad (transit routes do not currently serve this location).

Landscaping is required for this project and includes a property line buffer to the north (the applicant is providing a larger than required buffer), street buffer, street trees, parking lot and building impact landscaping. There is one condition requested by the applicant related to landscaping in the interior of the parking field *(see conditions)*.

Fifteen percent of the site is required to be provided as open space; plans appear to comply with four separate areas designated for a total of at least 15% of the project area.

There are standards relating to fenestration, entrances and building appearance. The applicant is proposing a condition related to entrances but will otherwise comply with the standards for the existing and new construction *(see condition)*.

This site was approved as a conditional zoning in 2011 (Ordinance No. 3954) but was never completed. The new application is somewhat altered from that proposal and follows the current process (adopted in February 2017) for commercial expansion projects due to the project size.

The applicant is proposing a number of conditions as detailed in the Exhibit B.1 list. Staff is supportive of the conditions. Several are detailed below but supplemental conditions provided by the applicant are noted in the attachment.

1. Parking
    a. Reduction in minimum number provided *(719 required by UDO, a minimum of 620 proposed)*
    b. Location of parking *(district requires parking to be to the side or rear of buildings; plans propose maintaining existing parking field in current location in front of existing shops to be renovated and includes a strip of parking spaces in front of gas canopy)*

c. Reduction in loading berths *(UDO requires at least 7 loading berths as the calculation is based on overall SF; applicant is requesting to reduce the requirement and base it more on the final tenants, which aren't yet identified. Additionally the request to reduce is based on their experience as a retailer)*

2. Landscaping
   a. Elimination of one landscaping strip and pedestrian pathway within the main parking field *(four strip/pathways would be required by UDO; applicant is proposing two within the main parking field due to reuse of the site and requested reduction in parking)*
3. Driveways
   a. Two requested due to the size of the development *(the zoning district limits developments to have only a single driveway into the site; DOT has approved two signalized driveways from Smoky Park Highway)*
4. Entrances into buildings
   a. Reduction of standard *(the zoning district requires well-defined operable entrances at regular intervals not to exceed 75 feet; applicant requests to comply when the tenant spaces are smaller but to meet the intent of activation with benches or other amenities if the space will be filled by larger tenants due to programmatic/security challenges)*
5. Signage
   a. Freestanding signs *(a total of four freestanding signs are requested to be allowed for the overall development, as illustrated on the signage plans attached, with one multi-tenant sign at the westernmost driveway, one monument sign shared by the Ingles Gas Express and Outparcel 1, one multi-tenant sign at the easternmost driveway for Outparcel 2 and future tenants, and one monument sign to serve Outparcel 3; typically in a multi-tenant development, only two freestanding signs are allowed if there are multiple road frontages but due to the large size of the development and the fact that the outparcels could be developed on their own with additional signage if not reviewed under this application, the applicant requests to have combined signage between the tenants with three freestanding signs on Smoky Park Highway and the fourth on the Lowe's Driveway.*
   b. Ingles attached signage *(the applicant is requesting that storefront signage of the main tenant -Ingles - will be allowed to have one square foot of signage per linear foot of building up to 5% of the total front facade square footage with a maximum of 400.27 square feet overall as shown and each wall elevation will be allowed an additional sign to give the appearance of individual shops, as illustrated on the signage plans attached; typically Ingles would be permitted to have only a single sign at the 1 per 1 rate, not to exceed 200 square feet.)*
   c. Gas canopy attached Signage *(the applicant is requesting one square foot per one lineal foot of canopy with one sign on each side of the canopy as illustrated on the signage plan; this generally complies with HB signage standards as related to a single-tenant for attached signage size except that where typically a sign would be allowed on all four sides of the canopy and in this request, the rear side is relocated to the front of the canopy.)*
   d. Store frontage signage for future outparcel development *(the applicant is requesting that these buildings will be allowed to have one square foot of signage per linear foot of store front with a maximum square footage of up to 125 square feet, which can be divided up into a maximum of two signs; this generally complies with HB signage standards as related to single-tenant commercial development, attached signage except that they would be permitted to have their own freestanding sign and would not be allowed to split the attached signage)*

Projects undergoing conditional zoning review are required to hold a neighborhood meeting; the meeting for this project was held on September 13, 2017. The project was approved with conditions by the Technical Review Committee on November 6, 2017. The Planning & Zoning Commission unanimously voted to support this proposal and requested conditions at their meeting on December 6, 2017. No communication from the public has been received by staff as of the writing of this report.

In 2016, a 30-lot single-family subdivision was approved approximately 1.7 miles away (Bear Creek Homes) and in 2017, a 39-lot single-family subdivision was approved approximately 2 miles away (Ashecroft Subdivision).

The mixed commercial uses proposed for this development can be be considered as appropriate in this location. The project improves and expands an existing shopping center that has been in place a number of years. The corridor is zoned Highway Business and contains similar uses in both directions. The enhanced landscape buffer to the rear provides a suitable buffer to the residential neighborhood; the retail uses are all oriented towards Smoky Park Highway and the front part of the parcel. Sidewalks, crosswalks and other multimodal elements designed into the plan help the development to connect to users from all directions, including creating a pedestrian crossing across the Lowe's Driveway and a pathway from the neighborhood.

This project is aligned with elements in the Comprehensive Plan (*2025 Plan)* in that it provides multi-modal transportation elements to support users not only arriving via vehicle and even incorporating transit features while transit does not yet reach this site; and places development along a commercial (mixed-use) corridor with infrastructure already suited to accommodate the use. While the Plan does encourage mixed-use development when possible, this project does include connection points to improve pedestrian access for residential and institutional users to the south and north and improves and expands an existing retail space.

The proposal aligns with the 2036 Council Vision in the following areas: *Transportation and Accessibility* (multi-modal access opportunities); and *A Well-Planned and Livable Community* (multimodal elements and access to neighborhood)

Considerations:

- Proposal updates and enhances an existing, dated shopping center along a commercial corridor
- Future development on outparcels will comply with district standards under a Level II review, including fenestration, entrance and building placement standards
- Multi-modal elements and enhanced connection points are designed into the project
- The project does not provide the minimum number of parking spaces for the size of the development nor are all of the required parking lot landscape paths provided
- Signage is customized for the overall large development

Based on policies in the *2025 Plan* and City Council's 2036 Vision Considerations as well as incorporation of standards from the Commercial Expansion District, staff recommends approval of the conditional zoning for the project at 153 Smoky Park Highway inclusive of the conditions as noted in the B.1 attachment.

The Planning & Zoning Commission reviewed this request at their meeting on December 6, 2017, and voted 6-0 in support of the project.

When Councilwoman Mayfield asked if the Tree Commission look at the proposal to eliminate one landscaping strip and pedestrian pathway, Ms. Bernstein replied that they did not. She explained that with a conditional zoning they would be the body to do that for a Level I or a

Level II project; however, since this is a conditional zoning, City Council is tasked with that review. She said that during the Planning & Zoning Commission they looked at some areas where there might be some areas to add an additional landscape strip, but the applicant really wanted to keep the existing corner as is.

Councilwoman Mayfield said that she would support reducing the parking even more in favor of a landscape and pedestrian strip.

Mayor Manheimer opened the public hearing at 5:21 p.m.

Mr. Wyatt Stevens, attorney representing the applicant, said the parking lot has to do with how customers navigate the lot both on foot and in cars, since most people take the most direct route and cut through the cars to get to the store. They didn't think it made sense to have four landscape strips which they felt would create an odd traffic pattern. He felt that Ingles would be open to reconsider that, but noted that a lot of thought went into the parking lot as well as the rest of the plan. The landscape is considerably more in the back than is required and their budget just for landscaping is over $350,000. He then reviewed the site plan noting they have a number of energy efficient features. This store would be approximately 64% energy reduction over an average store. Currently there are approximately 55-60 employees and with the added footage there will be approximately 275-300 employees, 35% of which will be full-time and all full-time employees of Ingles are offered health insurance. Showing the landscaping plan, he said they will have a significant buffer between this building and the neighborhood (noting nothing will be built in that buffer because it is counted as their open space). There is an existing path that exists that leads into the neighborhood and they will improve the path. They will improve the crosswalk at the existing traffic light on Smoky Park Highway. The sidewalk along the frontage is currently 4 feet in width and they will widen it to 10 feet in width, except for the location where it crosses over the railroad tracks. Within the development there is all kinds of connectivity so people can walk or ride their bike amongst all of the stores. The N.C. Dept. of Transportation has approved an additional traffic light on Smoky Park Highway. He then said that the signage package is like all the other Ingles stores. In summary, he mentioned how Ingles is a good community member and how they give back to the community they serve.

Mayor Manheimer closed the public hearing at 5:33 p.m.

Mr. Journey Pfifferling, west Asheville resident, spoke in support of more open area for the public.

Mayor Manheimer closed the public hearing at 5:35 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to recommend approval of the conditional zoning request for Ingles Markets Inc. for the property located at 153 Smoky Park Highway from Highway Business Conditional Zone (HB-CZ) to Commercial Expansion District Conditional Zone (COM EXP CZ), and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in that: (1) the proposal supports the strategies found in the City's comprehensive plan on infill development in an area with existing infrastructure and multi-modal transportation elements; (2) the project provides open space, a larger than required landscape buffer and safe pedestrian connections to residential and institutional uses in the vicinity; and (3) the proposal updates and expands an existing retail center following new guidelines that provide more focus on the design of the site and buildings with fenestration and building placement standards. This motion was seconded by Councilman Haynes and carried on a 6-1 vote with Councilwoman Mayfield voting "no".

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B. PUBLIC HEARING TO REZONE 655 BREVARD ROAD (TWO TRACTS) FROM OFFICE I/CONDITIONAL ZONING TO OFFICE DISTRICT (TRACT 1), AND FROM OFFICE I/CONDITIONAL ZONING TO RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT (TRACT 2)

ORDINANCE NO. 4644 - ORDINANCE TO REZONE 655 BREVARD ROAD (TWO TRACTS) FROM OFFICE I/CONDITIONAL ZONING TO OFFICE DISTRICT (TRACT 1), AND FROM OFFICE I/CONDITIONAL ZONING TO RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT (TRACT 2)

Principle Planner Shannon Tuch said that this is the consideration of an ordinance to rezone 655 Brevard Road (two tracts) from Office I/Conditional Zoning to Office District (Tract 1), and from Office I/Conditional Zoning to RS-8 Residential Single-Family High Density District (Tract 2). This public hearing was advertised on January 12 and 19, 2018.

Ms. Tuch said that the applicant (Jana Gower, agent) is requesting a rezoning of the property located at 655 Brevard Rd. from OFF-CUZ (Office-Conditional Use Zone) to OFF (Office) and RS8 (Residential Single-family, High Density).

The subject property is approximately 2.29 acres and includes two separate tracts of land. Tract 1 is 1.48 acres and currently is developed with a small dental office and surface parking lot. Tract 2 is .81 acres and is currently an undeveloped wooded lot. Both parcels have frontage on Brevard Rd. with access directly on the corridor. The property has mild to moderate topography sloping down from Brevard Rd.

The applicant has recently subdivided and sold the dental practice to another party and, collectively, the property owners are seeking to remove the Conditional Use Zoning adopted in April of 2000 and apply standard zoning designations. The property containing the dental practice is proposed to be rezoned to Office while the undeveloped tract is proposed to be rezoned to RS-8.

The property was originally a single lot zoned RS-8 consistent with the surrounding properties. The applicant, Janna Gower, applied for a Conditional Use Rezoning in 2000 to allow for the modest single family residential structure to be adaptively reused as a small dental office. The small surface parking lot was added to support the practice as part of the rezoning.

The large 191 acre parcel of land located at 1568 Brevard Rd. was rezoned from Industrial to RM-16 on November 28, 2017.

While having occurred some time ago, it is worth mentioning that in 2004/2005 Planning staff performed a zoning study along the Brevard Road corridor. The results of the zoning study were that despite the multi-lane character of the corridor and the N.C. Dept. of Transportation plans for road widening, the corridor did not appear to be urbanizing at the rate that has been previously thought possible. While changing the zoning designations to allow a higher intensity use was proposed in a few isolated pockets along the corridor, it was generally felt that a conservative approach that allowed individual requests come in when ready was more appropriate.

The purpose of the RS-8 zoning district is to provide a limited range of high density single-family housing while the purpose of the Office zoning district is to support small-scale

(daytime) office uses that may serve as a transition as residential areas convert to other uses, or between residential and commercial areas.

The subject property is surrounded on two sides (north and west) by other RS-8 zoned property, most of which is developed with single family homes but also includes some non-conforming outdoor storage to the west. To the south of the subject property is more Office zoning and light office uses. By dividing the property and applying the RS-8 zoning designation to the northern parcel ensures that the existing residential uses will not be directly adjacent to any potential future office development. Across Brevard Rd. to the east is unzoned property belonging to the Biltmore Estate.

At their regular meeting on January 3, 2018, the Planning & Zoning Commission voted unanimously in support of the rezoning request (see minutes and recommendation attached). The subject property does not lie within any special review areas or overlay zoning districts and does not require review by any other body. Standard rezoning requests are first reviewed by the Planning & Zoning Commission with final review performed by City Council.

The Asheville City Development Plan 2025 encourages compatible "adaptive reuse, redevelopment and infill development." Additionally, Brevard Rd. is classified as a "Connecting Corridor" that are, "characterized by land uses such as offices and apartments.". If approved, this rezoning would accommodate future growth in the Office zoned portion of the property consistent with the vision for these corridors, while insulating the existing single family from any immediate impacts.

This action is most closely aligned with the 2036 Council Vision goals of *Quality Affordable Housing* by providing flexibility for future residential development and with *Thriving Local Economy* by allowing the existing office use to grow unencumbered without special requirements, as resources are available and the market will support it.

Considerations:

- Removing the CUZ provides greater flexibility for future uses and development, requiring only minimum technical compliance.
- This rezoning would return a portion of the property to its original zoning designation.
- This rezoning would allow the office use to be improved or expanded, unencumbered by Ordinance.
- The rezoning would create a non-conformity by failing to provide a 20 foot wide, Type A landscape buffer between the office and residential property. Future expansions or new construction could trigger buffer requirements at that time.

Based on the above findings and the analysis provided in the report, staff finds this request to rezone the 1.48 acre parcel (Tract 1) to Office and the .81 acre parcel (Tract 2) to RS-8 located at 655 Brevard Rd. to be appropriate and consistent with the existing neighborhood and broader city goals.

Mayor Manheimer opened the public hearing at 5:39 p.m.

Mr. Journey Pfifferling, resident on Morningside Drive, was concerned about the traffic on Brevard Road.

Mayor Manheimer closed the public hearing at 5:41 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Young moved to approve the rezoning request from Office-Conditional Use Zone(OFF-CUZ) to Office (OFF) for Tract 1 and Residential Single-family, High Density (RS8) to Tract 2 thereby assigning zoning designations that are more compatible with the surrounding properties and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: the rezoning will, 1) support smart growth goals by assigning compatible zoning designations consistent with the surrounding neighborhood; 2) removes the ordinance attached to the property providing more flexibility for future growth and development, and 3) returns a portion of the property to the original zoning designation. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

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C. PUBLIC HEARING TO REZONE 99999 DEAVER STREET FROM RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT TO HR-4 HAYWOOD ROAD-TRADITIONAL ZONING

ORDINANCE NO. 4645 - ORDINANCE TO REZONE 99999 DEAVER STREET FROM RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT TO HR-4 HAYWOOD ROAD-TRADITIONAL ZONING

Urban Planner David Hazzard said that this is the consideration of an ordinance to rezone 99999 Deaver Street from RM-8 Residential Multi-Family Medium Density District to HR-4 Haywood Road-Traditional Zoning. This public hearing was advertised on January 12 and 19, 2018.

The applicant, Barwick & Associates, LLC (Suzanne Godsey, agent) is requesting a rezoning of the property located on an unnamed gravel alley off of Howard Street from RM8 (Multi-family Medium Density) to HR-4 (Haywood Road Traditional). The property address is 99999 Deaver Street however the property does not access or front on Deaver Street.

The subject property is approximately 0.11 acres and is currently undeveloped. This parcel has frontage on an unnamed gravel alley off of Howard Street. This alley functions and reads as a driveway for the adjacent property to the North. The property has existing trees and is relatively flat.

The applicant is requesting a rezoning of the property (9638-74-1740) from RM8 (Multi-family Medium Density) to HR-4 (Haywood Road Traditional) zone. The applicant has recently received approval with conditions for a phased Level II mixed use project (Beacham's Curve) that includes this parcel and 4 other parcels to the south and east of this parcel. The proposed Beacham's Curve property will have road frontage on the east / west portion of Haywood Road and the north / south section of Haywood Road.

The Haywood Road corridor was rezoned to the Haywood Road Form District in September of 2014. This district abuts this parcel to the south and east.

It is the intent of the RM-8 Residential Multi-Family Medium Density District to permit a full range of medium density multi-family housing types along with single-family detached and attached residences. This district is intended to provide a transitional area between high density single-family and multi-family areas. It is the intent of the Traditional District (HR-4) District to permit a limited range and scale of development because the character of this area is of much smaller structures on small parcels. This district allows for a mix of uses that include: residential, office, and commercial. New construction in this district will be limited to three stories (45') and a

20' vegetated buffer (may be reduced to 10' if a wall is constructed) is required when adjacent to RS and RM zoning districts.

The subject property is surrounded on two sides (north and west) by other RM-8 zoned properties, which are developed with single family homes. To the east of the property is a portion of the unnamed alley and a parcel zoned HR-4 with 3 single family residential houses that are proposed to be replaced with a mixed use building. To the south of the subject property is a vacant parcel that is zoned HR-2 Expansion zoning district that is also part of the approved Beacham's Curve mixed use project.

The subject property does not lie within any special review areas or overlay zoning districts and does not require review by any other body. Standard rezoning requests are first reviewed by the Planning & Zoning Commission with final review performed by City Council.

There are policies throughout the 2025 Comprehensive Plan supporting the need for higher-densities and a mix of uses, where placemaking is an important goal and transit is in place to support the development. The Haywood Road Form District is an outcome of this goal. Other sections of the Plan recommend creating opportunities for economic development through higher densities while reinforcing a strong urban form that enhances the pedestrian environment.

The proposal aligns with the 2036 Council visions in the following areas: (1) *A Well-Planned and Livable Community* - through the enhanced design standards that accompany the Haywood Road Form Code; (2) *Transportation and Accessibility* – due to the requirements for wider sidewalks, pedestrian-friendly design and densities to support expansion of transit; and (3) *Thriving Local Economy* - encouraging a wider mix of compatible commercial uses and opportunities for more intense development (including a higher residential density).

Considerations:

- HR4 Traditional and HR-2 Expansion districts are adjacent to the proposed rezoning and will provide areas for community-scaled development.
- Development requirements are in place to buffer residential areas from commercial impacts.
- This parcel is the only RM-8 zoned parcel with its primary lot frontage on the unnamed alley. All other RM-8 parcels in this area front on Deaver St. or Howard St. Thus this rezoning would not affect the existing traditional single family neighborhood pattern that is found on Howard St. and Deaver St.

Based on the above findings and the analysis provided in the report, staff recommends approval of the proposed rezoning to HR4 Traditional zone finding that the request is reasonable and consistent with City-adopted plans and strategic goals for development in this area.

The Planning & Zoning Commission reviewed this request at their meeting on January 3, 2018, and voted 5-0 in support of the project.

Mayor Manheimer opened the public hearing at 5:46 p.m.

Ms. Suzanne Godsey, representing the applicant, explained their request and the development potential between the two zoning types.

Mr. and Mrs. Frankfort, residents on Howard, were concerned about the Level II mixed use project and how Howard Street and Deaver Street are narrow streets and could not support on-street parking. In addition, they were concerned about any entrance or exit onto Deaver Street or Howard Street.

Mayor Manheimer closed the public hearing at 5:53 p.m.

Mr. Hazzard responded to Mr. and Mrs. Frankfort by stating that two accesses will be off Haywood Road. There is conversation with the Transportation Department for a possible exit on Deaver Street.

In response to Councilwoman Mayfield, Ms. Godsey briefly reviewed the Level II project stating that it will be a good infill project.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the zoning map amendment from RM8 Multi-family Medium Density district to HR4 Traditional district and find that the request is reasonable, is in the public interest, and is consistent with the Comprehensive Plan and other adopted plans in that: 1) opportunities for community-scaled development are enhanced; and 2) buffering requirements are in place to protect residential areas. This motion was seconded by Councilman Haynes and carried unanimously.

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D. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 390 AIRPORT ROAD FROM HIGHWAY BUSINESS DISTRICT TO LODGING EXPANSION/CONDITIONAL ZONING FOR THE DEVELOPMENT OF A LODGING FACILITY WITH 112 GUEST ROOMS

ORDINANCE NO. 4646 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT 390 AIRPORT ROAD FROM HIGHWAY BUSINESS DISTRICT TO LODGING EXPANSION/CONDITIONAL ZONING FOR THE DEVELOPMENT OF A LODGING FACILITY WITH 112 GUEST ROOMS

Urban Planner Sasha Vrtunski said that this is the consideration of an ordinance to conditionally zone property located at 390 Airport Road from Highway Business District to Lodging Expansion/Conditional Zoning for the development of a lodging facility with 112 guest rooms. This public hearing was advertised on January 12 and 19, 2018.

Ms. Vrtunski said that this is a request to review a conditional zoning from Highway Business (HB) to Lodging Expansion Conditional Zone (LODG-EXP-CZ) for the development of an 112-room hotel with associated parking at the property located on 1.84 acres at 390 Airport Road in South Asheville. This project is considered a Level III Development, which requires a rezoning and is subject to a Conditional Zoning review pursuant to Section 7-5-9 of the city's Unified Development Ordinance (UDO).

The project proposes to build a 112 room hotel and 106 parking spaces. The hotel has a 13,774 sf footprint with a total gross square footage of 62,522 sf. The building is 5 stories with an overall height of 65 feet.

The project site is 1.84 acres near the Southridge shopping center, adjacent to the Olive Garden restaurant. Currently, the parcel is a part of a larger parcel that includes the restaurant. The proposal includes subdividing the property and creating a flag lot that would have a street frontage of 80.5 feet (standard frontage in Lodging Expansion District is 100 feet).

Zoning surrounding the property is also Highway Business with the exception of an area across the street, where the jurisdiction is Buncombe County and the zoning is Employment

(EMP).

Plans show a five foot sidewalk around sections of the hotel and a five foot sidewalk from Airport Road leading up to the hotel. Along Airport Road there is a new sidewalk recently built by N.C. Dept. of Transportation. Vehicular access is through a shared driveway at Airport Road. There is also a vehicle exit near the sidewalk. A 4 foot bike lane/path is also provided following the driveway with a section separated from the drive. Parking surrounds the hotel, with some extending along the exit drive, providing a total of 106 spaces.

Required landscaping includes street trees, vehicle use area, dumpster screening and building impact. In addition to the minimum standards, one additional tree and 30 additional shrubs are being provided on the site. Open space is being provided at 16% containing several green spaces.

Fenestration requirements are set at 50% of the front facade, which this building meets. The front of the building faces the primary access corridor (Airport Road) and has a well-defined operable pedestrian entrance.

The applicant is requesting one condition to modify the standards - Reduced lot frontage at Airport Road. The new lot will essentially be a flag lot.

This project was approved with conditions by the TRC on November 20, 2017. The Planning and Zoning Commission provided a recommendation for the request. As this is a Level III review, City Council and Final TRC review is required before zoning approval.

Planning and Zoning Commission reviewed this project on January 3, 2018, and voted 5-0 in favor of the project. No public comment has been received regarding this proposal as of the writing of this report.

Current zoning is Highway Business. The applicant is requesting conditional rezoning to Lodging Expansion Conditional Zone district.

In January 2017, City Council approved a Conditional zoning for a large retail development at 352 Airport Road and 12 Loop Road, which is .5 mile north of this site.

The proposed project should be compatible with the surrounding context. There are numerous other hotels in the vicinity and several of them are as tall as the proposed building. Most of the surrounding parcels are zoned Highway Business and across Airport Road is Employment zone (Buncombe County zoning) where there are also hotels and other commercial development.

The redevelopment of this parcel aligns with the City Development Plan 2025 including supporting infill development where infrastructure is already present.

The proposal aligns with the 2036 Council vision in the "A Well-Planned and Livable Community" area – The project is located near stores, restaurants and near the Asheville Airport. The subject site is also located near a highway exit and the ART S3 bus line.

Considerations:

- Project provides a pedestrian and bicycle connection to Airport Road along with a new bus shelter off site.
- Proposal meets almost all standards with the exception of lot frontage and building placement

- This is an infill project in a developing area, providing hotel rooms close to the Asheville Airport.

The Planning and Zoning Commission reviewed this project on January 3, 2018. The Commission voted 5-0 in favor of the project and recommended Council approval of this Conditional Zoning request subject to Final TRC approval and the B-1 Conditions that were presented to Planning & Zoning.

The applicant has also agreed to the additional 4 conditions in the B-1 Conditions: (1) The hotel owner/operator/developer will provide commercially reasonable transportation for paying guests during reasonable hours (i.e. 4 p.m. to 10 p.m.) to reasonable locations (i.e. the Airport, downtown and Sierra Nevada) as demand dictates; (2) The hotel owner/operator/ developer will provide bus passes and maps for Asheville Regional Transport (ART) for paying guests and employees as reasonably requested during normal hours of operation of the bus system; (3) The hotel owner/operator/developer will contact utility providers, including but not limited to Duke Energy Progress, and obtain information on available energy efficiency and renewable energy options in construction and operations before obtaining a certificate of occupancy; and (4) As long at the hotel is a Hilton brand, the hotel will participate in energy and resource conservation initiatives offered by Hilton.

Mayor Manheimer opened the public hearing at 6:01 p.m.

Mr. Wyatt Stevens, attorney for the applicant, explained how the site has remained vacant for a long time and felt it was uniquely suited for this hotel project. He explained how the Home 2 Suites (which is an extended stay hotel) doesn't exist in this part of the County. All units have a kitchenette and are designed for business travelers. There are several hotels in the area, but not a lot of quality hotels. He showed statistics showing that during the year 2016, all their peer hotels had an occupancy rate of 80% 7 days a week. He felt here is a massive demand for hotels in that area that are not being met by the existing hotels and there there are a lot of manufacturers in the area that need corporate contracts with hotels. He felt this project complies with the ordinance which reads in part that "development standards are established to ensure the integration of the lodging use with the surrounding neighborhood and to minimize adverse impacts on adjacent land uses." He said that he has letters of support from neighbors in the area which support the project.

Mr. David Burger, hotel operator, said that he did not know what Asheville's living wage is, but their employees don't make less than $9 an hour and that their extended stay brand caters toward corporate travelers.

Mayor Manheimer closed the public hearing at 6:17 p.m.

Councilman Young said he tries to keep a pragmatic view on voting for hotels, noting that there is a great deal of Asheville citizens that do not want to see any more hotels, Keeping that in mind though, the area for this proposed hotel is near the Airport, on a busy, business, noisy corridor and it's very close to Henderson County. He will support the project; however, he didn't think that they are giving the City anything.

Councilwoman Mayfield thanked the applicant for addressing concerns surrounding energy and sustainability.

Councilman Kapoor strongly opposed this project. Knowing that this part of town wasn't part of Asheville when the 2010 Comprehensive Plan was developed is evident with the current development pattern in the area. He felt his role is to see if this project is compliant with the comprehensive plan. The plan in that area calls for a mixed use land use pattern and that mixed

use developments should be encouraged. He noted that there are 9 hotels within a one mile radius of this proposed hotel, noting that there is another hotel planned to be built further up the road. In looking at the comprehensive plan, he could not support 11 hotels in a one mile radius.

Councilwoman Smith said that the location is great; however, she was struggling to see what benefit it would be to the employees (living wage) and surrounding residents.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mayfield moved to approve the conditional zoning request for Highway Business District to Lodging Expansion Conditional zone for the Airport Road Hotel project with the requested conditions and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in that: (1) the project is located in a well established commercial area; (2) increases pedestrian connectivity; and (3) a new shelter will be built at an existing ART stop on Airport Road. This motion was seconded by Vice-Mayor Wisler and carried on a 5-2 vote, with Councilman Haynes and Councilman Kapoor voting "no."

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E. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 1093 TUNNEL ROAD AND 3 OTEEN PARK PLACE FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT AND HIGHWAY BUSINESS DISTRICT TO HIGHWAY BUSINESS DISTRICT/CONDITIONAL ZONING FOR THE DEVELOPMENT OF A COMMERCIAL USE

ORDINANCE NO. 4647 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT 1093 TUNNEL ROAD AND 3 OTEEN PARK PLACE FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT AND HIGHWAY BUSINESS DISTRICT TO HIGHWAY BUSINESS DISTRICT/CONDITIONAL ZONING FOR THE DEVELOPMENT OF A COMMERCIAL USE

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to conditionally zone property located at 1093 Tunnel Road and 3 Oteen Park Place from RS-8 Residential Single-Family High Density District and Highway Business District to Highway Business District/Conditional Zoning for the development of a commercial use. This public hearing was advertised on January 12 and 19, 2018.

Ms. Bernstein said that the applicant is requesting review of a conditional zoning at 1093 Tunnel Road and 3 Oteen Park Place from Highway Business (HB) and Residential Single-Family High Density District (RS-8) to Highway Business Conditional Zone (HB CZ) District. This project is considered under conditional zoning pursuant to Section 7-7-8 of the Unified Development Ordinance (UDO).

The subject property (PINs 9668.26.6769 and 9668.26.6877) are owned by Lilian and Edison DeGobbi who are also the applicants.

The project site consists of two parcels with a combined area of approximately 0.35 acres. The primary parcel at 1093 Tunnel Road (approximately 0.22 acres) is zoned Highway Business and also has frontage along Oteen Park Place to the east and Pine Cone Drive to the west. The second parcel (approximately 0.13 acres) is located to the south, previously separated by an unopened right-of-way that only has access onto Pine Cone Drive. This parcel is currently

zoned RS-8 and undeveloped, with frontage on Oteen Park Place to the east and Pine Cone Drive to the west. Other uses are commercial in nature along Tunnel Road and single-family residential uses occupy the RS8 neighborhood to the south along Oteen Park Place and Pine Cone Drive.

A zoning permit was issued for the Elff Auto Center by a Level I review (15-15346 PZ) on the Tunnel Road parcel and the work has been completed with the exception of the property line buffer. This approval included a variance from the Board of Adjustment and alternative compliance approval from the Tree Commission. The alley between the parcels was closed by resolution by City Council on March 22, 2016.

The applicant is requesting to rezone the residential parcel at 3 Oteen Park Place in order to expand the area of commercial use for vehicular use area related to the existing auto service center and place the required 30 foot Type B property line buffer on this area. Currently, there is insufficient width along the rear of the parcel to install the buffer and retain vehicular maneuvering area behind the building.

Access, sidewalks and parking were reviewed for compliance through the Level I process. The plan included with this submittal shows two driveways on Tunnel Road and a two-way driveway behind the building in the area that was previously the alley, exiting onto Pine Cone Drive. This would be an asphalt area for vehicular use.

There are four parking spaces are directly in front of the building. Sidewalks are required along Tunnel Road but there is insufficient room to meet the City's standard due to driveways and the existing conditions result in a four to five foot wide sidewalk at the frontage, directly behind the curb. A fee-in-lieu was previously collected in the Level I process for sidewalks along the other two frontages.

Landscaping is required as a part of this application and includes street trees on all three frontages, the property line buffer to the rear and along a portion of the east and west sides adjacent to RS zoning and a street buffer. Tunnel Road street trees are included as a condition along with the street buffer with the applicant proposing to place the material elsewhere on the site due to the driveways and utilities along Tunnel Road. Open space is not required for the project because the overall size is less than an acre.

The Elff Auto Center use on the HB parcel was issued a compliant zoning permit; however the applicant is proposing to rezone the RS8 parcel to the rear to expand the vehicular use area behind the building and shift the location of the required 30 foot wide property line buffer.

Conditions – The applicant is proposing a number of conditions related to the request to comply with the existing conditions on the site as approved under the Level I site plan review process.

1. Elimination of sidewalk along Oteen Park Place and Pine Cone Drive - *paid fee-in-lieu during Level I process*
2. Sidewalk along Tunnel Road - *City standard is five foot sidewalk behind a five foot grass strip, existing sidewalk is approximately four to five feet wide and was constructed as a part of the Level I process*
3. Driveway separation on Tunnel Road - *existing condition requested to remain, approximately 27' apart - 50 feet is standard*
4. Street trees and street buffer along Tunnel Road - *insufficient room due to driveways and water line, both existing conditions and approved by Alternative Compliance at the Tree Commission during Level I process, applicant proposing to place trees and shrubs*

elsewhere on the site

5. Setback modification - *existing building footprint encroaches into side setbacks by five feet, encroachment approved by Board of Adjustment during Level I process*

Projects undergoing conditional zoning review are required to hold a neighborhood meeting; the meeting for this project was held on June 22, 2017. The project was approved with conditions by the Technical Review Committee on December 18, 2017.

The Planning & Zoning Commission was not able to pass a successful motion on this request; both a motion to approve and a motion to deny received a split vote at their meeting on January 3, 2018. Supporters felt that the applicant had made significant efforts to use the property and this rezoning should be approved while others felt that the loss of a residential parcel was not supportable and that the applicant is able to make reasonable use of the property as was proposed throughout the Level I review process. While there have been inquiries from neighbors to staff, there has been no opposition received. A member of the public spoke at the hearing in support of the applicant and her efforts to complete this project.

In 2016, a hotel was approved approximately 1.5 miles to the west and a veteran's housing project approximately 1.4 miles to the east.

The automobile service use on the Tunnel Road parcel can be considered appropriate and compatible with the commercial nature in this area. The corridor is zoned Highway Business in both directions and similar types of uses and site designs can be found along Tunnel Road.

To the south, there are single-family homes along both Oteen Park Place and Pine Cone Drive. Further encroachment of a commercial use into the residential neighborhood can be considered incompatible, however the applicant is proposing to provide a 30 foot landscape buffer between the existing home and the use. Additionally, there is a 10 to 12 foot grade change from the nearest home down to the proposed vehicular use area so that the commercial use is topographically separated from the neighborhood.

There are aspects of the Comprehensive Plan (*2025 Plan)* are do not support this request in that increasing the supply of housing is a clear goal and this would result in the loss of a residentially-zoned parcel. Additionally the plan suggests limiting the number of driveway cuts along a corridor as a way to improve the pedestrian environment as well as traffic flow (pg. 39). Other adopted City plans are clear on the need to preserve any and all existing housing stock and encourage increasing the residential opportunities throughout the City.

The proposal lacks alignment with the 2036 Council vision in the following areas: (1) *Quality Affordable Housing* (proposal eliminates a vacant residential lot); and (2) *Transportation and Accessibility* (multiple curb cuts necessitating a condition of approval, lack of sidewalks to provide safe access from the neighborhood).

Considerations:

- Project was approved under the Level I review process and can operate as-is
- Multiple driveway cuts and a lack of street trees and buffer plantings along Tunnel Road detract from the pedestrian realm
- The proposal eliminates a residential parcel at the edge of an established neighborhood

Staff cannot recommend approval of the conditional zoning to lose a residential parcel in order to increase the commercial use along the corridor. If there was a way to retain a small residential building lot, there may be more cause to support however this does not appear to be possible.

The Planning & Zoning Commission was unable to pass a successful vote in either support or denial at their meeting on January 3, 2018. Both the motion to approve as well as the motion to deny received a 2-2 vote.

Mayor Manheimer opened the public hearing at 6:33 p.m.

Ms. Lilian DeGobbi, owner of the property, explained how tow trucks need to be able to use the back of the site for access. She provided Council with a letter from adjoining property owners on Oteen Park Place that supports this conditional rezoning.

Mr. Karl Koon, member of the Planning & Zoning Commission and adjacent property owner, said that he was out of town during the meeting at which this was discussed. He would have voted in favor of this request and it would have passed on a 3-2 vote. He said that this is not removing any housing stock and properties in the east and west have commercial encroachment much more than is requested here. He felt that there will be an effective 30-feet buffer with the 12-foot elevation difference. He urged Council to approve this request.

Mr. John Cort explained how this project complies with the long-range plan in the 2010 Comprehensive Plan.

Mr. Gary Davis said the building needed to be moved back further onto the site because of an existing sewer line and close to the unopened alley. He felt that 15 feet is not enough room in the back for a two truck to come through the building without encroaching into the slope in the back.

Mayor Manheimer closed the public hearing at 6:50 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to recommend approval of the conditional zoning request for for Elff Auto Center for the property located at 1093 Tunnel Road and 3 Oteen Park Place from Highway Business (HB) and Residential Single-Family High Density District (RS-8) to Highway Business Conditional Zone (HB CZ) District, and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in that: (1) The proposal makes use of an existing commercial parcel with upgrades to site landscaping; and (2) The landscape buffer will provide an effective screen between the use and the neighborhood. This motion was seconded by Councilman Young and carried unanimously.

ORDINANCE BOOK NO. 31 - PAGE 452

V. UNFINISHED BUSINESS:

A. RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT

RESOLUTION NO. 18-22 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT $4.6 MILLION ADDITIONAL GRANT FUNDS FROM THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY FOR THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT

ORDINANCE NO. 4648 - BUDGET AMENDMENT TO ACCEPT FUNDS FROM THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY FOR THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT

Interim Assistant City Manager Jade Dundas said that this is the consideration of (1) a resolution accepting a grant from the Buncombe County Tourism Development Authority (TDA) in the amount of $4,600,000 to complete construction of the work on Lyman Street in the River Arts District; and (2) a budget amendment in the amount of $4,600,000 to appropriate this funding.

In the award of the construction work that was to take place in the River Arts District related to the TIGER IV infrastructure project, modifications had to be made the scope of work in the form of postponing various elements of the project. These modifications were necessary in order to build the project within the existing budget for the project. The elements that were proposed for postponement were those that had a significant individual cost and could easily be identified as areas that could be distinctly isolated from the rest of the project. Meeting these criteria were important to ensure that significant cost savings could be achieved and that $14 million in TIGER IV federal funding could be preserved.

The majority of these identified areas were greenways but the roadway, bike lane, and sidewalk improvements along Lyman Street were also identified as an area that met the criteria for postment. When bids were received for the entire construction package, Lyman Street represented a $4.6 million decrease in the bid price of the work. This area of work had to be postpone to award a contract that could be constructed for the available funding amount. The postponement of projects meant that these individual sections would be build in future years as funding became available.

TDA approached the City with an offer to grant the City $4.6 million in funding to complete the work along Lyman Street. This funding was unexpected but the timing allowed City staff to work with the contractor to add this scope of work back to the project at the bid prices which were received in May. This allows the Lyman Street portion of the project to be completed at the exact price that was removed from the contract at the time of award in June of 2017.

The grant from TDA will allow for the completion of core bicycle, pedestrian, and vehicle infrastructure to be completed as one project. Completing the project under one contract will minimize the disturbances to traffic and to businesses. When completed, a fully developed core plan will facilitate future greenway, roadway, and pedestrian connectors. The grant funding will also help to stimulate area business development and tourism.

Pros:

- Will allow Lyman Street to be completed sooner than expected if using City or other unidentified funding sources.
- Limits the disturbance of multiple contracts required to complete the work in a phased approach.
- Use a funding source that takes some of the burden off of local tax base and takes advantage of the tourism dollars which are being spent in the City and County.

Con:

- The change order limits opportunity to reevaluate the current bid environment, although it is believed that since the receipt of the original bids that construction prices have increased.

There no additional City funding required to match or support the recommended change order. The $4.6 M is fully funded through a grant from the Tourism Development Authority's Tourism Development Product Fund. A budget amendment to appropriate this funding is requested as part of this action.

City staff recommends City Council adopt (1) a resolution accepting a grant from the Buncombe County Tourism Development Authority (TDA) in the amount of $4,600,000 to complete construction of the work on Lyman Street in the River Arts District; and (2) a budget amendment in the amount of $4,600,000 to appropriate this funding.

Councilwoman Mayfield, liaison to the Buncombe County Tourism Development Authority, thanked the TDA for this money, noting that they had already invested a lot in the RADTIP and decided to use some left over funds from the Tourism Development Project Fund (TDPF) to fund this project. The City did not approach them and ask them - this was their own decision. She noted that with these funds, they will have invested over $23 Million (about 80-85% of the money granted to the TDPF) to City projects or City-owned facilities.

RESOLUTION NO. 18-23 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH BEVERLY-GRANT/BARNHILL JV FOR CONSTRUCTION OF THE LYMAN STREET SECTION AND OTHER ADJACENT BICYCLE AND PEDESTRIAN INFRASTRUCTURE FOR THE RIVER ARTS DISTRICT TRANSPORTATION IMPROVEMENT PROJECT

Interim Assistant City Manager Jade Dundas said that this is the consideration of a resolution to execute a contract amendment in the amount of $4,600,000 with Beverly Grant/Barnhill to complete construction of roadway improvements, a protected bike lane, and a sidewalk along Lyman Street.

On June 27, 2017, City Council authorized a contract with Beverly Grant/Barnhill to construct the River Arts District Transportation Improvement Project (RADTIP). This project constructs vehicle, bicycle, and pedestrian facilities throughout the River Arts corridor. Due to higher than expected bid costs, the project scope had to be modified. All of these features were bid, using the public bid process in May of 2017, but were removed from the project at the time of contract award due to funding limitations. These modifications were made to ensure that the project could be constructed without sacrificing the Federal TIGER grant which would supply over $14 million of project funding.

Modification of the TIGER VI project scope meant that certain elements of the project would be postponed pending future funding availability. Largely these elements were greenways, but Lyman St. and the associated bicycle and pedestrian improvements were also delayed. The postponement of Lyman St. represented a big section of the transportation network but it was easily isolated from the rest of the project.

Delaying the work in this area represented a significant project savings ($4.6 million). These were submitted by the contractor in response to the public bid which took place in May of 2017. The scope was removed from the project to be constructed at a later date when funds were made available. It was not anticipated that funding would come available so soon but due to the timing the contractor (and their suppliers) that provide these costs initially was able to hold prices and allow for the work to be added back to the contract at the original bid pricing of $4.6 million.

TDA felt that the benefits of this portion of the project were significant to completing the improvements to the area. It was felt that through the construction of this infrastructure, Asheville could fully realize the economic and tourism benefits of the project. As a result TDA offered the City a $4.6 million grant to complete the Lyman Street work including sidewalks and bicycle amenities.

Staff has met with the contractor of this work and received a commitment that they will complete the work for a guaranteed maximum price of $4.6 million. This is the exact amount that

was removed from the contract as part of the original contract award. Although Council is being asked to authorize a contract amendment for $4.6 million staff is already working with the contractor to identify ways to reduce the cost of the improvements. Through this interaction it is felt that significant cost savings may be possible.

Other ways to deliver the scope of this work have been considered and are available for City Council consideration. A contract change order with Beverly Grant Barnhill, however, represents the most efficient and likely the most cost effective option for the completion of this work. One of the other options that could be considered is the bidding of the Lyman Street work to be performed separately from the current contract. While this option could result in better bid prices there is a chance that the bids could be higher as well. In either case having two contractors work in the same area is most often complicated and can lead to additional unexpected costs. There is also the option to rebid the work under the Construction Manager at Risk (CMAR). The uncertainty related to pricing exists in this scenario as well the scheduling complications in this scenario exist as well although they would be coordinated by the CMAR.

Staff is proposing to add back the scope of work that was removed associated with the Lyman St roadway. This includes reconstruction of the complete roadway, construction of a protected bike lane on the riverside of the road, addition of a sidewalk, and landscaping. As this reflects the original project design there is very little additional design required to complete this work. Staff is also working with the contractor to value engineer the improvements to reduce costs. The entire amount of savings from a reduced scope of work will be directly recovered by the City.

The total maximum price of the improvements is $4.6 million. Staff is working with the contractor to develop some cost reduction options but the savings associated with this is undefined at this time.

Tentative Project Timeline:

Finance Committee Approval	December 19, 2017
Council Approval of the Change Order	January 9, 2018
Construction Begin	March, 2018
Construction Complete	August, 2020

Pros:

- Minimizes disruption to the businesses along Lyman Street.
- Minimizes confusion during construction.
- Provides for a sidewalk and protected bicycle lane along the Lyman Street section of the roadway.
- Funding for this change order is provided by the Tourism Development Authority.
- Provides this scope of work to be complete within the originally proposed schedule of three years.

Con:

- Construction cost may be lower (or higher) if the project was bid.

The $4.6 M is fully funded through a grant from the Tourism Development Authority's Tourism Development Product Fund.

Staff recommends that Council authorize the City Manager to execute a contract amendment in the amount of $4,600,000 with Beverly Grant/Barnhill to complete construction of roadway improvements, a protected bike lane, and a sidewalk along Lyman Street.

When Mayor Manheimer asked for public comment, no one spoke.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinance and they would not be read.

Councilman Young moved for the adoption of Resolution No. 18-22. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 246

Councilman Young moved for the adoption of Ordinance No. 4648. This motion was seconded by Councilwoman Mayfield and carried unanimously.

ORDINANCE BOOK NO. 31 - PAGE 458

Councilman Young moved for the adoption of Resolution No. 18-23. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 247

VI. NEW BUSINESS:

A. STATUS REPORT ON N.C. DEPT. OF TRANSPORTATION PLANNING FOR MERRIMON AVENUE IMPROVEMENTS

Vice-Mayor Wisler said that the N.C. Dept. of Transportation (NCDOT) has been looking at improvements to two intersections along Merrimon Avenue, one of which is at W.T. Weaver Boulevard and Edgewood. Approximately 1.5 weeks ago, the NCDOT held a public forum to explain their plans. She attended that, along with other Council, and there was a large gathering of the public. She was disappointed in the fact that there was a very detailed plan put together with no input from City staff and no marrying with the City's Complete Street Plan, the City's AIM Plan, with the City's Bicycle and Pedestrian Plan, and the City's Comprehensive Plan. And, there was a study that was performed by the NCDOT several years ago that also wasn't looked at. She did not hear any of the public support the NCDOT's plan. She asked City staff to work closely with the NCDOT to get this project consistent with the City's various plans and to open the entire process back up to include more input from City residents. In addition, we need to ask the NCDOT to change their policies and procedures so that nothing happens in Asheville where the NCDOT imposes a plan without any input from our City staff or our citizens. She asked that city staff draft a resolution addressing Council's concerns and communicate that formally to the NCDOT.

Councilwoman Mayfield said that there are 19 NCDOT urban road projects in the City and they should not begin to be worked on unless City staff and some of our volunteer citizen leaders and transportation advocates are at the table on those designs.

Mayor Manheimer agreed with Vice-Mayor Wisler and Councilwoman Mayfield. She felt it would be more effective and work better to engage the community on the front end of projects.

Transportation Director Ken Putnam said that the NCDOT has given the deadline of January 29 for public comment. He will be seeking the Multimodal Transportation Commission's comments at their meeting tomorrow and pass those along to the NCDOT. He has talked with the NCDOT and confirmed that if Council chooses to consider a resolution at their February 13 meeting, they would accept it even after the January 29 deadline.

It was the consensus of Council to place on the February 13, 2018, agenda a resolution regarding the NCDOT planning for the Merrimon Avenue Project.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Journey Pliffering, west Asheville resident, expressed his opinion on short term rentals in the City of Asheville

Mr. Will Thibodeau spoke about the unprofessional conduct of a City employee.

Closed Session

At 7:18 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To establish or to instruct the City's staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the terms of a contract for the acquisition of real property by purchase, option, exchange or lease. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(5); (3) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6); and to prevent the disclosure of information that is confidential pursuant to N.C. Gen. Stat. § 160A-168, the Personnel Privacy Act. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1); and (4) to discuss matters relating to the location or expansion of industries. The statutory authorization is contained in N.C.Gen. Stat. sec. 143-318.11 (a) (4). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 8:40 p.m., Councilman Kapoor to come out of closed session. This motion was seconded by Councilman Young and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:40 p.m.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – February 13, 2018- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: Councilman Brian D. Haynes

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

City Manager Gary Jackson Announces Retirement

Today City Manager Jackson announced his retirement, effective December 31, 2018. Mayor Manheimer then read a portion of a letter she wrote to City Manager Jackson "You have made me aware that you are retiring effective December 31, 2018, and that you will announce your decision to retire shortly. You have served this City selflessly, wisely, and with grace and integrity. Our community is forever indebted to you.

"Under your leadership, spanning more than 12 years, you have led the accomplishment of great things for the City of Asheville. Among those: navigating the financial hardship of the great recession, meeting the challenges of tremendous growth, creating a series of sustainable budgets resulting in a AAA bond rating, managing the greatest number of capital improvements to City infrastructure in its history, streamlining permitting and processes to better meet the needs of citizens, "greening" the City through dramatically increased recycling and other environmental measures, improving and growing transit services, building more affordable housing per capita than any other city in North Carolina, leading City staff through the planning of a $74 million general obligation bond program, making our City safer through improvements to police and fire services, and helping us forward as we ensure greater equity across the community. These are extraordinary accomplishments for any municipality to achieve, and they would not all have been possible for Asheville without your commitment and leadership."

City Manager Jackson said it's been an honor and a privilege to work for the City of Asheville. Council's goals have been ambitious and aggressive goals and we, as a team, were more than honored to carry them out.

A. PROCLAMATION PROCLAIMING FEBRUARY 2018 AS "BLACK HISTORY MONTH"

Councilman Young read the proclamation proclaiming February, 2018, as "Black History Month" in the City of Asheville.

B. PROCLAMATION PROCLAIMING FEBRUARY 10-17, 2018 AS "LOVE ASHEVILLE GO LOCAL WEEK"

Vice-Mayor Wisler read the proclamation proclaiming February 10-17, 2018, as "Love Asheville Go Local Week" in the City of Asheville. She presented the proclamation to Ms. Franzi Charen and several others.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 23, 2018

B. ORDINANCE NO. 4649 - BUDGET AMENDMENT FOR STORM CONTROL MATERIALS

Summary: To consideration of a budget amendment, in the amount of $461,212, from unassigned General Fund fund balance for the purpose of the acquisition of storm control materials.

For the Fiscal Year 2017/2018, the original budget for storm control materials was $140,000. This value allowed us to fill our salt storage facility to capacity prior to the winter season. Our salt storage facility when at maximum capacity holds approximately 4000 tons of material. As a result of multiple snow and ice events, including the record snowfall received December 8-9, 2017; we are now at less than 10% capacity of our facility. This is also after we have ordered and partially received approximately 1540 tons of salt to re-stock what had been used during and after the December 9th, December 31st, and January 16th events. In addition to snow storm control materials this line item is also used for the purchase of material such as stone, erosion control measures and concrete in flooding events that cause damage or destruction of city owned roads and sidewalks.

This budget amendment was presented to and supported by the Finance Committee on January 23, 2018.

Pros:

- The availability of this material will position the Public Works Department such that it can properly respond to weather events that hamper the safe travel of the public.
- This assists in achieving a stated Outcome & Performance Measure of responding to winter storm events as listed in the adopted 2017-2018 City budget.

Con:

- Payment requires an appropriation from unassigned General Fund fund balance.

The additional funds for storm control materials will come from unassigned fund balance in the General Fund. Before considering the use of fund balance, Finance staff worked with the Public Works department to economize savings from other parts of the Public Works budget to help cover the cost. With this additional fund balance appropriation, FY 2017-18 budgeted fund balance in the General Fund will total $2.1 million. However, based on current trends in the General Fund, staff is projecting that revenue collections will exceed budget and expenses will come in under budget such that there will be no decrease in actual fund balance at year end. Current estimates are as follows:

Estimated FY 2017-18 GF Expenses as of Q2:	$120,200,000
Unassigned FY 2017-18 FB Estimate as of Q2:	$ 21,400,000

Unassigned FB Estimate as a Percent of GF Budgeted Expenditures:17.8%

City staff recommends City Council adopt a budget amendment for the funding to replenish necessary storm response materials in order to adequately prepare for and address upcoming severe weather events.

ORDINANCE BOOK NO. 32 - PAGE 1

C. RESOLUTION NO. 18-24 - RESOLUTION TO RENAME LAKEWOOD PARK IN KENILWORTH TO LEAH CHILES PARK

Summary: The consideration of a resolution to rename the Lakewood Park to Leah Chiles Park.

Community members James Vaughn and Kevin Broadwater are proposing to rename Lakewood Park to Leah Chiles Park, and to donate a historical plaque to be located on site.

Leah Chiles and her husband James Chiles were the founders and developers of the town of Kenilworth in the 1920's. In 1928, Leah Chiles became the first women elected mayor of a town in western North Carolina. As Mayor of Kenilworth, Mrs. Chiles stood up for rights of Kenilworth residents by demanding a vote of residents before agreeing to annexation by the City of Asheville in 1929. Mrs. Chiles was also a businesswoman, continuing the Kenilworth Development Corporation after the death of her husband. Additionally she created a nationally renowned art exhibition in Asheville and founded the Kenilworth Galleries. The present day Lakewood Park was donated to the town of Kenilworth in 1924 and is located directly across the street from the historic James Madison Chiles and Leah Arcouet Chiles House.

Pursuant to the City's policy on naming public facilities, Mr. Vaughn and Mr. Broadwater submitted the renaming proposal and the required petition signed by over 30 registered voters who reside within the city limits of Asheville.

The proposal was presented to the Recreation Advisory Board on November 13, 2017, and the Kenilworth Neighborhood Association on July 11, 2017, and received unanimous support from the board and association.

Mr. Vaughn and Mr. Broadwater have followed the City's policy on public naming and pursuant to the policy, on January 23, 2018, City Council made an announcement of the request and solicited input from surrounding property owners, residents, affected parties and other City officials or anyone else who can contribute meaningful input.

The cost to the City to support the renaming of Lakewood Park to Leah Chiles Park is $4,000 to $6,000 for the park identification sign. The funds to support the cost is budgeted in the City's Capital Improvement Program for the Parks and Recreation Department. There is no cost associated with the historical marker since it will be donated to the City.

The Recreation Advisory Board recommends the renaming of Lakewood Park to Leah Chiles Park, and to place a historical marker on-site to honor Leah Chiles.

RESOLUTION BOOK NO. 39 - PAGE 248

D. RESOLUTION NO. 18-25 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDING FROM THE FEDERAL TRANSIT ADMINISTRATION SECTION 5339 - BUSES AND BUS FACILITIES GRANTS PROGRAM

ORDINANCE NO. 4650 - BUDGET AMENDMENT TO BUDGET THE GRANT FUNDING AND THE CITY'S MATCH FOR SECTION 5339 GRANTS PROGRAM

Summary: The consideration of a resolution authorizing the City Manager to accept funding from the Federal Transit Administration (FTA) Section 5339; Buses and Bus Facilities Grants Program totaling $214,000; and a budget amendment in the amount of $267,500 in the Transit Multi-Year Fund to budget the grant funding and the City's match.

The Section 5339 grants program provides funding through formula allocations and competitive grants. The City of Asheville receives an annual allocation from the formula program that now averages approximately $262,000. The funds can be used to replace, rehabilitate and purchase buses and related equipment and to construct bus-related facilities.

Transportation Department staff seeks to use the funds towards the purchase of four hybrid battery packs as mid-life replacements for hybrid transit vehicles.

For the purchase of the hybrid batteries, the City will use $214,000 of section 5339 funds which require a local match of $53,500. The City's local match will come from the adopted FY 2017-18 Transit Services Fund operating budget utilizing savings in fuel expenses.

The Finance Committee reviewed and unanimously supported this request on January 23, 2018.

Pro:

- The bulk of project funding is provided by the FTA, covering approximately 80% of the total project cost.

Con:

- A local match in the amount of $53,500 is required from the Transit Operating Fund.

As noted above, the total project budget equals $267,500 and will require a $53,500 local match from the Transit Services Fund operating budget.

Staff recommends that City Council adopt a resolution authorizing the City Manager to accept Section 5339 formula funds in the amount of $214,000 to be used towards the purchase of four hybrid battery packs; and a budget amendment in the amount of $267,500 in the Transit Multi-Year Fund to budget the grant funding and the City's match.

RESOLUTION BOOK NO. 39 - PAGE 249
ORDINANCE BOOK NO. 32 - PAGE 3

E. ORDINANCE NO. 4651 - BUDGET AMENDMENT FROM THE FEDERAL TRANSIT ADMINISTRATION TO IMPROVE MOBILITY FOR SENIORS AND INDIVIDUALS WITH DISABILITIES BY REMOVING TRANSPORTATION BARRIERS

Summary: The consideration of a budget amendment in the Transit Services Multi- Year Fund (6510) in the amount of $152,504 from the Federal Transit Administration for transit services to improve mobility for seniors and individuals with disabilities by removing transportation barriers.

The City of Asheville is the designated recipient of the Enhanced Mobility of Seniors and Individuals with Disabilities program, which is a program of the Federal Transit Administration (FTA). This is a formula grant program oriented to improve mobility for seniors and individuals with disabilities by removing barriers to transportation service and expanding transportation mobility options. The grant originated as part of the Moving Ahead for Progress (MAP) 21

transportation bill passed by Congress in 2012 that consolidated the Elderly and Disabled program that distributed funds to the states and the New Freedom program that was a formula program in which the City was the region's designated recipient.

To be eligible, the program requires alignment with a Coordinated Public Transportation and Human Services Transportation Plan or CTP-HSTP based on community participation. The CTP-HSTP was developed with the French Broad Metropolitan Planning Organization (MPO), Buncombe, Henderson and Haywood Counties, human services agencies, public and private transportation providers, the North Carolina Department of Transportation and the general public to assess transportation needs, identify gaps and to set goals.

The plan was approved on March 29, 2012 by the French Broad River MPO's governing body (the Board), which includes elected representatives from each of the eighteen local governments which make up the MPO. The CTP-HSTP set the region's priorities and identifies needs; the projects were selected on May 25th, 2017 through a competitive process led by the MPO. The projects are listed as follows:

Sub-Recipient	**Project**	**Amount funded**	**Local match**
City of Asheville	ADA paratransit	$150,000	$37,500
Jewish Family Services	Elder Club- Hendersonville	$50,400	$12,600
Jewish Family Services (Internal)	Administration - Hendersonville	$2,646	$2,646
City of Asheville	ADA Upgrades for Dedicated Signals	$31,500	$7,875
Land of Sky Regional Council	Expansion of Senior Companion Program	$15,904	$15,904
Buncombe County	RIDE Vouchers Program	$44,179	$44,179
City of Asheville	Program Administration	$29,463	N/A

Description of Projects:

City of Asheville (ADA Paratransit) - Supports public transportation to meet specific needs for seniors and individuals with disabilities and ADA Paratransit services from Mountain Mobility.

Jewish Family Services (Elder Club) - Supports the purchase of service from Apple Country Transit that provides socialization, nutrition, activities and exercise in a structured program for older and/or disabled Henderson County adults who are socially isolated, and may have normal cognitive skills or mild to moderate memory impairments.

Jewish Family Services (Internal) - Supports the Jewish Family Services and Elder Club staff to assist with all cooperating organizations throughout the year to identify appropriate clients and to educate staff members of cooperating organizations regarding JFS agency and program services.

City of Asheville (ADA Upgrades) - Adds accessible features to existing pedestrian crossing signals near bus stops in downtown Asheville. The feature consist of a vibrotactile call button and speaker which give pedestrians who cannot see the pedestrian signal a way to know that the walk signal is activated either by vibration of the call button or the sound from the speakers.

Land of Sky (Senior Companions Program) - Provides companionship services to senior adults who are homebound and need additional assistance to stay independent in their homes for as long as possible.

Buncombe County (RIDE Program) - A curb-to-curb, subsidized transportation program that allows eligible participants to purchase private transportation services at a significant discount.

City of Asheville (Program Administration) - The funds will be used to administer the projects funded by this program and ensure compliance.

The City of Asheville expenses for ADA Paratransit and Program Administration are already budgeted in the adopted Transit Services Fund budget so no budget amendment is needed for that portion of the grant. The budget amendment in the amount of $152,504 will provide budget authorization for the City to receive and pass through the subrecipient grant amounts from FTA and also budget the City of Asheville project for ADA Upgrades to Dedicated Signals. The $7,875 local match for that project will come from the existing adopted FY 2017-18 Transportation department General Fund budget.

The Finance Committee reviewed and unanimously supported this request on January 23, 2018.

Pros:

- Project funding is provided by the FTA, 50% for operating projects and 80% of capital projects. The sub-recipients are responsible for the local match.
- The City is provided $29,463 for administration purposes, which does not require a local match.

Con:

- The local match in the amount of $45,375.

The total grant award for the subject projects are $369,467 and will be funded with Federal Funds. As noted above, $29,463 will be reimbursed to the city for administrative costs, and Asheville's local match for the provision of ADA paratransit services and ADA Upgrades totals $45,375. The local match is already budgeted in the Adopted FY 2017-18 budget.

Staff recommends City Council adopt a budget amendment for $152,504, which is the unbudgeted program cost for the 5310 projects funded by the Federal Transit Administration.

ORDINANCE BOOK NO. 32 - PAGE 5

F. RESOLUTION NO. 18-26 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH MOTOROLA INC. TO PROVIDE MAINTENANCE COVERAGE FOR THE CITY'S RADIO SYSTEM

Summary: The consideration of a resolution authorizing the City Manager to sign an agreement with Motorola, Inc. to provide maintenance coverage for the City's radio system.

The City recently completed the installation of a new public safety radio communications system. Motorola Solutions has provided maintenance services for the City's radio communications system under the initial 12 month warranty which began on December 1ST 2016. Funding for the agreement shall be appropriated annually in the City budget process. The initial term of the agreement is from December 1, 2017, to June 30, 2022. The agreement shall automatically renew for an additional 60 months as requested in the original request for proposals for purchase of the radio system.

Pros:

- Keep the City's radio system reliable and operational for public safety officers.

- Able to provide communication services to several outside agencies, thereby improving interagency communications.

Con:

- None noted.

The maintenance agreement reflects a charge of $226,366 for the remainder of the current fiscal year. Funding for this contract was included in the Adopted Fiscal Year 2017/18 Budget. Funding for the additional years of the contract will be included in future annual budgets.

City staff recommends the adoption of the resolution for radio maintenance coverage for the term of December 1, 2017, through June 30, 2027.

RESOLUTION BOOK NO. 39 - PAGE 250

G. RESOLUTION NO. 18-27 - RESOLUTION OF INTENT TO SET A PUBLIC HEARING ON MARCH 13, 2018, TO PERMANENTLY CLOSE A PORTION OF PEACHTREE STREET (JAKE RUSHER PARK)

Summary: The consideration of a resolution of intent to permanently close a portion of Peachtree Street (Jake Rusher Park) and setting a public hearing on March 13, 2018.

N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.

Pursuant to this statute, adjoining property owner, City of Asheville, owner of parcels 9654-35-0589, 9654-35-4902, 9654-35-4725, and 9654-35-4635, have requested to permanently close a portion of Peachtree St (Jake Rusher Park) and to set a public hearing on March 13, 2018. A copy of this resolution of intent shall be sent by registered or certified mail to all property owners abutting the unnamed alley, not joining in the petition to close.

The Multimodal Transportation Commission reviewed this request at their October 2nd, 2017, meeting and recommended approval of the closure.

Pursuant to N.C. Gen. Stat. Sec. 160A-299, prior to closing the alley, the City Council must first adopt a resolution, declaring its intent to close the alley and calling a public hearing on the question. This resolution of intent shall be published once a week, for four successive weeks prior to the date of the hearing.

A copy of this resolution of intent shall also be sent by registered or certified mail to all owners of property adjoining the alley as shown on the county tax records. A copy of this resolution shall also be prominently posted, in at least two places, along the alley, to provide notice of the closing and public hearing.

Pros:

- There will be no future compromise of ingress/egress to other property
- The closure would allow for more efficient use of the existing adjacent properties
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con:

- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt the resolution of intent to permanently close to permanently close a portion of Peachtree Street (Jake Rusher Park) and set a public hearing on such closure for March 13, 2018.

RESOLUTION BOOK NO. 39 - PAGE 251

H. RESOLUTION NO. 18-28 - RESOLUTION OF INTENT TO SET A PUBLIC HEARING ON MARCH 13, 2018, TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY LOCATED NEAR 85 DEAVER STREET

Summary: The consideration of a resolution of intent to permanently close an unopened right of way near 85 Deaver Street and setting a public hearing on March 13, 2018.

N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.

Pursuant to this statute, adjoining property owner, Jose Ruiz, owner of parcels 9638-76-5217 and 9638-76-4166, and Rose Logan, owner of parcel 9638-76-5178, have requested the City of Asheville to permanently close an unopened right of way located near 85 Deaver Street. A copy of this resolution of intent shall be sent by registered or certified mail to all property owners abutting the unnamed alley, not joining in the petition to close.

The Multimodal Transportation Commission reviewed this request at their October 2, 2017, meeting and recommended approval of the closure.

Pursuant to N.C. Gen. Stat. Sec. 160A-299, prior to closing the alley, the City Council must first adopt a resolution, declaring its intent to close the alley and calling a public hearing on the question. This resolution of intent shall be published once a week, for four successive weeks prior to the date of the hearing.

A copy of this resolution of intent shall also be sent by registered or certified mail to all owners of property adjoining the alley, as shown on the county tax records. A copy of this resolution shall also be prominently posted, in at least two places, along the alley, to provide notice of the closing and public hearing.

Pros:

- There will be no future compromise of ingress/egress to other property
- The closure would allow for more efficient use of the existing adjacent properties
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con:

- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt the resolution of intent to permanently close an unopened right of way near 85 Deaver Street and setting a public hearing on such closure for March 13, 2018.

RESOLUTION BOOK NO. 39 - PAGE 253

I. RESOLUTION NO. 18-29 - RESOLUTION OF INTENT TO SET A PUBLIC HEARING ON MARCH 13, 2018, TO PERMANENTLY CLOSE AN UNOPENED

RIGHT-OF-WAY LOCATED AT THE END OF DEAVER STREET SOUTH OF HOWARD STREET

Summary: The consideration of a resolution of intent to permanently close an unopened right of way located at the end of Deaver Street south of Howard Street and setting a public hearing on March 13, 2018.

N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.

Pursuant to this statute, adjoining property owner, Barwick and Assoc. LLC, owner of parcels 9638-74-1509, 9638-74-0685, 9638-74-1740, and 9638-74-2666, have requested the City of Asheville to permanently close an unopened right of way /w located at the end of Deaver Street south of Howard Street.

The Multimodal Transportation Commission reviewed this request at their October 2, 2017, meeting and recommended approval of the closure.

Pursuant to N.C. Gen. Stat. Sec. 160A-299, prior to closing the alley, the City Council must first adopt a resolution, declaring its intent to close the alley and calling a public hearing on the question. This resolution of intent shall be published once a week, for four successive weeks prior to the date of the hearing.

A copy of this resolution of intent shall also be sent by registered or certified mail to all owners of property adjoining the alley, as shown on the county tax records. A copy of this resolution shall also be prominently posted, in at least two places, along the alley, to provide notice of the closing and public hearing.

Pros:

- There will be no future compromise of ingress/egress to other property
- The closure would allow for more efficient use of the existing adjacent properties
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con:

- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt the resolution of intent to permanently close an unopened right of way located at the end of Deaver Street south of Howard Street, and set a public hearing on such closure for March 13, 2018.

RESOLUTION BOOK NO. 39 - PAGE 255

J. RESOLUTION NO. 18-30 - RESOLUTION AMENDING THE 2018 CITY COUNCIL MEETING SCHEDULE TO ADD THE CITY COUNCIL ANNUAL RETREAT ON FEBRUARY 15-16, 2018, AT THE COLLIDER, 1 HAYWOOD STREET, ASHEVILLE, N.C. BEGINNING AT 8:15 A.M.

RESOLUTION BOOK NO. 39 - PAGE 257

K. RESOLUTION NO. 18-31 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SEWER EASEMENT ON CITY-OWNED

PROPERTY ON SHEPPARD DRIVE TO MICHAEL LEDFORD FOR CONSTRUCTION OF A SEWER SERVICE LINE

Summary: The consideration of a resolution authorizing the City Manager to convey an easement over a portion of City-owned property on Sheppard Drive near Old County Home Road in West Asheville to Michael Ledford for the purpose of installing a sewer line.

The City of Asheville owns a vacant parcel in the Echo Hills neighborhood that contains approximately 2.69 acres (PIN is 9628-79-7260). The City acquired the land in the 1960's. The lot is vacant, wooded land and the City performs no maintenance. Concerning the future use of this parcel, the City has no current plans for this property; however, the City is currently reviewing the property inventory to determine suitable sites for affordable housing development.

An existing MSD sewer line runs parallel to Old County Home Road along the rear property line. An adjacent property owner has approached the City with a request for a sewer line easement to connect to the existing MSD line. Michael Ledford owns an undeveloped lot on Old County Home Road and he has subdivided the original parcel (9628-89-1121) into five individual lots of approximately 0.24 acres each. He intends to develop the parcels for single family homes, at market rate price points of $225,000 to $250,000. The Real Estate Division reached out to Parks & Recreation, Planning, and Community Development for comments, and there were no objections to the connection because of its location and minimal impact to the City's property. It would not impede the City's ability to develop the property should plans be made in the future.

The easement being requested is approximately 24 linear feet long and 18 feet wide for a total square footage of approximately 432 square feet. MSD has a policy of compensating owners according to 50% of land value for an easement and when we apply this to practice to this situation, the cost of the easement would be $150.00 plus the real estate transaction fee. An exhibit is provided to show the approximate location of the sewer line and the manhole where this connection would have to be made.

Pros:

- There is compensation payable to the City associated with the granting of this easement.
- The easement would not interfere with the City's ability to develop the property at a later date.

Con:

- A permanent easement would exist on City-owned property.

Funds generated by the granting of this easement will be deposited in the General Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to convey this 432 square foot easement on City-owned property near Old County Home Road at Sheppard Drive to Mr. Ledford for purposes of installing a sewer service connection.

RESOLUTION BOOK NO. 39 - PAGE 258

L. RESOLUTION NO. 18-32 - RESOLUTION AUTHORIZING THE CITY MANAGER TO INCREASE THE CONTRACT WITH B. ALLEN CONSTRUCTION INC. TO CONSTRUCT A NEW VISITOR RECEPTION AND WELCOME PLAZA AT THE WESTERN NORTH CAROLINA NATURE CENTER

Summary: The consideration of a resolution authorizing the City Manager to increase the contract with B. Allen Construction, Inc. to construct a new Visitor Reception and Welcome Plaza at the Western North Carolina Nature Center (aka Asheville Wildlife Park) in the amount of $60,000 and to execute any change orders to contract or documents which may arise during construction of project within the approved budget.

On December 13, 2017, City Council authorized the City Manager to enter into a contract with B. Allen Construction, Inc. for $1,116,382.00 to improve the Asheville Wildlife Park – Visitor Reception and Welcome Plaza. The entrance to the Nature Center needed improvements due to the age of the facility as well as the growing visitor attendance at this facility. This new entrance which is currently under construction will provide more parking on the entrance level, be more accessible to the visitor and greatly improve the visitor's experience arriving and departing the Nature Center.

The Nature Center was developed under different government agencies over many decades. As a result many improvements have been performed during the course of these years with little or no documentation. The Parks and Recreation Department and the consultant team evaluated as much as possible the existing site conditions during the development of the construction documents. When the contractor started construction for the project, a number of unknown infrastructure issues arose. These mostly include stormwater pipes that are seriously deteriorated, water lines and features including fire protection that no longer exist or are in poor condition and portions of the existing wood construction of the barn which have degraded with the passage of time.

As a result of these unrevealed conditions, the project will incur additional costs to improve these features which total $60,000.00.

Pros:

- Improves the deteriorated underground infrastructure.
- Replace and replace water lines for fire protection that no longer exist or are in poor condition to meet code compliance.
- Contributes towards improvements noted in the 2020 Vision Master Site Plan for the Western North Carolina Nature Center

Cons:

- During improvements, some modest interruptions in viewing several of the animal exhibits can occur
- Project can not continue without the additional funding.

The additional $60,000 needed for this change order will come from the Adopted FY 2017-18 Parks and Recreation Department Capital Improvement Budget.

Staff recommends that the City Council adopt a resolution authorizing the City Manager to increase the contract with B. Allen Construction, Inc. $60,000 to address the underground infrastructure issues discovered during the construct of a new Visitor Reception and Welcome Plaza at the Western North Carolina Nature Center (aka Asheville Wildlife Park).

RESOLUTION BOOK NO. 39 - PAGE 259

M. RESOLUTION NO. 18-33 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AN OIL TANKER DONATION FOR A DEPARTMENT TRAINING PROP

Summary: The consideration of a resolution to authorize the City Manager to accept the Title and Property of the Gasoline Tanker Prop to be located at the Buncombe County Training Facility.

North Carolina is divided into seven geographical regions for the purpose of hazardous material emergency response. The North Carolina Department of Public Safety contracts with municipalities across North Carolina to respond into the geographical regions and provide technician level hazardous materials emergency response. Within the Contract for Hazardous Materials Regional Response Team Services the contract Under Section 2.2 Compensates teams for training to maintain, advance and education to maintain the level of standards to respond to incidents involving hazardous materials and/or acts of terrorisms.

On June 26, 2016, the N.C. Dept. of Public Safety and the City of Asheville signed the Notice to Proceed for the contractual agreement to the City of Asheville for Hazardous Materials Emergency Response Services for contract years of July 1, 2016 through June 30, 2020. The signed contract agreement increased the level of Training Funds from the previous contract of $19,000 per calendar year to $25,000 per calendar year. These training funds can be utilized to either send individuals to training or to purchase props to train on. RRT-6 was able to acquire a damaged Gasoline tanker from Bumgarner Oil Company and have it moved to the Buncombe County Training Center. The Asheville Fire Department is asking the City of Asheville to accept the property and title of the Gasoline Tanker.

Pros:

- The State of North Carolina provides funds for training members of the Asheville Fire Department to enable us to competently handle hazardous materials emergencies.
- The Gasoline Tanker will provide valuable training for responding to actual incidents within the City of Asheville and within RRT-6 response area.
- The Gasoline Tanker will be stationary and will not be transported on the road.
- The City of Asheville has full use of the truck and all specialty equipment within the City of Asheville. Without the state hazardous materials contract, Asheville taxpayers would need to provide much of resources necessary to properly respond to emergencies within Asheville. With the contract, we have the advantage of the equipment and resources being funded at the state level, rather than at the local level.
- Firefighter and citizen safety will be enhanced.

Con:

- None have been identified or known at this time.

The fiscal impact of this donation is budget neutral. The Asheville Fire Department paid $600 to have the tanker moved from the donator to the Buncombe County Training Facility; however, in accordance with the contract with the North Carolina Department of Public Safety, the City will be reimbursed this cost. Further costs may be incurred in the future if the Buncombe County Training Facility would like the prop removed.

Staff recommends City Council adopt a resolution authorize the City Manager to accept the Title and Property of the Gasoline Tanker Prop to be located at the Buncombe County Training Facility.

RESOLUTION BOOK NO. 39 - PAGE 260

N. RESOLUTION NO. 18-34 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH RSM US LLP FOR AUDITING SERVICES FOR FISCAL YEAR 2017-18

Summary: The consideration of a resolution authorizing the Mayor to execute a contract with RSM US LLP for auditing services for fiscal year 2017-2018.

North Carolina General Statute §159-34 requires that a local government have its accounts audited each fiscal year and submit a copy of the audit report and financial statements to the Local Government Commission.

Additionally, the City's Auditing Services Financial Policy states that the City must replace the independent auditor at the end of a five-year engagement. Cherry Bekaert LLP completed the fifth year of its five-year engagement in FY2016-2017, so according to policy, it is necessary for the City to change auditors.

In November 2017, the City published a Request for Proposals and requested bids for firms interested in providing audit services, in response to the Request for Proposals, the following five firms submitted bids:

- Cherry Bekaert LLP; Charlotte, NC; did not meet requirements cost proposal not opened
- Elliott Davis, PLLC; Raleigh, NC; did not meet requirement cost proposal not opened
- CliftonLarsonAllen LLP; Charlotte, NC; bid: $82,300
- RSM US LLP; Greensboro, NC; bid: $93,340
- Mauldin & Jenkins, LLC; Atlanta, GA; bid: $69,500

The review team utilized a scoring matrix to assess the proposals that included mandatory elements, technical qualifications, and cost proposals. Two firms did not pass the mandatory requirements and were therefore not considered further. The remaining three firms were evaluated, with technical qualifications weighted at 70% and cost proposals weighted at 30%. RSM US LLP was the highest scoring firm. As such, staff recommends retaining the services of RSM US LLP to conduct the audit of the city's accounts for the fiscal year ending June 30, 2018. The estimated fee for fiscal year 2017-2018 audit and financial statement preparation is $93,340, and is already included in the Finance Department's Adopted FY 2017-18 Budget.

Pro:

- Contracting with RSM US LLP aligns with City Council's financial policy and will help ensure the timely and successful completion of the annual audit.

Con:

- None noted.

Fees of $93,340 for the annual audit are budgeted in the Finance Department's FY 2017-18 operating budget. These funds will be encumbered by June 30, 2018.

Staff recommends City Council adopt a resolution authorizing the Mayor to execute a contract with RSM US LLP in the amount of $93,340 for auditing services for fiscal year 2017-2018.

RESOLUTION BOOK NO. 39 - PAGE 261

O. RESOLUTION NO. 18-35 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GREEN LIGHT ELECTRIC INC. TO CONSTRUCT THE SOUTH CHARLOTTE STREET/BILTMORE AVENUE TRAFFIC SIGNAL UPGRADE PROJECT

ORDINANCE NO. 4652 - BUDGET AMENDMENT TO PROVIDE ADDITIONAL

FUNDING FOR THE SOUTH CHARLOTTE STREET/BILTMORE AVENUE TRAFFIC SIGNAL UPGRADE PROJECT

Summary: The consideration of: 1) a resolution authorizing the City Manager to execute a contract in the amount of $105,798.75 plus a contingency of $10,579.88 (10%) with Green Light Electric, Inc to construct the South Charlotte Street / Biltmore Avenue traffic signal upgrade project, and 2) a budget amendment in the city's General Capital Projects Fund in the amount of $16,000 to provide additional funding for the project from the Traffic Safety Projects budget.

Adding pedestrian signals to this intersection is part of an FTA Job Access/ Reverse Commute (JARC) grant project. The intersection was included because it is large, complex, has high pedestrian and vehicle traffic volumes, and connects people to transit.

The bid was advertised on December 1, 2017. The bid opening was scheduled for January 11, 2018, but only one bidder submitted a bid. The bid was then re-advertised January 11, 2018, but no other bids were received, so the one bid was opened January 19, 2018. The construction company that submitted a bid was Green Light Electric, Inc of Weaverville, NC.

Green Light Electric, Inc of Weaverville, NC proposes to perform all of the construction work included in the contract, including such work as surveying, concrete ramps, refuge islands, electrical and traffic control.

A 10% contingency ($10,579.88) has been added to allow payment for any unforeseen costs that typically arise during construction. The work produced from this construction contract will help provide a safer intersection for pedestrian use.

The current balance in the project fund is insufficient to cover the full cost and contingency, so the budget amendment moves funds from the Traffic Safety Projects budget in the General Fund to this project. Additional FTA grant funding is pending FTA action, so it is hoped that much of the Traffic Safety funding will be able to be returned to the General Fund.

Pros:

- Pedestrian safety and mobility will be improved.
- Improve mobility and safety on city streets.

Cons:

- Construction will be disruptive to adjacent residences and businesses.
- The Traffic Safety budget balance will potentially be reduced by as much as $16,000 to complete this signal.

As noted above, funding is coming from an FTA 2010 grant and the City's Traffic Safety budget. The total cost of this contract, including contingency, is $116,378.63.

City staff recommends City Council (1) adopt the proposed budget amendment in the amount of $16,000, and (2) adopt the resolution awarding the contract to Green Light Electric, Inc of Weaverville, NC. and authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of $105,798.75 plus a contingency of $10,579.88 (10%) for the contract known as Charlotte St/ Biltmore Ave. signal upgrade, City of Asheville Project 298-T1101.

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ORDINANCE BOOK NO. 32 - PAGE 7

P. RESOLUTION NO. 18-36 - RESOLUTION AUTHORIZING THE CITY

MANAGER TO ISSUE PAYMENT TO COLONIAL FORD TRUCK SALES, INC. FOR REPAIRS TO ASHEVILLE FIRE DEPARTMENT LADDER 10

Summary: The consideration of a resolution to authorize the City Manager to issue payment to Colonial Ford Truck Sales, Inc. in the amount of $100,891.70 for repairs to a Asheville Fire Department ("AFD") Ladder.

On January 6, 2017, Asheville Fire Department Ladder 10 apparatus was hit-in-the-rear and sustained considerable damage. The City filed an insurance claim with the City's insurance carrier, Berkley Southeast Insurance Group (Berkley) to pay for the repair costs, minus a $10,000 deductible. Berkley directed repairs be made by Colonial Ford Truck Sales (Colonial). In March 2017, the City received $92,091.70 from Berkley as a payment installment for estimated repairs and tow service to Ladder 10. The funds were deposited into the City's Property & Liability Fund and reserved to pay Colonial upon confirmation all repairs were complete. Repairs are complete and and the City seeks to issue payment to Colonial in the amount of $100,891.70. Berkley will issue Colonial a $56,296.97 supplemental check to apply toward Colonial's final repair balance of $157,188.67.

Pro:

- Payment issuance will result in Ladder 10 return to service.

Con:

- None.

Zero fiscal impact. Funds are reimbursed via City First Party insurance claim.

Staff recommends City Council adopt a resolution authorizing the City Manager to issue payment from the City Property & Liability Fund to Colonial Ford Truck Sales, Inc. in the amount of $100,891.70.

RESOLUTION BOOK NO. 39 - PAGE 263

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Mayfield and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. BLUE RIBBON COMMITTEE ON HUMAN RELATIONS COUNCIL REPORT

Ms. Dewana Little, Chair of the Blue Ribbon Committee on Human Relations Council, along with Mr. Patrick Conant, provided Council with the Committee's following final report:

The Blue Ribbon Committee held an initial meeting on August 23rd, 2017, and held 11 official meetings until January 31st, 2018. In between the regular meetings, we met in small working groups to develop specific portions of our recommendations.

The Blue Ribbon Committee presented an interim report before Boards and Commissions on November 14th, 2017, and City Council approved an extension of our charge until January 31st, 2018.

The Blue Ribbon Committee, with the support of City Staff and volunteers from the community, held two public engagement sessions, January 10th at the Arthur R. Edington Education & Career Center, and January 24th at the Shiloh Rec Center. The first public input session was attended by over 50 people, while the second session was attended by over 40 people. During these sessions, we gathered an extensive list of feedback and suggestions from the community.

During our final meeting, on January 31st, 2018, we reviewed the full list of feedback from our input sessions, amended our focus areas to include many of the specific suggestions from the community, and adopted our final recommendations.

The Blue Ribbon Committee recommends that City Council reach out to the Asheville Chamber of Commerce to request their support for the inception and operation of a Human Relations Commission in Asheville.

Their Mission Statement is "The Human Relations Commission strives to improve human relations with priority on racial equity in Asheville by partnering with communities and agencies in an effort to better promote and ensure diversity, equity, and inclusion. The human relations commission works to identify and address all forms of individual, institutional and community level discrimination through education, advocacy and policy recommendations." *As approved at 9/20/17 Blue Ribbon Committee on a Human Relations Commission meeting. Amended and adopted at the 11/01/17 Blue Ribbon Committee meeting.*

Focus Areas are as follows: (*As adopted at the 11/01/17 Blue Ribbon Committee meeting. Revised and adopted at the 01/31/18 Blue Ribbon Committee meeting. Items with a * indicate their addition at the 01/31/18 meeting in response to the public engagement process.)*

- **Make policy recommendations to City Council to enhance equity**
  - Duties
    - Recommend policies to City Council that the HRC finds necessary and may be lawfully taken to minimize areas of conflict and to promote harmonious relations among racial and ethnic groups in the City.
    - Create a pipeline for community-driven solutions by allowing proposals to be discussed, refined, and vetted with the goal of presenting recommendations to Council that possess strong community support.
    - Utilize existing City resources to conduct research and gather data to analyze the equity of existing City programs and develop policy recommendations.
    - Review the demographics of City staff and committee members and make policy recommendations that improve the diversity of these groups to better represent our community.
    - Provide reports and other information to the community to provide feedback on the efforts and results of equity initiatives within the City.
    - * Collaborate with City Council to develop an effective process for policy recommendations.
- **Support the efforts of the Equity Manager**
  - Duties
    - Provide community input on the focus areas and initiatives of the Equity Manager to ensure these efforts reflect the priorities of all residents.

        - Develop partnerships between the Equity Manager and individuals and groups in the community to provide additional resources to enhance equity in our City.
        - Provide ongoing reports and feedback to the community regarding equity initiatives within the City, specifically focusing on the outcomes of those efforts.
        - * Develop policy recommendations that build stronger employment-driven partnerships.
        - * Work with the City of Asheville to provide and facilitate leadership/professional development for potential partner organizations.
        - * Analyze the membership of existing City Council appointed boards and committees to ensure they adequately represent the communities they serve.
        - * Facilitate community forums to provide input from HRC Members and the community during the hiring process for the Office for Equity and Inclusion.
- **Provide a public forum for community to voice complaints**
    - Duties
        - * To act as a public forum in hearing complaints involving racial tension, discrimination, or other concerns of equity.
        - To bring together the parties involved to discuss the facts.
        - To assist in the resolution of such complaints.
        - To recommend to City Council action needed where resolution cannot be achieved.
        - * Develop creative mechanisms to gather concerns and ideas from the citizens, and to work together with groups and individuals to improve outcomes in our City.
- **Engage the community around funded programs and policies**
    - Duties
        - Provide a mechanism for community input and oversight of programs funded by the City.
        - Involve the community in the development of outcome-based metrics using a racial equity lens.
        - Provide community input of the allocation of City funds as specified in the City budget.
        - Members will be available for conversations, education, and learning partnerships to guide analysis through a racial equity lens.
        - * Implement inclusive practices for public engagement within the activities of the HRC and advocate for their use in other City programs.
- **Promote equity in public safety**
    - Duties
        - Promote mutual respect and understanding between the police department and our community. Identify opportunities for effective collaboration.
        - Provide a mechanism to educate and solicit feedback from the community about police department policies, training programs, and other activities.
        - Improve community trust in the police department by advocating effective methods of community policing and by ensuring the transparency and accountability of the department.
        - Review public safety outcomes and other data from an equity perspective. Provide a forum for community discussion around reports issued to Council, such as traffic stop data.

        - Work with the community and APD to develop policy recommendations that can improve the equity of public safety outcomes.
        - Provide examples and resources that demonstrate the development of positive relationships between the community and police department.
        - Provide feedback and solicit input from the community on public safety trends and the effect of policies designed to improve the equity of public safety programs within the City.
        - * Work with existing City departments, boards, and committees as well as outside agencies.
- **Promote equity in educational opportunities**
    - Duties
        - Provide educational resources and other opportunities to encourage youth engagement in the City programs and the local government process.
        - Establish initiatives that assist with the development and retention of talent and expertise within Asheville, in collaboration with City departments.
        - Establish "working groups" between City Staff and individuals and organizations in the community to discuss and analyze equity challenges using data.
        - Provide feedback and solicit input from the community regarding the outcomes of educational efforts.
        - * Work with City Departments to prioritize participation by City staff in racial equity focused training and educational opportunities.
        - * Work with individuals and community groups to promote racial equity through art and other cultural programs.
        - * Work with existing City departments, boards, and committees as well as outside agencies.
- **Promote equity in economic development efforts**
    - Duties
        - Analyze employment, income, and business development outcomes across the City through a racial equity lens.
        - Provide community input on City employment and procurement processes.
        - Work with existing City departments and local organizations to build a successful minority business community.
        - Advocate for increased awareness and analysis of racial equity concerns in existing economic development efforts. Promote new initiatives to increase employment and business development.
        - Provide feedback and solicit input from the community regarding the outcomes of economic development efforts.
        - * Research and recommend policy changes that provide an equity perspective in the creation of economic development incentives and programs. Review incentive program on an annual basis.
        - * Ensure representation from communities of color during economic development recruitment process.
        - * Encourage the City to increase the development and utilization of African American owned businesses for City contracts, events and features in publications.
        - * Work with existing City departments, boards, and committees as well as outside agencies.
- **Health and Human Services**
    - Duties

        - Analyze health and human services outcomes for City residents through a racial equity lens.
        - Provide a forum to discuss community concerns around health related issues.
        - Provide educational resources to the community to promote access to health-related services.
        - Provide feedback and solicit input from the community regarding the outcomes of health and human services efforts.
        - * Work with existing City departments, boards, and committees as well as outside agencies.
- **Housing**
    - Duties
        - Analyze data on housing outcomes through a racial equity lens.
        - Provide a mechanism for community feedback on City policies and programs related to housing.
        - Ensure that individuals in different housing situations are adequately represented in City processes and programs.
        - Provide feedback and solicit input from the community regarding the outcomes of housing related efforts.
        - * Collaborate with the Affordable Housing Advisory Committee on solutions that enable affordable housing for all residents.
        - * Analyze the impact and effects of gentrification in Asheville from an equity perspective and research policy solutions.
        - * Work with existing City departments, boards, and committees as well as outside agencies.

Membership:

- 15 members
- **Broad criteria for all on the committee**
    - * The City follows the non-discriminatory policy in the selection of its members that is currently in place.
    - City resident with close ties to community that is most impacted by racism, oppression and inequity in this city.
    - People with the capacity to attend meetings.
    - People who have a passion for this work.
    - People who not only have "equity training", but have demonstrated involvement in the community – Application: Share some examples of what you have already done that has influenced creating more equity in some aspect of your work or community. Attention to demonstrated actions, not just "intentions to help".
    - Look for people that are still in it, not just "I did this once."
- **Demographic criteria – people will ideally have overlaps**
    - Always appoint 2 of any group of people so that someone is not "the only one".
    - At least 6 African Americans
    - At least 2 Latinx
    - At least 2 LGBTQ
    - At least 3 professionals with influence
    - At least 2-3 youth (16-25)
    - Representatives from all 5 geographical areas
    - 2-3 living in public housing
    - * 2 individuals with a disability
- **Terms**
    - Staggered terms
    - 2 years

Recommendations for Staff - *As adopted at the 01/31/18 Ribbon Committee meeting.*

The Blue Ribbon Committee identified an extensive list of focus areas and duties to create a Human Relations Commission that can produce meaningful change in Asheville.

To position this HRC for success, and to expand the existing efforts of the Office and Equity and Inclusion, the Blue Ribbon Committee believes it is critical to provide a recommendation for staff.

We would recommend that City Council work with the Office of Equity and Inclusion to create three additional staff positions which align closely with the focus areas and duties of the HRC.

Since the Office of Equity and Inclusion works across all City departments, the BRC would also recommend that the Office of Equity and Inclusion is created as a fully independent City department, reporting directly to the City Manager and/or City Council.

Members of the Blue Ribbon Committee met with the City Manager and the Equity and Inclusion Director, and support the following draft descriptions for an enhanced structure for the Office of Equity and Inclusion.

Equity & Inclusion Director

- Oversees and facilitates equity and inclusion initiative citywide
- Manages the Equity Core Team; provides consultation and technical assistance across city government
- Oversees the development, implementation and evaluation of an Equity Action Plan
- Facilitates the adoption of an equity lens by all departments in decision-making
- Manages staff, leads efforts, staffs Human Relations Commission
- Communicates, Cooperates, Coordinates and/or Collaborates with public institutions and private organizations to address structural oppression and racism.

Equity & Inclusion Program Manager

- Works with internal departments to develop, implement, and track results of Equity Action Plan, provide technical assistance on using equity lens, and
- Plans and implements events, workshops and learning opportunities to promote equity and inclusion inside city government and across the City; supports development of community leaders.

Human Relations Specialist

- Serves as the point of contact for community to report complaints related to discrimination; facilitates the process for the Human Relations Commission to hear complaints. Supports the administrative priorities of the Human Relations Commission
- Conducts research, collects data and develops reports to increase equitable outcomes for residents in areas aligned with the mission and annual work plan of the Human Relations Commission.

Inclusive Engagement Manager

- Facilitates inclusive public outreach and community engagement
- Consults with departments to implement equitable and inclusive public engagement
- Liaise between historically underserved community members and city government

Mayor Manheimer, along with other Council members, appreciated all the hard work of the Committee members and thanked them as well for the step by step recommendations.

It was the consensus of the Council to accept the Committee's report and refer the recommendations to the Boards & Commissions Committee to begin the process of creating the Commission.

Ms. Ashley Cooper, Ms. Elizabeth Schell and Ms. Kim Roney all spoke in support of the Commission's recommendations.

B. TREE COMMISSION PRESENTATION ON GAP ANALYSIS STUDY

Tree Commission Chair Steve Henricks and Tree Commission member Ed Macie said that the Urban Forest Sustainability & Management Assessment System is a framework for comprehensively evaluating urban forest management programs.

Mr. Macy said that the primary objectives are to: (1) engage the full spectrum of urban forestry stake holders; (2) provide program direction that increases the standards of practice and care in urban forest management; (3) conduct a gap analysis of management practices and the health of green assets; (4) Improve the health of the green assets managed by the program, and (5) Optimize management for identified ecosystem services (e.g., increased canopy for storm water management). The *Urban Forest Sustainability and Management Review* system utilized in this project is developed and supported by the USDA Forest Service, Southern Region

There are 11 categories of review: (1) policies and ordinances; (2) professional capacity and training; (3) funding and accounting; (4) authority; (5) inventories; (6) urban forest management plans; (7) risk management; (8) disaster planning; (9) practices (standards & BMPs); (10) community; and (11) green asset evaluation. There are 119 elements within 11 categories - not practiced, in development, adopted common practice, and exceeds common practice. The evaluation consists of (1) standard of care; (2) next step activities; and (3) advanced management activities.

Findings consist of (1) Urban forestry program with many core strengths; (2) Best practices and standards of care have been widely adopted and employed by the City; and (3) There are also specific opportunities for improvement, which include: (a) increasing capacity to manage the resource; (b) developing improved inventory and data sets, (comprehensive public tree inventory, and canopy analysis); (c) updating ordinances and plans; and (d) increasing community commitment, (building community support and awareness).

Recommendations are as follows: (1) Adequate staffing, including the addition of an Urban Forester; (2) Strategic planning, including the development of a comprehensive Urban Forestry Master Plan; (3) Updating City Ordinances, strengthening active tree protection during development, and adoption of an urban tree canopy policy (no net loss, canopy goals); and (4) Strengthening of private-public partnerships that engages citizens, increases awareness, and supports the City's urban forestry goals. He stressed that the Urban Forester position is the most appropriate step after the canopy analysis.

In response to Councilwoman Mayfield, City Manager Jackson said that the Tree Commission had brought forward three elements - the gap analysis, the canopy study, and the Urban Forestry Master Plan. The gap analysis study was funded and has now been completed. The other two elements are not funded and will be brought forward with all the other budget funding recommendations in the budget process.

C. NON-REVENUE WATER REPORT

Interim Water Resources Director David Melton updated Council on the non-revenue water report. He said this program has proven to be a viable resource for efficient operations for sustainability of the water system and the plan moving forward is to continue a proactive approach. In one year, there has been a 300,000 gallon a day reduction, which is estimated to be a savings of $3 Million a year.

IV. PUBLIC HEARINGS:

V. UNFINISHED BUSINESS:

A. RESOLUTION NO. 18-37 - RESOLUTION TO NOT SUPPORT THE N.C. DEPT. OF TRANSPORTATION PROPOSAL TO WIDEN MERRIMON AVENUE TO FIVE LANES AND REQUESTING THE N.C. DEPT. OF TRANSPORTATION TO COLLABORATE WITH CITY STAFF TO DEVELOP ALTERNATIVES FOR MERRIMON AVENUE AND TO MEET REGULARLY WITH CITY STAFF TO REVIEW ALL OTHER N.C. DEPT. OF TRANSPORTATION PROJECTS WITHIN ASHEVILLE

Transportation Director Ken Putnam provided the Council with the following staff report: The N.C. Dept. of Transportation (NCDOT) is proposing to improve traffic operations on Merrimon Avenue where two intersections (WT Weaver Blvd & Edgewood Rd) operate below NCDOT standards contributing to the corridor's congestion. As a result, NCDOT is proposing to widen Merrimon Avenue from a four- to a five- lane road between these intersections so that a center turn lane can be added. The project primarily aims to accommodate automobile traffic and would not provide sufficient infrastructure for bicycles and pedestrians. Staff recommends that City Council adopt a resolution to 1) reject the proposed plan because it fails to meet city goals, and 2) request NCDOT to collaborate with city staff to develop alternatives that align with city goals and adopted plans and that safely accommodate all users, especially those most vulnerable.

Merrimon Avenue is also known as US25, a road that is classified as a minor arterial that connects Downtown Asheville to Weaverville, running through some of Asheville's oldest neighborhoods. Merrimon Avenues is a traditional road and city connector that passes through vital City residential neighborhoods and business areas. It is the gateway to Asheville neighborhoods to the north and to the University of North Carolina, and the Asheville Central Business District to the south. In Downtown Asheville, Broadway Street, a two-lane road, transitions into Merrimon Avenue north of I-240 and becomes a four-lane road for three miles until it transitions back to a two lane road at the point that Merrimon Avenue reaches Beaver Lake. The NCDOT proposed project primarily aims to improve traffic operations at two intersections along Merrimon Avenue at WT Weaver and Edgewood Road, and these intersections were identified concerns that received funding and were put into the statewide plan, the State Transportation Improvement Program (STIP), for right-of-way acquisition in 2018 and for construction in 2019.

Asheville has changed significantly since early Merrimon Avenue discussions occurred about 20 years ago. Since the 1999 feasibility study there have been changes in policy, transportation planning standards, and local politics. In 2009, a Community Characteristics Report developed for NCDOT recommended that a future project needed to coordinate with the community to mitigate potential impacts on the historic character of the neighborhood. In 2012, the city adopted a Complete Streets Policy, which directs projects to incorporate active transportation options, reduce vehicle miles traveled and the associated carbon emissions, and calls for better integration of transportation and land use, now recognizing the important nexus between street operations and economic development (NCDOT adopted their own Complete Streets policy in 2009). In 2016 the city adopted the Asheville in Motion (AIM) Plan, which calls

for reducing automobile speeds to improve pedestrian safety citywide, adding bicycle facilities on Merrimon, and enhancing transit service on Merrimon.

The current proposed design by NCDOT is the wrong solution for the problem as it has been shown that road widenings induce demand and, over time, eliminate the automobile level of service (LOS) improvements that are initially gained, thereby perpetuating and contributing to a larger problem. Most important, however, we have realized that road widenings primarily benefit automobiles at the expense of pedestrians, bicyclists, and the built environment. Changing Merrimon to make it look and feel like Tunnel Road or Leicester highway is not be the best fit for this corridor or for Asheville.

Key to this community conversation is an understanding that motor vehicle LOS is only one indicator for the health of street. Other important factors include safety, mobility, and the effect on property and urban design.

- **Safety**. Between 2006-2017, this stretch of Merrimon Avenue had over 600 recorded crash incidents, including at least two with disabling injuries (see image to the right). In 2015, a 67-year-old woman was killed when trying to cross Merrimon Avenue one block south of the project area. On average, there is one auto-related crash along this half mile every week. The final design should improve safety for all users, especially for the most vulnerable.

- **Mobility options**. Currently Merrimon Avenue lacks appropriate pedestrian and bicycle facilities. Although the proposed project incorporates 5' sidewalk and allows for bicyclists to share the road, national standards (NACTO) recommend that shared roads are not appropriate on streets with design speeds above 25 mph--the proposed design speed is 40 mph. Safety concerns are both real and perceived. A 5-foot wide sidewalk along a five-lane road with no buffer from the street and immediately adjacent to a 13' moving lane is intimidating and uninviting. In addition, the numerous existing utility poles in the middle of sidewalks are an impediment to handicapped-accessible pedestrian travel.

- **Effect on property & urban design**. Five lane roads such as Tunnel Road, Leicester Highway, and Hendersonville Road are suburban, auto-oriented designs. They primarily serve to accommodate automobiles. Yet in urban environments wide roads without street trees significantly degrade the neighborhood and the pedestrian experience. Wider five-lane roads have fewer street trees because NCDOT requires that street trees be set back from moving vehicles, effectively eliminating them from many projects, as proposed for Merrimon Avenue.

Alternative Approach. There is another way forward that has been proven to be successful, even in locations with similar traffic volumes. The 'road diet' approach uses the right-of-way more efficiently, seeking to improve automobile LOS by removing turning vehicles from the moving lanes by providing dedicated turn lanes and making improvements to control driveway access (Staff has identified at least seven driveways driveways that require further investigation to determine if they are redundant and/or excessive, and whether their removal could improve traffic operations and safety while still maintaining necessary access for business.) The FHWA Safety Program provides guidance and case studies for road diets that are recommended for volumes below an Average Daily Traffic (ADT) of 20,000, and may be appropriate for higher-volume streets. For instance, the maximum acceptable volume for a road diet in Seattle, WA is 25,000 ADT. The following are a few comparable road diet case studies:

Project Location	ADT	Resulting Road Diet Benefits
Ocean Park Blvd (pg 18), Santa Monica, CA	23,000	Crashes reduced 65%

East Blvd (pg 4), Charlotte, NC	20,000	Crashes reduced 20-100%*
La Jolla Blvd, San Diego, CA	23,000	Crashes reduced 90%; Retail sales up 30%

* Some rear end crashes increased

Aside from ADT, road diet analysis depends on peak volumes and direction of traffic, turning movements, and other factors that together define the expected automotive LOS. These factors need to be analyzed and reviewed so that we can understand potential impacts on automobile transport to then weigh them against the benefits that come along with safety enhancements, improved mobility, and a better urban design. To date, however, staff has not seen data from NCDOT to review current and projected LOS.

Asheville's City Council Vision points to a city with pedestrian oriented development that harmonizes with the transportation system where it is easy to get around without a car safely. The Asheville City Development Plan 2025 (or Comprehensive Plan) identifies Merrimon Avenue as an Urban/Neighborhood Corridor where sidewalks, streetscape and building design acknowledge and provide a safe environment for the pedestrian users of the corridor. The Comprehensive Plan update highlights the importance of transit-supportive corridors that support walkability, bicycling, and ease of getting around.

In order to accomplish these goals, we must choose designs that align with our goals. In the case of Merrimon Avenue, an alternative design could be one that slows vehicles such that through-traffic chooses instead to travel along I-26; where bicyclists travel in a protected lane that safety connects to the Glenn's Creek Greenway; where pedestrians have wider sidewalks buffered with street trees; where an improved streetscape raises the level of the shopping corridor to make it a place that is exciting to visit--where taking a stroll is safe and pleasant.

It is understandable that NCDOT may not be interested in the alternative concepts if they fail to improve the automotive LOS because conventional transportation planning does not fully account for the other needs and benefits that a street can provide, that a road diet may lead to unaccounted for auto congestion and that that possibility is enough to drop the project. In other words, the thinking goes that by not being able to identify, in advance, where modeled spillover traffic may go, it is enough to forgo a project that would provide multiple benefits and that may actually accommodate cars sufficiently, as has been shown to be the case in other cities.

If Asheville is to move in the direction of the vision set by City Council and to achieve the many goals related to multimodal transportation and quality of life for Ashevillians, we need to consider more than automobile LOS in this project. Inconvenient automobile congestion during peak travels times need not dominate the conversation because automobiles, although significant, are only part of the puzzle. This project can balance the automotive needs and also improve safety, enhance the pedestrian experience, provide a safe alternative for bicyclists, and support the existing urban land uses with streetscape improvements, potentially adding benches and pedestrian-scale lighting along wider sidewalks that include street trees. Improving the environment to make it more attractive for business should be a key element of the design.

It is our responsibility to make the case very clear that both city and state goals call for multimodal designs that improve safety. An alternative concept is possible if as a community we can agree to accept a reduced automobile LOS in exchange for improved safety, mobility, and a higher-quality urban design. Asheville looks forward to collaborating with NCDOT and the design team to revise the plan to meet our mutual goals and stay on schedule.

Pros to an alternative design for Merrimon Avenue:

- To reduce automobile speeds and related crashes, saving citizens cost of property damage and potentially saving lives
- Provide more equitable transport options
- Create shorter crossing distances for pedestrians, especially vulnerable populations
- Reduce costs with a smaller overall footprint; less property acquisition
- To improve service for emergency responders
- To align with City Council Vision, the City Comprehensive Plan, the Asheville in Motion (AIM) Mobility Plan (AIM identifies that Merrimon Avenue should have lower travel speeds and traffic volumes where pedestrians and cyclists navigate to visit businesses, and that more people accessing businesses by bike or foot could translate to less parking requirements for the business owners), and the Comprehensive Bicycle Plan of 2008, and would also align with NCDOT's Complete Streets Policy and Vision Zero Resolution
- To support NCDOT's recently-adopted safety performance measures to reduce fatal and serious injuries by 5% on a five year average as research shows that four-to-three lane road diets typically reduce speeds and crash rates
- To support regional planning consistent with the Land of Sky MPO's Clean Cities Coalition to reduce vehicle miles traveled (VMT) that an alternative concept would likely achieve as more local auto trips would shift to transit, bicycling, and walking
- To support transit: The city's Transit Master Plan is currently underway and will likely see improved north/south transit service along Merrimon Avenue that would help to provide additional mobility to potentially further reduce VMT along this corridor.
- To include street trees: It has been shown (Jacobs, Allan B. *Great Streets,* MIT Press, 1993, pg. 279) that attractive streets have vertical to horizontal ratios of about 1:2 (street is twice as wide as buildings are tall), and that wider streets are only successful if they have street trees to provide definition and a better sense of pedestrian scale. The Merrimon Avenue section is about 1:4 so street trees are important if the corridor is to attract more visitors and shoppers. A reduced design speed and buffered bicycle facilities of the alternative concept would likely provide the necessary clear zone space required by NCDOT to allow for street trees to be incorporated into the design.

Cons to an alternative design for Merrimon Avenue:

- Reduced LOS and convenience for automobiles, especially at peak commuting hours
- Possible delayed project schedule

The State Transportation Improvement Program (STIP) lists these two intersections with a total budget of $1,391,000. Depending on the final design, the project cost may exceed this budget requiring additional funding, which may require support from the City of Asheville or other funding sources.

Staff recommends that City Council 1) reject the proposed plan because it fails to meet city goals, and 2) request NCDOT to collaborate with city staff to develop alternatives that align with city goals and adopted plans and that safely accommodate all users, especially those most vulnerable.

In response to Vice-Mayor Wisler, Mr. Putnam said that specifically for Merrimon Avenue, the NCDOT's consultant is putting all the comments they received together and they will come back to the City with an action plan. The City has been proactive in that they have already made a complete list of the 18-19 projects on the book with the NCDOT and they have taken steps to reach out and ensure we will be at the table on individual projects. We are identifying the projects that will be handled out of the Raleigh office vs. the projects that will be handled out of the local office. So far, the good news is that the projects out of the Raleigh office have been assigned to Mr. Weaver who has been instrumental in helping us through the I-26 process.

Mayor Manheimer said that she will be meeting with Mr. Billy Clarke who is our representative on the State Board of Transportation, along with our Council members on the Metropolitan Planning Organization (Vice-Mayor Wisler and Councilwoman Mayfield) and other Raleigh and City staff to talk about how we are going to get this working relationship right on this and future projects.

Mr. David Nutter, representing the viewpoint of the Preservation Society of Asheville & Buncombe County, opposed the current NCDOT proposal for Merrimon Avenue. He urged Council to terminate or postpone this project until it can be rethought as an urban Complete Streets project. In its present form the project will do substantial and irrevocable damage to the character of the study area. They are aware that the NCDOT is proposing to reconstruct the Glenn's Creek culvert beneath Woolsey's Dip. This reconstruction is a special and sensitive environmental design element warranting the U.S. Corps of Engineers attention. The project also requires serious environmental and historic preservation review. They believe that improvements to the street should be held within its existing street width and that Merrimon needs sidewalks which are continuous on both sides of the street. They ask that no commitment e made to close off Clearview Terrace until a sensitive study is made. They feel that an Historic Architecture and Resources Study prepared by consultants qualified under the U.S. Dept. of Interior Standards should be conducted.

Mr. Mike Soule, Director of Asheville on Bikes, opposed the NCDOT proposal for Merrimon Avenue and provided Council with a card that supported a safe Complete Streets for Merrimon Avenue designed to work for all people moving by a variety of modes.

A resident in the Grove Park area, asked that the area be made more pedestrian friendly.

Mr. Tony Hauser opposed the NCDOT proposal for Merrimon Avenue noting that adding lanes does not solve traffic problems. We must change the ways we think about transportation.

On the Merrimon Avenue project, Councilman Kapoor hoped that we would reach an understanding with the NCDOT to avoid taking someone's home.

Councilman Young hoped that this will lead to the NCDOT working more closely with the City of Asheville when projects are proposed to make sure they align with our goals as a City.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of Resolution No. 18-27. This motion was seconded by Councilman Young and carried unanimously.

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VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

Vice-Mayor Wisler announced that the appointments on the Audit Committee, Homeless Initiative Advisory Committee, Multimodal Transportation Commission and Riverfront Area Redevelopment Commission will be postponed until March 13, 2018.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Ms. Catherine Anne Walsh asked Council to strengthen the list of preferred species and to prohibit certain non-native invasive plants.

Mr. Bill Robinson spoke to Council the need to take better care of the homeless in Asheville.

Closed Session

At 6:48 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit involving the City of Asheville vs. Robert H. Frost. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 7:26 p.m., Vice-Mayor Wisler to come out of closed session. This motion was seconded by Councilman Young and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:26 p.m.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Thursday – February 15, 2018 - 8:45 p.m.
The Collider - 1 Haywood Street

Annual Retreat

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Mayor Manheimer welcomed everyone to the City Council Annual Retreat.

Mayor Manheimer then convened the retreat and introduced Ms. A. Tyler St. Clair, who would be facilitating the treat. Ms. St. Clair said that the purpose of the retreat is to assist City Council in reaffirming its vision and priorities and to develop roles and operating guidelines that maximize its success as an elected body.

Ms. St. Clair reviewed the purpose of the retreat which would be to enhance the ability of the Asheville City Council to work together and make effective policy decisions through team building, a review and renewal of its vision and 3-year priorities, and a discussion of governance roles.

Goals consisted of (1) Learn more about fellow Council Members, including new ones, in a team building session that looks at life experiences and values, including one's commitment to public service; (2) Understand the Local Elected Leadership Model and how it is useful in assuring an aligned and productive relationship among Council Members and staff; (3) Provide background on Vision and Priority development so that each Council Member has needed information for reviewing the Vision and Priorities; (4) Gain an understanding of each individual Council Member's perspectives on important leadership issues, assets, needs, and desired change initiatives for the City; (5) Use this review to evaluate and renew the Council's Vision and its Strategic Target Areas, including identification of any new areas of emphasis that may have arisen; (6) Using criteria, review Council's 3 Year Priorities (now approaching year 3) to form the basis of the Manager/staff's work plan and provide guidance as needed; (7) Identify specific results desired for calendar year 2018; (8) Discuss roles, responsibilities, and ways of working together that maximize the Council's ability to effectively share leadership; and (9) Identify next steps and responsibilities to follow up on retreat discussions.

Ms. St. Clair reviewed the roles of Council Members and the facilitator.

Ms. St. Clair performed a team building exercise that looked at life experiences and values, including their commitment to public service.

There was then a review of governance model that the Council used as a framework for collective leadership and to ensure the proper alignment of Council and staff work.

Council and staff then reviewed the background and outlined the approach used to develop the Council's Vision and Priorities in 2016, along with actions that have been taken to align staff work.

Closed Session

At 11:32 p.m., Councilwoman Smith moved to go into closed session to (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General

Statutes. The law that makes the information privileged and confidential is N.C. Gen. Stat. sec. 143-318.10 (a) (3). The statutory authorization is contained in N.C. Gen. Stat. sec. 143-318.11 (a) (1); and (2) qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6); and to prevent the disclosure of information that is confidential pursuant to N.C. Gen. Stat. § 160A-168, the Personnel Privacy Act. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 12:31 p.m., Vice-Mayor Wisler moved to come out of closed session. This motion was seconded by Councilman Young and carried unanimously.

In a small group exercise, individual Council Members brainstormed about their assets, strengths, current initiatives, needs and potential changes for the City of Asheville that will ensure its desired future.

Council then evaluated and ensured their commitment to Council's Vision and Strategic Target Areas, ensuring that the future describes what is most important for Asheville's desired.

Council discussed strategies that will be useful in furthering the Vision's impact as a governance tool. Then Council identified any areas of emphasis that should be included/incorporated within Council's Priorities.

Council then wordsmithed the current Asheville City Council's 2036 Vision.

At 5:03 p.m., Mayor Manheimer recessed the retreat until 8:45 a.m. on Friday, February 16, 2018, at the The Collider.

Friday – February 16, 2018 - 8:45 a.m.
The Collidor - 1 Haywood Street

Continuation of Retreat

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Council reviewed their wordsmithing of the 2016 Vision that they worked on the first day.

Council then reviewed their 3-Year Priorities (currently entering Year 3) to evaluate progress and ensure that these remain the needs and projects on which staffing and resources should be focused. They then narrowed the focus of the Strategic Work Plan to identify goals/projects that will be important to complete by the end of calendar Year 2018.

The Council was in agreement for the following next steps: (1) Facilitator will send the report to the City Manager; (2) City Manager will send report to City Council; (3) City Manager will develop a new strategic work plan to address the priorities, which will then become goals; (4) possible City Council worksession to address what it will take to accomplish the goals and the resources required, with consideration of whether the Finance Committee should review the Plan first; (5) City Council to readopt the Vision and ratify the Plan; and (6) City Council to consider new roles in sharing/communicating the vision and its successes.

At 3:06 p.m., Mayor Manheimer adjourned the meeting and announced that City Council will gather later in the evening for dinner.

Magdalen Bullock
City Clerk

Mayor

Tuesday – February 27, 2018- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. RESOLUTION NO. 18-56 - RESOLUTION IN MEMORY OF THE REVEREND BILLY GRAHAM

Mayor Manheimer read the resolution in memory of the Rev. Billy Graham as follows: WHEREAS, on behalf of the City of Asheville, we extend our sincere condolences over the passing of Reverend Billy Graham; and WHEREAS, Reverend Billy Graham was a charismatic North Carolina pastor who preached to more than 200 million people in 185 countries, counseled presidents and led mass religious rallies that featured professional musicians and huge choirs, in venues ranging from a circus tent in Los Angeles to Yankee Stadium in New York; and WHEREAS, Reverend Billy Graham held one of his famous religious rallies here in Asheville; and WHEREAS, Reverend Billy Graham served as a counselor or minister to a dozen U.S. presidents and, had a close fellowship with Queen Elizabeth II and the Royal Family; and WHEREAS, Reverend Billy Graham died on February 21, 2018; NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: The City of Asheville extends our sincere sympathies to his family and supporters upon the passing of Reverend Billy Graham."

Mayor Manheimer then presented the resolution to Mr. Will Graham, grandson of Rev. Graham, and Mr. Glenn Wilcox, family friend, who thanked City Council for this resolution.

Resolution No. 18-56 was adopted by acclamation.

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B. PROCLAMATION PROCLAIMING MARCH 10, 2018, AS "ZELDA FITZGERALD DAY"

Vice- Mayor Wisler read the proclamation proclaiming March 10, 2018, as "Zelda Fitzgerald Day" in the City of Asheville. She presented the proclamation to Mr. Jim MacKenzie, who briefed City Council on some activities taking place during the day.

C. PROCLAMATION PROCLAIMING MARCH 19-25, 2018, AS "ASHEVILLE CLIMATE WEEK"

Councilwoman Mayfield read the proclamation proclaiming March 19-25, 2018, as "Asheville Climate Week" in the City of Asheville. She presented the proclamation to Ms. Megan Robinson, Executive Director of The Collider, , who briefed City Council on some activities taking place during the week.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 13, 2018; AND THE ANNUAL RETREAT HELD ON FEBRUARY 15-16, 2018

B. RESOLUTION NO. 18-38 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DIVISION OF EMERGENCY MANAGEMENT FOR THE FISCAL YEAR 2017 HOMELAND SECURITY GRANT TO UPGRADE AND ENHANCE WIRELESS TELECOMMUNICATIONS EQUIPMENT

ORDINANCE NO. 4653 - BUDGET AMENDMENT THE N.C. DIVISION OF EMERGENCY MANAGEMENT FOR THE FISCAL YEAR 2017 HOMELAND SECURITY GRANT

Summary: The consideration of (1) a resolution authorizing the City Manager to apply for and enter into a contract with the N.C. Division of Emergency Management for the Fiscal Year 2017 Homeland Security Grant Program to upgrade and enhance the wireless telecommunications equipment; and (2) a budget amendment, in the amount of $30,000, in the City's Special Revenue Fund budget for the grant.

In November 2010, City Council approved a resolution to authorize the City Manager to accept $550,000 from the Fiscal Year 2010 Homeland Security Grant Program administered by the North Carolina Division of Emergency Management for procurement and installation of wireless telecommunications equipment to enhance the ability of emergency responders to communicate locally and throughout the region. That equipment was purchased and has been in use by the City since 2011. This equipment has enhanced the ability of the Asheville Fire Department and other regional Emergency Responders to communicate during a disaster or other emergency that requires the coordination and communication between multiple jurisdictions. After seven years of use and changes in technology, now is the appropriate time to enhance and upgrade the equipment. The $30,000 from the Fiscal Year 2017 grant will be used for equipment that enhances existing wireless data/voice resources and capabilities; supports the Incident Management Team needs at alternate Emergency Operations Center locations; elevates radio frequency, provisions wireless access points for data and voice that can expand the present range, and increases the margin of safety for radio frequency exposure.

Pros:

- An increased ability to communicate with responders from other jurisdictions that can not operate on the City's Public Safety Radio System or who are outside the system coverage area.
- Increases responder safety and accountability of the City's resources when providing mutual aid to other jurisdictions.
- The redundant infrastructure will provide an additional margin of safety during emergency operations ensuring continued and reliable communications.

Con:

- None identified

The equipment purchase will be fully funded by the grant proceeds. There is no impact to the City's General Fund budget.

City staff recommends City Council adopt (1) a resolution authorizing the City Manager to apply for and enter into a contract with the N.C. Division of Emergency Management for the Fiscal Year 2017 Homeland Security Grant Program to upgrade and enhance the wireless telecommunications equipment; and (2) a budget amendment, in the amount of $30,000, in the City's Special Revenue Fund budget for the grant.

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C. RESOLUTION NO. 18-39 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RECEIVE REIMBURSEMENT FUNDS FROM THE N.C. EMERGENCY DIVISION OF THE DEPT. OF PUBLIC SAFETY FOR STAFF DEPLOYMENT TO TEXAS TO ASSIST WITH HELO-AQUATIC RESCUE EFFORTS AND STAFF DEPLOYMENT TO BUNCOMBE COUNTY TO SUPPORT NORTH CAROLINA TASK FORCE 2 OPERATIONS DURING HURRICANE IRMA

ORDINANCE NO. 4654 - BUDGET AMENDMENT FOR STAFF DEPLOYMENT TO TEXAS TO ASSIST WITH HELO-AQUATIC RESCUE EFFORTS AND STAFF DEPLOYMENT TO BUNCOMBE COUNTY TO SUPPORT NORTH CAROLINA TASK FORCE 2 OPERATIONS DURING HURRICANE IRMA

Summary: The consideration of (1) a resolution authorizing the City Manager to receive reimbursement funds from the State of North Carolina N.C. Emergency Division of the Dept. of Public Safety for staff deployment to Texas to assist with Helo-Aquatic Rescue efforts and staff deployment to Buncombe County to support North Carolina Task Force 2 operations during Hurricane Irma; and (2) a budget amendment, in the amount of $17,448.35, in the General Fund budget for the reimbursement.

The State of North Carolina participates in the The Emergency Management Assistance Compact (EMAC). EMAC is a nationally adopted mutual aid agreement among states to share resources during times of need. The City of Asheville Fire Department supports the North Carolina Helo-Aquatic Rescue Team (NCHART). During Tropical Storm Harvey, the state of Texas requested resources through the EMAC agreement and North Carolina responded by sending the NCHART team. AFD had two members deploy with the team at a cost of $12,062.27. This amount represents the cost to the City in the form of compensation and benefits.

The North Carolina Emergency Management division of the Department of Public Safety supports seven Urban Search and Rescue (USAR) Task force teams. Buncombe County serves as the host for Task Force 2. The City of Asheville Fire Department supports this effort by providing trained staff. During Hurricane Irma, Task Force 2 increased their readiness level in anticipation of flood/swiftwater emergencies. AFD supported this effort through staffing at a cost of $5,386.08. This amount represents the cost to the City in the form of compensation and benefits.

Pro:

- Receiving reimbursement funds will reduce the impact this deployment had on the fire department's compensation budget.

Con:

- None Identified

Upon City Council approval, a budget amendment will be made in the current fiscal year to accept this reimbursement and reduce the overtime impact to the Asheville Fire Department in the amount of $17,448.35.

Staff recommends City Council adopt (1) a resolution authorizing the City Manager to receive reimbursement funds from the State of North Carolina N.C. Emergency Division of the Dept. of Public Safety for staff deployment to Texas to assist with Helo-Aquatic Rescue efforts and staff deployment to Buncombe County to support North Carolina Task Force 2 operations during Hurricane Irma; and (2) a budget amendment, in the amount of $17,448.35, in the General Fund budget for the reimbursement

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D. RESOLUTION NO. 18-40 - RESOLUTION PROPOSING TO ACCEPT AN OFFER FOR SALE OF 102.8 SQUARE FEET OF AIR RIGHTS AT 35 EAGLE STREET; DIRECTING THE CITY CLERK TO ADVERTISE FOR UPSET BIDS FOR THE SALE OF AIR RIGHTS; AND IF NO OTHER BIDS ARE RECEIVED OR ACCEPTED, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO CONVEY THE AIR RIGHTS

Summary: The consideration of a resolution proposing to accept an offer for sale of 102.8 square feet of air rights at 35 Eagle Street; directing the City Clerk to advertise for upset bids for the sale of air rights; and if no other bids are received or accepted, authorizing the City Manager to execute any and all documents necessary to convey the air rights.

The City of Asheville controls the sidewalk and street right-of-way located at 35 Eagle Street and in turn controls encroachments into the overhead airspace above the sidewalk. At this time, Asheville Foundry Inn, LLC is constructing a hotel that is comprised of several historical buildings and some new construction. The construction plans call for a cornice at the roof line that extends slightly onto the City's right of way on Eagle Street. Because this cornice would be a permanent part of the building, this encroachment into the public air space must be treated as a sale of property, and therefore the City requires that the sale of air rights follow certain disposition procedures; specifically the upset bid process.

The project was approved in March of 2015 by the Technical Review Committee and it was favorably reviewed by the Downtown Commission in May of that year. Planning and Zoning reviewed and approved the Level II project in June of 2015. Due to the historical status of the existing buildings, the developer reduced the scope of the project. The result was the elimination of one floor in the future hotel. The plans were revisited by the design team and the cornice was added along the roofline on the Eagle Street side. This addition to the plans triggered the need to purchase air rights from the City of Asheville. In terms of current policy, the sale of air rights is reviewed on a case by case basis. There is an air rights policy that was drafted by the Planning & Urban Design Department and reviewed by the Downtown Commission, but not yet officially approved. This policy generally allows air rights to be granted for existing structures such as this Property. The Public Works Department was consulted in regard to this air rights request, since it is responsible for the sidewalk below and it had no concerns.

On January 12th, 2018, a qualifying bid was received from Asheville Foundry Inn, LLC in the amount of $833.00 for the purchase of 102.8 square feet of air space for the purpose of constructing a cornice onto an existing roof overhang at 35 Eagle Street. This bid was based on an average of the value from a 2016 Commercial Appraisal of a nearby hotel and the tax assessed value of the land where construction is underway on Eagle and South Market Street, and the offered amount is considered to be at fair market value for the air rights. If the City

Council approves the following resolution, the City Clerk will be directed to publish an advertisement for upset bids for a period of 10 days, in which any interested party may upset the current bid of $833.00. The statutes require that a qualifying bid must increase the current offer by 10% of the first $1,000 and 5% of the remainder (i.e., $917.00 or higher). Since the function of the upset bid process is to confirm fair market value, this resolution provides that if no qualifying, competing bid is received, then the City Council agrees to convey this specified area of air rights to Asheville Foundry Inn, LLC for $833.00.

Pros:

- The project will preserve existing buildings on the Historic Register.
- The sale of the air rights will be at fair market value.

Con:

- The cornice is an encroachment into the City's right-of-way.

Financial proceeds associated with this disposition are to benefit the City's General Fund.

Staff recommends City Council adopt a resolution that proposes to accept an offer for sale of 102.8 square feet of air rights at 35 Eagle Street to Asheville Foundry Inn, LLC; directing the City Clerk to advertise for upset bids for the sale of said air rights; and if no other bids are received or accepted, authorizing the City Manager to execute any and all documents necessary to convey the easement and air rights.

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E. RESOLUTION NO. 18-41 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH GHD CONSULTING SERVICES FOR THE MILLS RIVER WATER TREATMENT PLANT ROOF REPLACEMENT AND STRUCTURAL IMPROVEMENTS PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a Supplemental Agreement with GHD Consulting Services, Inc. for the proposed amount of $206,040 plus a 10% contingency for a total of $226,644 for the Mills River WTP Roof Replacement and Structural Improvements Project.

On August 11, 2014, the Water Resources Department (WRD) issued a Request for Qualifications (RFQ) for On-Call Professional Services for Water Treatment Plant (WTP) Projects. In response to the RFQ, seven engineering firms submitted Statements of Qualifications (SOQ). A WRD review team selected three engineering firms with proven experience and expertise to provide professional and engineering services for various water treatment plant repair, replacement, and/or expansion projects. The three selected firms are Brown and Caldwell, CDM Smith Inc., and GHD Consulting Services.

With guidance from the City's Legal and Purchasing Departments, the WRD executed Master Agreements with all three firms to establish initial contractual terms. Specific projects would be authorized under a separate Supplemental Agreement between the WRD and individual engineering firm. The WRD desires to enter into a Supplemental Agreement with GHD for the Mills River WTP Roof Replacement and Structural Improvements.

The Mills River WTP's roof is original to the facility (opened 1999) and is past its useful life. As the roof system is approaching 20 years old, water is penetrating the building envelope in locations throughout the building and the roof is in need of replacement. Following the initial site inspection, GHD was informed that the plant currently does not have a way to replace bulk

storage tanks in the chemical area. GHD has been asked to provide a scope of work that includes the design and specification of a roof system replacement, along with structural improvements for the installation of removable skylights for the removal of the sodium hydroxide, sodium hypochlorite, alum, and fluoride bulk storage tanks, construction administration, and full-time project oversight.

The scope of services to be performed by GHD under this Supplemental Agreement include design services, bid and construction administration services, and on-site representation and inspections needed for the project.

Pros:

- This project will replace the roof and make needed structural improvements at the MR WTP in order to operate the plant at the most efficient level possible.
- This project is aligned with the City and the WRD goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.

Con:

- A delay in awarding this agreement would postpone the roof replacement, which will continue to leak and cause damage to filter controls and structural aspects of the MR WTP.

The funding needed for this agreement is currently allocated within the Water Treatment Plant Improvements Project in the Water Resources Capital Improvement Projects (CIP) Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a Supplemental Agreement with GHD Consulting Services, Inc. for the proposed amount of $206,040 plus a 10% contingency for a total of $226,644 for the Mills River WTP Roof Replacement and Structural Improvements Project.

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F. RESOLUTION NO. 18-42 - RESOLUTION AMENDING THE 2018 CITY COUNCIL MEETING SCHEDULE TO (1) RESCHEDULE THE PREVIOUSLY SCHEDULED BUDGET WORKSESSION ON MARCH 13, 2018, TO MARCH 20, 2018, AT 3:00 P.M. IN THE COUNCIL CHAMBER AND HELD IN CONJUNCTION WITH A PARTICIPATORY BUDGET WORKSESSION; (2) ADD A JOINT CITY COUNCIL/BUNCOMBE COUNTY COMMISSIONERS MEETING ON MARCH 13, 2018, AT 3:00 P.M. IN THE 1ST FLOOR CONFERENCE ROOM AT 200 COLLEGE STREET, ASHEVILLE, N.C.; AND (3) RESCHEDULE THE MAY 8, 2018, FORMAL MEETING TO MAY 15, 2018

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G. ORDINANCE NO. 4655 - BUDGET AMENDMENT FOR CONNECTIVITY IMPROVEMENTS NEAR THE MIXED-USE DEVELOPMENT ON FAIRVIEW ROAD KNOWN AS "THE DISTRICT"

Summary: The consideration of a budget amendment in the General Capital Projects Fund in the amount of $200,000 to appropriate funding received from the applicant for connectivity improvements near the mixed-use development on Fairview Road known as "The District."

The project known as "The District" was approved by City Council on January 27, 2015, under ordinance number 4379. The approval was for a mixed-use development on Fairview Road

just south of Biltmore Village with approximately 309 residential units (including 7% of those units dedicated at affordable rents according to the ordinance), approximately 9,700 square feet of commercial space and streetscape improvements that activate Fairview Road. As a part of the City Council hearing, the applicant offered and agreed that "The property owner and/or applicant shall pay to the City of Asheville $200,000 on or before the date the first building permit is issued for the purpose of promoting connectivity from the property to Sweeten Creek Road and Biltmore Village and/or for traffic calming measures or pedestrian enhancements on or around Fairview Road and Stoner Road."

The check from the applicant in the amount of $200,000 was received by the City in March 2016. Staff from the Planning and Urban Design, Public Works and Transportation Departments have been working to determine possible improvements to satisfy this condition and will be holding a community meeting on February 22, 2018. Staff will then be ready to begin work on the improvements and therefore a budget amendment is needed to appropriate funding.

The Finance Committee will be reviewing this item at their February 27, 2018, meeting and if there is anything other than unanimous support to move this forward to City Council it will be brought to the attention of Council at their February 27 meeting.

Pros:

- Provides budget authorization for upcoming project expenses.
- Funds needed public pedestrian improvements with private revenue source

Con:

- None.

As noted above, the $200,000 in improvements planned with this project require no additional City funds.

City staff recommends City Council adopt the budget amendment in the General Capital Projects Fund in the amount of $200,000 to appropriate funding received from the applicant for connectivity improvements near the mixed-use development on Fairview Road known as "The District."

ORDINANCE BOOK NO. 32 - PAGE 13

H. RESOLUTION NO. 18-43 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH W.K. DICKSON & CO. INC. FOR THE NEIGHBORHOOD ENHANCEMENT PROJECT - AREA 5

Summary: The consideration of a resolution authorizing the City Manager to execute a Supplemental Agreement with W.K. Dickson & Co., Inc. for the proposed amount of $762,395 plus a 10% contingency for a total of $838,635 for the Neighborhood Enhancement Project - Area 5.

The City of Asheville Water Resources Department has prioritized this Neighborhood Waterline Replacement Project for the current fiscal year and is seeking engineering design and project management assistance for this project. This project will replace existing substandard and failing water lines in favor of new water lines, designed and constructed in accordance with the City of Asheville standards.

The scope of this project includes: design for construction of approximately 27,925 Linear Feet of 6, 8 and 12-inch water line and appurtenances along various streets within the Muirfield

Subdivision, Mills Gap Road, Swannanoa River Road, South Tunnel Road, Long Shoals Road, Brookwood Road, Brevard Road, Hazel Mill Road and Joe Jenkins Road.

Through a qualifications based selection process for engineering services, the City of Asheville selected four engineering firms to provide on-call professional services for Water Distribution and Storage Projects. WK Dickson was one of the selected firms, and the City of Asheville entered into a Master Agreement with them on May 11, 2015, for On-Call Professional Services for Water Distribution and Storage Projects. If approved, the proposed engineering services described herein will be developed into a Supplemental Agreement under the conditions of the Master Agreement.

Subsequent to this selection, Water Resources staff met with WK Dickson and negotiated an Engineering Services Contract in the amount of $762,395 plus a 10% contingency for a total of $838,635.

Pros:

- WK Dickson has provided Engineering Services on water system improvement projects. Their experience and knowledge of water systems will minimize staff support and input during the design process.
- This project will provide citizens with improved water system reliability and much improved fire protection.

Con:

- Failure to award an engineering services contract would prevent the Water Resources Department from completing the Neighborhood Enhancement Project in a timely manner and delay the replacement of the aging existing water system.

The funding needed for this agreement is currently allocated within the Small Waterline Replacement Project in the Water Resources Capital Improvement Projects (CIP) Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a Supplemental Agreement with W.K. Dickson & Co., Inc. for the proposed amount of $762,395 plus a 10% contingency for a total of $838,635 for the Neighborhood Enhancement Project - Area 5.

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I. RESOLUTION NO. 18-44 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH BROWN & CALDWELL FOR THE NORTH FORK WATER TREATMENT PLANT SODIUM BICARBONATE FEED SYSTEM REPLACEMENT PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a Supplemental Agreement with Brown and Caldwell for the proposed amount of $165,000 plus a 10% contingency for a total of $181,500 for the North Fork Water Treatment Plant (NFWTP) Sodium Bicarbonate Feed System Replacement Project.

On August 11, 2014, the Water Resources Department (WRD) issued a Request for Qualifications (RFQ) for On-Call Professional Services for Water Treatment Plant (WTP) Projects. In response to the RFQ, seven engineering firms submitted Statements of Qualifications (SOQ). A WRD review team selected three engineering firms with proven experience and expertise to provide professional and engineering services for various water treatment plant repair, replacement, and/or expansion projects. The three selected firms are Brown and Caldwell, CDM Smith Inc., and GHD Consulting Services.

With guidance from the City's Legal and Purchasing Departments, the WRD executed Master Agreements with all three firms to establish initial contractual terms. Specific projects would be authorized under a separate Supplemental Agreement between the WRD and individual engineering firm. The WRD desires to enter into a Supplemental Agreement with Brown and Caldwell, for the NFWTP Sodium Bicarbonate Feed System Replacement Project.

The bicarbonate silo at the NFWTP provides storage for powdered bicarbonate, a chemical used for water system corrosion control. The existing silo was installed in 1996 and is at the end of its useful life. The silo currently suffers from issues that pose water treatment challenges and raise safety concerns. The silo is in immediate need of replacement to address these issues.

The scope of services to be performed by Brown and Caldwell under this Supplemental Agreement includes, but is not limited to: (1) an evaluation of the existing bicarbonate silo and associated chemical feed system; (2) a summary of proposed improvements; (3) design drawings and technical specifications for the new bicarbonate silo bidding and construction; (4) preparation of bid documents; (5) a pre-bid meeting; (6) bid review and recommendation of award; and (7) construction administration.

Pros:

- This project will replace the sodium bicarbonate feed system at NFWTP in order to operate the plant at the most efficient level possible.
- This project is aligned with the City and the WRD goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.

Con:

- A delay in awarding this agreement would postpone needed repairs to the sodium bicarbonate feed system at NFWTP, which could result in a Notice of Violation from NCDEQ if it failures were to occur with this operation.

The funding needed for this agreement is currently allocated within the Water Treatment Plant Improvements Project in the Water Resources Capital Improvement Projects (CIP) Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a Supplemental Agreement with Brown and Caldwell for the proposed amount of $165,000 plus a 10% contingency for a total of $181,500 for the North Fork Water Treatment Plant (NFWTP) Sodium Bicarbonate Feed System Replacement Project.

RESOLUTION BOOK NO. 32 - PAGE 271

J. RESOLUTION NO. 18-45 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE SOCON JAMFEST

RESOLUTION NO. 18-46 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE CITY MARKET

RESOLUTION NO. 18-47 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE RUN FOR THE PAWS EVENT

RESOLUTION NO. 18-48 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE CITY SOCCER CLUB GAMES

RESOLUTION NO. 18-49 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BREWS AND BEARS EVENT

RESOLUTION NO. 18-50 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE VEGANFEST

RESOLUTION NO. 18-51 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT HOLA ASHEVILLE

Summary: The consideration of resolutions authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the SoCon JamFest, Asheville City Market, Run for the Paws, Asheville City Soccer Club Games, Brews and Bears, Asheville VeganFest and Hola Asheville.

Review:

- Asheville Buncombe Regional Sports Commission has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the SoCon JamFest and allow for consumption at this event.

  The SoCon JamFest will be held on Sunday, March 4, 2018, from 1:00 p.m. to 3:45 p.m. within the boundaries of 68 Haywood Street as per the area limits referenced on the accompanying site map.

- Asheville Sustainable Agriculture Project has requested through the City of Asheville Community & Economic Development Department that City Council allow them to permit properly licensed beer and/or unfortified wine product vendors the option to provide one-ounce samples of their beer and/or unfortified wine product at the Asheville City Market and allow for consumption at the events.

  The Asheville City Market will be held weekly on Saturdays beginning April 7, 2018, through December 15, 2018, from 8:00 a.m. to 12:00 p.m. within the boundaries of North Market Street as per the area limits referenced on the accompanying site map.

- Brother Wolf Animal Rescue has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Run for the Paws, and Asheville VeganFest, and allow for consumption at these events.

  Run for the Paws will be held on Sunday, April 22, 2018, from 10:00 a.m. to 2:00 p.m. within the boundaries of Carrier Park, and Asheville VeganFest will be held on Sunday, June 10, 2018, from 11:00 a.m. to 6:00 p.m. within the boundaries of Pack Square Park, as per the area limits referenced on the accompanying site maps.

- The Asheville City Soccer Club has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or

unfortified wine at the Asheville City Soccer Club Games and allow for consumption at the events.

The Asheville City Soccer Club Games will be held on Sundays, Mondays, Tuesdays, Thursdays, Fridays and Saturdays, May 4, May 5, May 8, May 17, May 19, May 29, June 2, June 12, June 14, June 19, June 21, June 23, June 27, June 29, June 30, July 2, July 3, July 10, July 13, July 14, and July 15, 2018, from 6:00 p.m. to 10:00 p.m. within the boundaries of Memorial Stadium as per the area limits referenced on the accompanying site map.

- Friends of the WNC Nature Center has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at Brews and Bears and allow for consumption at the events.

  Brews and Bears will be held on Fridays, May 11, July 13, and September 14, 2018, from 5:30 p.m. to 8:00 p.m. within the boundaries of the WNC Nature Center as per the area limits referenced on the accompanying site map.

- Hola Community Arts has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at Hola Asheville and allow for consumption at this event.

  Hola Asheville will be held on Saturday, June 23, 2018, from 12:00 p.m. to 8:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for the Asheville Buncombe Regional Sports Commission, Appalachian Sustainable Agriculture Project, Brother Wolf Animal Rescue, Asheville City Soccer Club, Friends of the WNC Nature Center, and Hola Community Arts

Con:

- Potential for public safety issues

There is no fiscal impact.

Staff recommends City Council adopt a resolution authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at SoCon JamFest, the Asheville City Market, Run for the Paws, Asheville VeganFest, ACSC Games, Brews and Bears, and Hola Asheville.

RESOLUTION NO. 18-45 - RESOLUTION BOOK NO. 39 - PAGE 272
RESOLUTION NO. 18-46 - RESOLUTION BOOK NO. 39 - PAGE 275
RESOLUTION NO. 18-47 - RESOLUTION BOOK NO. 39 - PAGE 278
RESOLUTION NO. 18-48 - RESOLUTION BOOK NO. 39 - PAGE 281
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RESOLUTION NO. 18-50 - RESOLUTION BOOK NO. 39 - PAGE 287
RESOLUTION NO. 18-51 - RESOLUTION BOOK NO. 39 - PAGE 290

K. ORDINANCE NO. 4656 - TECHNICAL BUDGET AMENDMENT TO MOVE THE REVENUE AND EXPENSE BUDGETS FOR PASS THROUGH FUNDING THAT IS RECEIVED FROM THE FEDERAL TRANSIT ADMINISTRATION FUND TO THE TRANSIT MULTI-YEAR FUND

Summary: The consideration of a technical budget amendment in the amount of $1,062,500 to move the revenue and expense budgets for pass through funding that is received from the Federal Transit Administration (FTA) from the Transit Operating Fund to the Transit Multi-Year Fund.

As the direct recipient of Federal Section 5307 funds for transit operations and capital programs for this region, the City of Asheville annually receives FTA funding that it then passes on to subrecipient organizations within the urbanized area which include: Henderson County, Buncombe County, and Haywood County. With the recent change in the formula allocation, the amounts that the City passes through to subrecipient organizations has increased and will continue to increase as the new allocation formula is fully implemented.

The City has historically budgeted and accounted for this pass through funding in the Transit Operating Fund. With this amount growing to potentially exceed $1.0 million, staff is recommending that the budget for the pass through funding be moved from the Transit Operating Fund (6500) to the Transit Multi-Year Fund (6510). Moving this budget out of the Transit Operating Fund will provide a more accurate accounting of the revenues and expenses associated with operating the City's own transit system. The FY 2018-19 Manager's Recommended Budget, which staff will present to City Council in May will include the pass through budget in the Transit Multi-Year Fund as opposed to the Transit Operating Fund. Adjusting the current year budget will allow for a better year-to-year comparison when Council is reviewing the FY 2018-19 Manager's Recommended Budget.

Pro:

- Provides an improved financial presentation of the cost associated with operating the City's transit system.

Con:

- None.

There is no net fiscal impact to this technical budget amendment. Budget is simply being transferred from one fund to another.

City staff recommends City Council adopt the technical budget amendment in the amount of $1,062,500 to move the revenue and expense budgets for pass-through funding that is received from the Federal Transit Administration (FTA) from the Transit Operating Fund to the Transit Multi-Year Fund.

ORDINANCE BOOK NO. 32 - PAGE 15

L. RESOLUTION NO. 18-52 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH BUCKEYE BRIDGE LLC FOR THE NEIGHBORHOOD ENHANCEMENT PROJECT AREA 3 WATER DISTRIBUTION SYSTEMS PHASE 2 PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a construction agreement with Buckeye Bridge, LLC, for the NEP Area 3 Water Distribution Systems Phase 2 Project for the bid amount of $2,013,316 plus a 15% contingency in the amount of $301,998 for a total project budget in the amount of $2,315,314.

On December 20, 2017, the Water Resources Department (WRD) issued an Advertisement for Bids for the NEP Area 3 Water Distribution Systems Phase 2 Project. The scope of work for this project includes, but is not limited to, all labor, materials, equipment, and incidentals required for the installation of approximately 1,200 Linear Feet (LF) of 30-inch Ductile

Iron Pipe (DIP) and 200 LF of 24-inch DIP located along Tunnel Road and Beaucatcher Road from Buckstone Place to Kenilworth Road in the Kenilworth Area, with related appurtenances required in order to complete the work.

In response to the Advertisement for Bids, the WRD received 3 bids on January 30, 2018. Companies responding were:

1. Buckeye Bridge, LLC; Canton, NC – Bid: $2,013,316
2. Thomas Construction Company, Inc.; Johnson City, TN – Bid: $2,218,835
3. Hyatt Pipeline, LLC; Carlton, NC – Bid: $2,246,917

Following a review of the bids by City Staff and the project engineers, CDM Smith, Buckeye Bridge, LLC, was selected as the lowest responsible, responsive bidder for the bid amount of $2,013,316. A contingency amount of $301,998 has been added for a total project budget in the amount of $2,315,314.

Pros:

- This project will add an additional transmission waterline and relocate an existing aging waterline out of a flood zone. The subject lines are undersized, provide inadequate flow, and/or have a high risk of failure. Replacement of these lines will help to improve the service and reliability of the water system.
- This project is aligned with the City and the WRD's goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.

Con:

- Failure to award a construction contract would prevent the completion of the water system improvements.

The funding needed for this agreement is currently allocated within the Small Waterline Replacement Project in the Water Resources Capital Improvement Projects (CIP) Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a construction agreement with Buckeye Bridge, LLC, for the NEP Area 3 Water Distribution Systems Phase 2 Project for the bid amount of $2,013,316 plus a 15% contingency in the amount of $301,998 for a total project budget in the amount of $2,315,314.

RESOLUTION BOOK NO. 39 - PAGE 293

M. RESOLUTION NO. 18-53 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION AGREEMENT WITH T & K UTILITIES INC. FOR THE FAIRVIEW AREA WATER SYSTEM IMPROVEMENTS PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a construction agreement with T & K Utilities, Inc., for the Fairview Area Water System Improvements Project for the bid amount of $3,704,100 plus a 15% contingency in the amount of $555,615 for a total project budget in the amount of $4,259,715.

On January 3, 2018, the Water Resources Department (WRD) issued an Advertisement for Bids for the Fairview Area Water System Improvements Project. The scope of work for this project includes, but is not limited to, all labor, materials, equipment, and incidentals required for the installation of a 1.0 Million Gallons per Day (MGD) booster pumping station with three pumps, construction of a 0.5 Million Gallon (MG) ground storage tank on a concrete pedestal, the

installation of four new pressure reducing valve (PRV) stations and the installation of approximately 1,400 Linear Feet (LF) of 12 and 8-inch ductile iron pipe (DIP) with related appurtenances required in order to complete the work.

In response to the Advertisement for Bids, the WRD received 6 bids on January 30, 2018. Companies responding were:

1. T&K Utilities, Inc; Asheville, NC – Bid: $3,704,100
2. The Harper Corporation; Greenville, SC – Bid: $3,749,000
3. State Utility Contractors, Inc; Monroe, NC – Bid: $3,782,000
4. Dellinger, Inc.; Monroe, NC - Bid: $3,999,000
5. Wharton - Smith, Inc.; Charlotte, NC - Bid: $4,029,050
6. Buckeye Bridge, LLC; Canton, NC - Bid: $4,235,616

Following a review of the bids by City Staff and the project engineers, Hazen & Sawyer, T & K Utilities, Inc., was selected as the lowest responsible, responsive bidder for the bid amount of $3,704,100. A contingency amount of $555,615 has been added for a total project budget in the amount of $4,259,715.

Pros:

- This project will reduce the demands on the existing 1 MG Concord Tank and associated pressure zone, provide needed redundancy for the system, improve flow and pressure characteristics, and improve water quality by reducing water age.
- This project is aligned with the City and WRD's goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.

Con:

- Failure to award a construction contract would prevent the completion of the water system improvements.

The funding needed for this agreement is currently allocated within the Fairview Service Area Waterline Improvements Project in the Water Resources Capital Improvement Projects (CIP) Fund. The cost of this project will be funded with the issuance of debt proceeds (up to $12 million) and pay-as-you-go funds currently allocated in the CIP Fund Project Budget.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a construction agreement with T & K Utilities, Inc., for the Fairview Area Water System Improvements Project for the bid amount of $3,704,100 plus a 15% contingency in the amount of $555,615 for a total project budget in the amount of $4,259,715.

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N. RESOLUTION NO. 18-54 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH CDM SMITH INC. FOR ENGINEERING SERVICES ASSOCIATED WITH WATER SYSTEM DISTRIBUTION PROJECTS - PROJECT 2

Summary: The consideration of a resolution authorizing the City Manager to execute a Supplemental Agreement with CDM Smith, Inc. for the proposed amount of $884,124 plus a 10% contingency for a total of $972,537 for the Water System Distribution Projects - Project 2.

The City of Asheville Water Resources Department has prioritized this Water System Distribution Project for the current fiscal year and is seeking engineering design and project

management assistance for this project. This project will replace existing substandard and failing transmission mains in favor of new transmission mains, designed and constructed in accordance with the City of Asheville standards. It is anticipated that construction of the project will occur in multiple phases.

The scope of this project includes: design for construction of approximately 10,600 Linear Feet of 24-inch water transmission main along Patton Avenue and all associated appurtenances. This transmission line replacement project will begin near the intersection of Craven Street and Hazel Mill Road and terminate at the intersection of Patton Avenue and Haywood Road.

Through a qualifications based selection process for engineering services, the City of Asheville selected four engineering firms to provide on-call professional services for Water Distribution and Storage Projects. CDM Smith, Inc. was one of the selected firms, and the City of Asheville entered into a Master Agreement with them on May 27, 2015, for On-Call Professional Services for Water Distribution and Storage Projects. If approved, the proposed engineering services described herein will be developed into a Supplemental Agreement under the conditions of the Master Agreement.

Subsequent to this selection, Water Resources staff met with CDM Smith and negotiated an Engineering Services Contract in the amount of $884,124 plus a 10% contingency for a total of $972,537.

Pros:

- CDM Smith, Inc. has provided Engineering Services on water system improvement projects. Their experience and knowledge of water systems will minimize staff support and input during the design process.
- This project will provide citizens with improved water system reliability and much improved fire protection.

Con:

- Failure to award an engineering services contract would prevent the Water Resources Department from completing the Water System Distribution Project in a timely manner and delay the replacement of the aging existing water system.

The funding needed for this agreement is currently allocated within the Small Waterline Replacement Project in the Water Resources Capital Improvement Projects (CIP) Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a Supplemental Agreement with CDM Smith, Inc. for the proposed amount of $884,124 plus a 10% contingency for a total of $972,537 for the Water System Distribution Projects - Project 2.

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O. RESOLUTION NO. 18-55 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH MCGILL ASSOCIATES FOR THE WATER SYSTEM DISTRIBUTION PROJECTS - PROJECT 1

Summary: The consideration of a resolution authorizing the City Manager to execute a Supplemental Agreement with McGill Associates, PA for the proposed amount of $967,878.80 plus a 10% contingency for a total of $1,064,667 for the Water System Distribution Projects - Project 1.

The City of Asheville Water Resources Department has prioritized this Water System Distribution Project for the current fiscal year and is seeking engineering design and project management assistance for this project. This project will replace existing substandard and failing water lines in favor of new water lines, and it will add capacity and redundancy to the transmission main system. The project will be designed and constructed in accordance with the City of Asheville standards. It is anticipated that construction of the project will occur in multiple phases.

The scope of this project includes: (1) design for construction of approximately 1,700 Linear Feet (LF) of 48-inch transmission line and appurtenances along North Fork Road with separate tie-ins to the existing 36 and 24-inch transmission mains south and north of the NCDOT bridge; and (2) design for construction of approximately 13,300 LF of 12-inch water main, 700 LF of 24-inch transmission main and appurtenances along McDowell Street, Short McDowell Street and Meadow Road. The project will involve two major bore / tunneling operations under the French Broad River, adjacent to the Amboy Road bridge and crossing under the Railroad Lines along Meadow Road.

Through a qualifications based selection process for engineering services, the City of Asheville selected four engineering firms to provide on-call professional services for Water Distribution and Storage Projects. McGill Associates was one of the selected firms, and the City of Asheville entered into a Master Agreement with them on April 28, 2015, for On-Call Professional Services for Water Distribution and Storage Projects. If approved, the proposed engineering services described herein will be developed into a Supplemental Agreement under the conditions of the Master Agreement.

Subsequent to this selection, Water Resources staff met with McGill Associates and negotiated an Engineering Services Contract in the amount of $967,878.80 plus a 10% contingency for a total of $1,064,667.

Pros:

- McGill Associates has provided Engineering Services on water system improvement projects. Their experience and knowledge of water systems will minimize staff support and input during the design process.
- This project will provide citizens with improved water system reliability and much improved fire protection.

Con:

- Failure to award an engineering services contract would prevent the Water Resources Department from completing the Water System Distribution Project in a timely manner and delay the replacement of the aging existing water system.

The funding needed for this agreement is currently allocated within the Small Waterline Replacement Project in the Water Resources Capital Improvement Projects (CIP) Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a Supplemental Agreement with McGill Associates, PA for the proposed amount of $967,878.80 plus a 10% contingency for a total of $1,064,667 for the Water System Distribution Projects - Project 1.

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Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Mayfield moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Young and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. LEGISLATIVE STUDY COMMITTEE TO STUDY RATES AND TRANSFER/ PUBLIC ENTERPRISES

Representative Chuck McGrady provided Council with a brief history on why the Legislative Study Committee to Study Rates and Transfer/Public Enterprises which grew out of the legislation dealing with Asheville's water system. In summary, he asked for Council's assistance and cooperation on (1) an interlocal agreement between Henderson County and the City of Asheville that addresses the potential need for waterline extensions in northern Henderson County related to economic development opportunities; and (2) Henderson County representation on the Metropolitan Sewerage D strict (MSD) Board because Henderson County residents pay a higher rate for sewer and they are not represented on the MSD Board.

Mayor Manheimer explained that there is a draft interlocal agreement which is currently being reviewed by the City Attorney and Henderson County's attorney.

When Councilman Kapoor asked Representative McGrady why he doesn't ask the Study Committee to not look at Asheville's water system, Representative McGrady said the only issue in any way that would relate to Asheville would be to trying to solve this representation fix with MSD. That could relate to Asheville so he can't say whatever comes out of it will not at all relate to Asheville. He said Asheville is in no way a target. He said if he can take care of the MSD representation and the interlocal agreement he felt he has taken care of his constituents.

Councilwoman Mayfield clarified what she heard was that we are past the time when anyone is looking to force a merger or takeover or otherwise seize or remove from the control of the City of Asheville it's water system. Representative McGrady said he couldn't speak for everyone, but he said he could speak for himself, and he said no, he has absolutely no interest in going down that road unless he's forced. And, he didn't think he would be forced because he's trying to disconnect these issues from each other. He said he did not expect to have any legislation having to deal with Asheville's water system.

When Councilman Kapoor asked Representative McGrady under what circumstances might he envision himself being forced, Representative McGrady said he that if we don't take care of the MSD issue then he would have to figure out how to push it, because his constituents are paying too much for sewer and they are not represented. If the Buncombe County and its various cities can't help him figure out how to get around that, then the question will become what will he do about it.

Three individuals were concerned that Representative McGrady will continue to try to force regionalization of the entire Buncombe County and Henderson County water and sewer systems unless he gets Henderson County representation on the MSD Board and the City and Henderson County adopt the interlocal agreement.

On behalf of City Council, Mayor Manheimer thanked Representative McGrady for his presentation.

B. UPDATE ON THE CHARLOTTE STREET INNOVATION DISTRICT PROCESS

Assistant City Manager Cathy Ball said that previous planning and traffic studies for N. Charlotte Street include a 1997 Traffic Study, a 1999 Corridor Plan, a 2002 Transportation Study, a 2013 Transportation Study, and a 2016 Transportation Plan.

By Resolution No. 14-241, the Charlotte Street Corridor was established as an Innovation District. The approved budget (Capital Improvement Program) for Fiscal Year 2019 is $200,000 for N. Charlotte Street, and $1,050,000 for Fiscal Year 2020.

There has been recent public engagement through CSBA. Completed activities include: (1) City response to red light camera and crash data inquiry; (2) Installation of flashing speed limit signs; (3) Installation of temporary speed radar signs for 3 months; (4) New traffic counts taken and data shared with stakeholders; (5) Staff memo on Red Lights Cameras; and (6) Staff memo on three year crash data. A scheduled activity is a new crosswalk to be installed on Charlotte Street (Baird/Broad) by end of April 2018.

Next steps include (1) complete the crosswalk by April 2018; (2) Planning & Economic Development Committee meeting on March 12, 2018 (consideration of options for planning process); (3) Council meeting in April, 2018; and (4) develop schedule based on outcome from April Council meeting.

In response to Vice-Mayor Wisler, Ms. Ball said that staff is folding in the Edwin/Celia stormwater project with the N. Charlotte Street project. The stormwater project funds will not come out of the $1,250,000 Capital Improvement Program funds for the N. Charlotte Street Project.

In response to Mayor Manheimer, Transportation Director Ken Putnam said that at this time we will be putting in a crosswalk but we are moving forward with getting current traffic counts for a signal. Once we justify the signal, we will have to identify the funding source.

In response to Councilwoman Mayfield, Mr. Putnam said that at the new crosswalk, we will use the normal pedestrian warning signs that have the LEDs that flash all the time around the sign. There is another type of flashing lights that are activated by push buttons, but at the moment the federal government has taken our ability away to install new ones.

C. QUARTERLY OPERATING AND CAPITAL BUDGET REPORTS

Finance Director Barbara Whitehorn provided Council with the following second quarter of 2017-18 financial report. The financial information reflects the City's overall financial position for the fiscal year through December 2017.

"Amendments. There were three budget amendments in the General Fund during the first two quarters. The chart below shows the additions to the Adopted General Fund Budget.

Adopted General Fund Budget:	**$120,705,145**
Amendments:	
Grant for the City's Urban Forest Program	$6,000
Transit contract that exceeded estimates (Fund Balance)	$441,000
ADA Keep America Beautiful Grant	$8,000
Amended General Fund Budget 12/31/2017	**$121,160,145**

There have been two additional budget amendments approved since the start of the third quarter, which are outlined below:

Amendments:	Amount	Status
Storm Response Materials (Fund Balance)	$461,212	Approved 2/13
Grant Matching Funds (Fund Balance)	$75,000	Approved 1/23
Amended General Fund Budget as of 2/28/2018	**$121,696,357**	

See Fund Balance Analysis on page 5 for details on the forecast fund balance for June 30, 2018.

Revenues. Through December 31, 2017, the City has collected $66.8 million in General Fund revenue, which represents approximately 55% of the amended General Fund revenue budget. The majority of property tax revenue is received in December and January when tax bills are due. At the end of December, the City had collected 74% of budgeted property tax revenue. The City has received four months of sales tax revenue this fiscal year, and collections are up 5.5% compared to the prior fiscal year, which is slightly ahead of the budgeted growth rate of 5.0%. Intergovernmental revenue, which is heavily influenced by trends in state utility tax collection, is projected to come in slightly under budget. Revenue from Development Service fees is trending slightly lower than in the prior fiscal year, and currently stands at 41% of budget. Based on seasonal construction patterns, revenues typically increase in the third quarter, and it is estimated that total annual revenue is trending at 90% of budget. Overall, Budget staff is currently projecting that **FY 2017-18 General Fund revenue will finish the year at $120.2 million, which is $710,000 or 0.6% above the revised budget.**

Expenditures. General Fund expenditures through December 31, 2017 totaled $55.2 million or 45% of the amended budget, which is typical for this point in the fiscal year. Personnel expenses, the largest component of the General Fund budget, are on budget through the first two quarters. Overall, staff is projecting that **FY 2017-18 expenditures will finish the year at $120.1 million.**

Fund Balance. The City began FY 2017-18 with an unassigned fund balance of $20.1 million, net of the $1,181,000 fund balance appropriation included in the adopted budget. Unassigned fund balance at June 30, 2017, equated to 16.6% of the adopted FY 2017-18 budget. After the start of the fiscal year, City Council approved the additional $441,000 fund balance appropriation noted above. This additional appropriation is reflected in the amended 12/31/2017 budget, which shows an unassigned fund balance of $19.6 million or 16.2% of budgeted expenditures. It should be noted that the 12/31/2017 budget does not include the $75,000 fund balance appropriation that City Council approved at its January 23, 2018 meeting for grant matches in the Transportation Department, nor does it include the $461,212 fund balance appropriation for additional storm control materials that City Council approved at its February 13, 2018 meeting. Staff, however, has included an allowance for those items in the year-end expenditure estimate even though they are not included in the 12/31/2017 budget.

Based on current projections for FY 2017-18 (above), staff is forecasting that revenues will exceed budget and expenses will come in under budget by sufficient amounts to offset the budgeted uses of fund balance, including the amendments (page 1). Currently, actual revenues are projected to exceed actual expenses at year end by $118,255. Assuming this trend continues during the second half of FY 2017-18, unassigned fund balance at June 30, 2018 will equal $21.4 million or 17.8% of estimated expenditures."

D. 12-MONTH UPDATE ON REVIEW PROCESS FOR LEVEL III PROJECTS

Director of Planning & Urban Design Todd Okolichany provided Council with the following 12-month update:

"A one year update following the adoption of changes to the review process for Level III projects.

On February 14, 2017, the Asheville City Council approved a zoning text amendment to the Unified Development Ordinance (UDO) concerning the method for reviewing larger scale Level III developments. This amendment along with more recent wording adjustments concerning lodging uses has resulted in the following development review thresholds:

1) Changes to the Level III development review thresholds city-wide.

Outside the CBD:	Developments 100,000 s.f. or larger, 50 or more residential units Hotel uses including short term vacation rentals
Inside the CBD-:	Developments 100,000 s.f. or larger Buildings 100 feet tall or taller Hotel uses including short term vacation rentals

2) Clarifying that Level III development is a use that is only allowed in an *Expansion District* which is reviewed as a conditional zoning application. With a conditional zoning City Council and the developer agree to a specific set of conditions for project approval.

3) Creation of new floating zoning districts called *Expansion Districts* for large scale projects with specific development standards for each. The expansion districts include:

7-8-40 Central Business Expansion District
7-8-41 Institutional Expansion District
7-8-42 Commercial Expansion District
7-8-43 Residential Expansion District
7-8-44 Industrial Expansion District
7-8-45 Lodging Expansion
7-8-46 Mixed Use Expansion

Since the adoption of the UDO changes to establish the Level III thresholds there have been six applications requesting a rezoning to an Expansion District Conditional Zone:

390 Airport Road for a Lodging Expansion CZ application for a new hotel with 112 guest rooms. Approved by City Council on 1/23/18.

153 Smokey Park Highway for a Commercial Expansion CZ application for a new Ingles Market and associated commercial development. Approved by City Council on 1/23/18.

95 Roberts Street for a Lodging Expansion CZ application for a new hotel as an adaptive reuse of a historic structure with 70 guest rooms with additional commercial space. Approved by City Council on 10/24/17.

49 Tunnel Road for a Lodging Expansion CZ application for the Candlewood Hotel with 103 guest rooms. Approved by Council on 8/22/17.

175 Lyman Street for a Mixed Use Expansion CZ application for the Stoneyard Apartments project with 133 apartments and commercial space. Approved by Council on 11/14/17.
1500 Tunnel Road for a Lodging Expansion CZ application for the Hotel Krish with 86 guest rooms. Approved by City Council on 7/25/17.

Conditional zoning applications require a large amount of communication between the developer(s) and staff as a proposal works its way through the review process. Although the conditional zones are underlying zoning districts with specific development standards, the development conditions concerning the proposal must be agreed to by both the developer and City Council. In addition there is some benefit to the fact that Council may learn about a project through dialogue with the developer prior to the actual public hearing. The conditional zoning application provides a level of customization while maintaining compliance with the Comprehensive Plan.

Some of the initiation of the wording change was in response to the growth of lodging uses in downtown which was coupled with the previously allowed larger review thresholds in the Central Business District zoning district. As with any new development review process there have been discussions with developers and community members to share the specific aspects of the changes.

This report is informational only."

E. CITY COUNCIL STRATEGIC PRIORITIES UPDATE

City Council was provided with an update on their Strategic Priorities.

IV. PUBLIC HEARINGS:

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 18-57 - RESOLUTION ON GUN VIOLENCE PREVENTION

Mayor Manheimer read the following resolution on gun violence prevention: "WHEREAS, more than 150,000 students attending more than 170 primary and secondary schools have experienced a shooting on campus since the Columbine High School massacre in 1999; and WHEREAS, from Columbine to Virginia Tech to Sandy Hook to Parkland, the lives of hundreds of students and school employees have been lost to the plague of gun violence; and WHEREAS, on average, nearly two dozen children are shot each day in the United States; and WHEREAS, the City of Asheville is committed to the health and safety of students, school employees, and all residents; and WHEREAS, it is the City of Asheville's highest priority to create and maintain a respectful and healthy environment and the City is therefore, committed to reduce gun violence and fatalities. Doing so is necessary to helping all children thrive and remain safe at home, in school and throughout life; NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: The City of Asheville calls upon the United States Congress and state legislatures to prioritize the protection of students and school system employees and all city residents by all means necessary, including but not limited to enacting legislation in furtherance thereof beginning with a ban on the manufacturing, transferring and possession of assault weapons."

Mayor Manheimer said that she is a part of a Mayor's Coalition Against Illegal Guns and personally hoped that the Congress would act immediately to reinstate the ban on assault weapons.

The following individuals spoke in support of the resolution, including the following suggestions: (1) install metal detectors in every school (with parents and civic groups helping fund the detectors); (2) every school should have a threat assessment and a highly trained security officer; (3) schools need more counselors; (4) examination on reporting and follow-up procedures so improvements can be made; (5) raising the legal age for any gun sale, not just handguns and higher caliber rifles, including gun shows and second hand sales, from 18 to 21; (6) mandate a 10-day waiting period for the purchase of any firearm in the United States; (7) allow for temporary restraining orders to be enacted that can remove or prevent the subject of petition from purchasing firearms; (8) require background checks which include school disciplinary records and mental health examinations; and (9) tackle the nationwide ban of assault weapons:

Ms. Charlene Thibodeau
Ms. Jaime Cummings
Ms. Caroline Bowers, Senior at TC Roberson
Mr. Sean McDowell, Senior at TC Roberson
Mr. Will Thibodeau
Ms. Eva Ritchey

Mayor Manheimer said that she will be discussing this topic with the Superintendent of Asheville City Schools and the Police Chief, noting that it's the School Board's decision about safety around schools.

Mayor Manheimer also noted that cities and counties in North Carolina have very limited authority over gun control. In fact, not long ago legislation was passed to allow concealed carry in City parks. We had to change our ordinance and signs to conform to state law. City Council adopted a resolution in protest. She will be closely monitoring this issue.

Councilman Young Moved for the adoption of Resolution No. 18-57. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

The following individuals explained there there is a differential treatment of uber drivers vs. other commercial transportation drivers, noting problems with this at the Airport. They asked City Council require uber drivers to obtain a Certificate of Public Convenience and Necessity for each vehicle the same as other services that provide transportation with a vehicle for a fee must provide, or do not require the Certificate for any business that provides that service (i.e. a limousine transportation service):

Mr. William Paulk
Mr. Harry Siegel
Ms. Eva Ritchey

At the request of Mayor Manheimer, City Attorney Currin said that there are significant restrictions on regulating uber because they have statutory protection; however, she will research Council's options and report back to City Council.

Mr. Casey Campfield and Ms. Elizabeth Schell made statements claiming homophobic and racist comments by the Rev. Billy Graham.

Mr. Bill Robinson spoke about the need to find new ideas to protect the homeless in Asheville.

Closed Session

At 6:47 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 7:18 p.m., Vice-Mayor Wisler moved to come out of closed session. This motion was seconded by Councilman Haynes and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:18 p.m.

Magdalen Bulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – March 5, 2018 - 5:30 p.m.

Special Meeting - Use of Force Incident Involving Former Asheville Police Senior Officer Christopher Hickman

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

Mayor Manheimer opened the meeting at 5:30 p.m.

On behalf of City Council, Mayor Manheimer apologized to Mr. Johnnie Jermaine Rush for his experience with Asheville Police officers on August 24, 2017. She expected to reach out to Mr. Rush personally, beyond a written apology.

Regarding the Asheville Police Department (APD) excessive use of force incident, there is a hotline for anyone to call who wants to share comments, thoughts or feelings about the August, 2017, APD use of force incident. All recorded documents will be mailed to the Citizens-Police Advisory Committee members before their meeting on Wednesday, March 7, 2018, at 5:30 p.m. at the Dr. Wesley Grant Sr. Southside Center.

Mayor Manheimer said that today the City Attorney filed a lawsuit on behalf of the City Council seeking to make public any additional videos of the incident involving Mr. Rush. There are other body-cam videos worn by other officers and under state law City Council can't view them nor can they make them public unless we get a court order.

She said the purpose of the closed session will be to enable City Council to make public personnel matters that until this point they have not been able to. There is a statutory process we can use, under circumstances like this, to make this information public. Immediately following the closed session, City Manager Jackson will make a statement and provide everyone with a copy of a memorandum which gives a very detailed timeline of events concerning this matter. The information provided will be made available on the City's website. Hopefully it will address a lot of questions heard in the community.

She said that City Council will not take public comment at this time but most of City Council will be at the Citizens-Police Advisory Committee meeting on March 7 so they will be able to hear directly from our community. City Council will be taking further action on this matter. City Council will adjourn from closed session.

At 5:37 p.m. Councilwoman Smith moved to go into closed session (1) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. §143-318.11 (a)(6); and to prevent the disclosure of information that is confidential pursuant to N.C. Gen. Stat. § 160A-168, the Personnel Privacy Act. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3); (3) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of this State or the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S.

143-318.11(a)(1); and (4) To plan, conduct, or hear reports concerning investigation of alleged criminal misconduct. The statutory authorization is contained in N.C.G.S. 143-318.11(a)(7). This motion was seconded by Councilman Young and carried unanimously.

City Manager Jackson then read the following memorandum dated March 5, 2018, from himself to the Asheville City Council: (note: exhibit attachments can be found in the City Clerk's Office files)

"On February 28, 2018, the Asheville Citizen-Times published body-worn camera footage, recorded shortly after midnight on August 25, 2017, which showed an APD officer, Christopher Hickman, using excessive and dangerous force to arrest a man named Johnnie Rush who Hickman and an officer in training, Vinero Ruggerio, had stopped near Biltmore Avenue. The use of force shown in the recordings is, understandably, a source of great anger and concern within the community.

"I am concerned that the public does not presently have access to all of the information necessary for it to judge the City's response to this officer's actions, and that absent that information, this matter will continue to negatively impact the community's perception of its police department and the way which the City responds to misconduct by its employees. The City Council has also directed that all information about this matter that can lawfully be shared should be provided to the public immediately. It is, therefore, my conclusion, with City Council's agreement and support, that the following information concerning this matter, provided to me by the APD, should be made available to the public.

"On August 25, 2017, the Asheville Police Department ("APD") received a complaint by Johnnie Rush alleging that an APD Officer used excessive force during his arrest the previous evening. That same day, upon reviewing the same body-camera footage of the arrest that the public has now seen, Chief Hooper ordered that Hickman's law enforcement authority be suspended, and that he be taken off the street and placed on administrative duty. Hickman was ordered to turn in his badge and gun, and had no further interaction as a police officer with the public. Also that same day, Ruggerio, the trainee in the recording, was reassigned to a different training officer. Chief Hooper informed John Maddux from the City Attorney's Office about the incident on August 25, 2017, and within days informed Interim Assistant City Manager Jade Dundas as well.

"On September 15, 2017, the APD took a copy of the recording to District Attorney Todd Williams for review. Upon reviewing the recording, Mr. Williams agreed with the APD that all charges then pending against Mr. Rush should be dismissed. A copy of the voluntary dismissal filed with the court is attached as Exhibit 1. At that time, Mr. Williams was informed that the APD's Professional Standards unit was conducting an administrative investigation into the matter.

"In addition to ordering an administrative investigation regarding Hickman's use of force against Mr. Rush, Chief Hooper also ordered a review of all available footage captured by Hickman's camera during all other encounters with the public. This was a substantially more comprehensive review than is typically required by the APD's auditing process, whereby a supervisor reviews only a random sample of an officer's recordings each month to ensure they are following policy. This more comprehensive review of Hickman's recordings, which required personnel to review more than fifty-eight (58) hours of footage, revealed four other instances where Hickman displayed discourteous and rude conduct to members of the public, although no complaints had been filed related to those instances. The Professional Standards unit, in turn, initiated an additional administrative case focused solely on whether Hickman's rude and discourteous behavior in those other instances constituted a violation of the APD's policies requiring that officers treat members of the public with respect and courtesy, and avoid any action which might bring discredit on themselves or the department.

"The APD's new use of force policy, which went into effect in April of 2017, requires that a supervisor respond to every use of force by an APD officer and conduct a preliminary investigation. That preliminary investigation should include, at a minimum, obtaining, or attempting to obtain, a statement from the subject of the force or injury and all witnesses at the scene; and, when applicable, photographing all areas of contact located on the subject to document the injuries or lack of injuries. During the course of its investigation into whether Hickman had used excessive force, the APD's Professional Standards unit learned that a supervisor responded to the scene that night to initiate a review of Hickman's use of force as required by APD policy. That supervisor, however, despite being told by Hickman that he struck Mr. Rush in the head with his Taser, and despite Mr. Rush saying that he was choked, did not immediately forward any information or complete notes of those interviews with Hickman and Rush, and did not review the body camera footage that evening. Because of conduct related to this incident, that supervisor ultimately received discipline for unsatisfactory performance, and was ordered to undergo additional training.

"The administrative investigation into Hickman's arrest of Rush concluded that Hickman had engaged in excessive force in violation of APD policy, as well as unbecoming conduct and failing to meet the responsibilities of duty. The additional administrative investigation, which was initiated following review of all other available body-worn camera footage recorded by Hickman, also concluded that Hickman had engaged in rude and discourteous behavior on four other occasions. Both administrative cases were complete and sent to the Division Commander for review on or about December 15, 2017, followed by a Deputy Chief's review which was complete on December 17, 2017. After reviewing the administrative cases, Chief Hooper ordered that the Professional Standards unit contact Hickman to schedule a pre-disciplinary conference, which is required by City policy. Hickman received notification of that pre-disciplinary conference on December 27, 2017, and per standard procedure, was placed on investigative suspension that same day. Hickman's pre-disciplinary conference with Chief Hooper took place on January 2, 2018. Following that pre-disciplinary conference, it was Chief Hooper's decision that Hickman's employment would be terminated. On January 5, 2018, Chief Hooper met with Hickman to inform him of her decision to terminate his employment, however, at the beginning of that meeting, Hickman elected to resign before Chief Hooper provided Hickman with her written decision to terminate. A copy of the termination notice, which was drafted but not presented to Hickman, is attached as Exhibit 2.

"The APD's administrative investigation of Mr. Rush's complaint complied with all required steps and procedures set forth in APD and City policies governing allegations of employee misconduct, including those policies which apply to claims of excessive force. Per APD policy, the department makes every effort to fully investigate all complaints within sixty (60) days of reception of the complaint. More complex investigations handled by the Professional Standards unit may, and often do, require additional time beyond the sixty days to complete. The investigation of this matter, due to its complexity, took approximately three and a half months to complete. Failure to follow the City's internal policies could result in substantial risk, including reinstatement by the Civil Service Board, if the officer is terminated.

"Prior to Hickman's resignation, on December 19, 2017, Chief Hooper requested that District Attorney Williams review the recording a second time, together with an additional recording captured by another officer's camera, and provide an opinion about whether Hickman's conduct rose to the level of a criminal offense. After his further review, on January 10, 2018, Mr. Williams requested that the APD ask the SBI to initiate a criminal investigation as to whether Hickman had committed assault. A copy of District Attorney Williams' request to the APD is attached as Exhibit 3. On January 11, 2018, Chief Hooper sent the SBI a letter making that request. A copy of the APD's letter to the SBI is attached as Exhibit 4. On January 12, 2018, the SBI wrote the APD an email stating, in part, that, "The SBI is going to respectfully decline the request based on the completion of your four month internal investigation which has led to the

resignation of Officer Hickman." A complete copy of the SBI's email is attached as Exhibit 5. Following the SBI's refusal to investigate, Mr. Williams then requested that the APD conduct the criminal investigation instead. By law, information gained through an administrative investigation cannot be used to prosecute someone for a criminal violation. For that reason, on January 18, 2018, Chief Hooper assigned the criminal case to a detective in the APD's criminal investigations division to conduct a separate inquiry that could be used to charge Hickman with a criminal offense if the District Attorney so chose. That investigation is now nearly complete. Barring any unexpected developments, the APD expects to submit the case to the District Attorney within the next week to determine whether Hickman should be criminally prosecuted, which is the District Attorney's decision.

"The community deserves to know that the City takes Hickman's misconduct seriously, and that APD employees who engage in excessive force will be held accountable. For that reason, per N.C. Gen. Stat. § 160A-168(c)(7), I have determined that the release of the information contained in this document is essential to maintaining public confidence in the administration of city services, and request that the City Council concur in this decision. This fully accords with the strong direction I have received from the City Council that in all matters, especially those involving police, the City should be as transparent as possible to its citizens. City Council's concurrence includes that if I determine, at a later date, that the release of additional information is necessary to clarify or explain the reason for any personnel action described in this document, such information may be released pursuant to this written determination without further City Council action."

At 8:45 p.m., Councilman Young moved to come out of closed session. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 8:45 p.m., Mayor Manheimer adjourned the meeting.

Magdalen Bourneson
City Clerk

Esther E. Manheimer
Mayor

Tuesday - March 13, 2018 - 3:00 p.m.
200 College Street

Joint Meeting with the Buncombe County Board of Commissioners

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Present: Chairman Brownie Newman, Presiding; Commissioner Jasmine Beach-Ferrara; Commissioner Al Whitesides; Commissioner Mike Fryar; Commissioner Ellen Frost; Commissioner Joe Belcher; Commissioner Robert Pressley; County Manager Mandy Stone; Senior Staff County Attorney Michael Frue; and Clerk to the Board Kathy Hughes

Mayor Manheimer and Chairman Newman called their respective meetings to order.

Chairman Newman explained the following County's six overall strategic priorities goals for key policy issues: affordable housing, diverse community workforce, early childhood education, justice resource support, opioid addiction, and renewable energy.

Mayor Manheimer briefly updated the group on the City's eight overall strategic priorities: transportation and accessibility; a thriving local economy; a well connected and engaged community; a financially resilient city; an equitable and diverse community; a well-planned and livable community; a clean and healthy environment; and quality affordable housing.

City Manager Jackson and County Manager Stone reviewed the current partnership initiatives and projects, which included, but were not limited to: (1) capital projects (a) downtown parking; and (b) East Asheville library; (2) equity efforts (a) workforce diversity; (b) community engagement and Isaac Coleman/tipping grants; (c) African American Art Project; and (d) participatory government (Let's Talk and other efforts); (3) carbon reduction/clean energy (a) internal operations; and (b) Energy Innovations Task Force; and (4) affordable housing (a) Eagle-Market; (b) Lee Walker Heights; and (c) Affordable Housing Coalition.

Discussion for potential future partnerships/joint planning was held. Topics included, but are not limited to, joint development and land use planning; cross agency protocols on use of force issues; Human Relations Commission of Asheville; extension of transit into the county; corridor projects in and out of the city; amount the County charges the City to collect property taxes; alcoholic beverage distribution equasion; and African American Heritage District.

At 4:36 p.m. Chairman Newman asked for a motion for the Buncombe County Commissioners to go into closed session.

At 4:36 p.m., Mayor Manheimer adjourned the City Council meeting.

Tuesday – March 13, 2018- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield;

Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING MARCH 24, 2018, FROM 8:30 P.M. - 9:30 P.M. AS "EARTH HOUR"

Councilwoman Mayfield read the proclamation proclaiming March 24, 2018, from 8:30 p.m. - 9:30 p.m. as "Earth Hour" in the City of Asheville. She presented the proclamation to Ms. Anne Keller, member of the Sustainability Advisory Committee on Energy & the Environment, and other members, who briefed City Council on some activities taking place during the day.

B. PROCLAMATION PROCLAIMING APRIL 3, 2018, AS "NATIONAL SERVICE RECOGNITION DAY"

Councilman Young read the proclamation proclaiming April 3, 2018, as "National Service Recognition Day" in the City of Asheville. He presented the proclamation to Ms. Ann Whisenhunt, who briefed City Council on some activities taking place during the day.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 27, 2018; AND THE SPECIAL MEETING HELD ON MARCH 5, 2018

B. RESOLUTION NO. 18-59 - RESOLUTION SUPPORTING THE N.C. DEPT. OF TRANSPORTATION IN FUNDING, DESIGNING, AND CONSTRUCTING IMPROVEMENTS AT THE INTERSECTION OF US 25 (HENDERSONVILLE ROAD) AND SR 3503 (OVERLOOK ROAD) IN SOUTH ASHEVILLE

Summary: The consideration of a resolution supporting the N.C. Dept. of Transportation (NCDOT) in funding, designing, and constructing improvements at the intersection of US 25 (Hendersonville Road) and SR 3503 (Overlook Road) in South Asheville.

NCDOT staff from Division 13 identified a need to improve the subject intersection and they have worked with the residents that live along SR 3503 (Overlook Road) to make appropriate improvements. Specifically, the project includes constructing a right-turn lane with a length of 550 feet along the southbound approach of Hendersonville Road, constructing an additional left-turn lane along the eastbound approach of Overlook Road, constructing a sidewalk along the southbound approach of Hendersonville Road between Overlook Road and HomeTrust Bank, and installing a pedestrian crossing at the intersection of US 25 (Hendersonville Road) and Gold's Gym / Pinnacle Point (Publix).

The NCDOT is planning to use High Impact / Low Cost Funds for this project. This program was established in 2017 to provide funds to complete low cost projects with high impacts to the transportation system including intersection improvements, minor widening, and operational improvements. The funds are allocated equally to the 14 Divisions throughout the

state and the projects are expected to be under contract within 12 months of funding approval by the Board of Transportation. Projects that have a total cost greater than $250,000 require a resolution of support from the appropriate city, town, or county. In lieu of a resolution, a 45-day notification period is required prior to placing the project on the Board of Transportation's agenda.

Staff has requested that NCDOT incorporate a bus pad into the sidewalks on Hendersonville Road, 40 feet south of the proposed Hendersonville Road crosswalk so that the Transit Planning Division may install a southbound bus stop and have room for a future shelter.

This action will be reviewed by the Planning and Economic Development Committee (PED) on March 12, 2018, and if anything other than a unanimous approval is received, the details of the decision will be made clear to City Council at their meeting on March 13, 2018.

At the Multi-Modal Transportation Commission's meeting on February 28, they recommended this NCDOT project to move forward contingent upon the inclusion of bicycle and pedestrian infrastructure along the west side of Hendersonville Road to ensure safety and convenience for those modes.

Pros:

- The NCDOT is funding, designing, and constructing the project.
- Increases the City's inventory of completed sidewalk connections.
- Improves the pedestrian and motorist experience along Hendersonville Road.

Con:

- The City will be responsible to maintain the sidewalk after it is constructed.

There will be no initial financial impact to the City, although the responsibility of maintaining sidewalks belongs to the Public Works Department. Funds are budgeted every fiscal year for sidewalk maintenance.

Staff recommends that City Council adopt a resolution supporting the N.C. Dept. of Transportation in funding, designing, and constructing improvements at the intersection of US 25 (Hendersonville Road) and SR 3503 (Overlook Road) in South Asheville.

RESOLUTION BOOK NO. 39 - PAGE 313

C. RESOLUTION NO. 18-60 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND IF AWARDED, ACCEPT FUNDING FROM THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION FOR FISCAL YEAR 2019 THROUGH FISCAL YEAR 2021 FOR APPROXIMATELY $18 MILLION IN TRANSPORTATION FUNDING

Summary: The consideration of a resolution authorizing the City Manager to apply for and if awarded, accept funding from the French Broad River Metropolitan Planning Organization (MPO) for Fiscal Year (FY) 2019 through FY 2021 for approximately $18,000,000 in transportation funding.

This grant will fund three significant sidewalk projects, two greenway projects, six replacement buses, and four expansion buses. This item was reviewed and approved by the Planning and Economic Development Committee on February 12th and the Finance Committee on February 27th.

In January 2018 the MPO issued a call for projects as part of the Surface Transportation Block Grant Direct Attributable (STBG-DA) program. These federal funds are awarded on a competitive basis through a call for projects that is typically held every two years.

The total available amount of funding in this grant cycle for the three-county MPO area is $21,400,000, to be available in FY 2019 through FY 2021. This amount is higher than the typical call for projects, which is usually about $7,000,000. The increased amount for this year is based on cash balances at the state level.

The call for projects is open to all jurisdictions in Buncombe, Henderson, and Haywood Counties. In addition, the NCDOT Division Offices may apply for the funds with the support of the affected jurisdiction.

Types of projects that are eligible for these funds include most types of transportation capital improvements. The grant requires a minimum 20% local match.

In selecting projects to be submitted for consideration, staff performed an evaluation and internal review that considered the following factors:

Community Priorities - Are the projects part of adopted plans? Have they received community support? Have they been prioritized by City Council and do they support council goals?

Transportation Benefit and Competitiveness - Do the projects advance multimodal transportation goals? Are the projects a good match for the funding source? Will the projects be competitive based on the MPO's scoring criteria?

Project Readiness - Have the projects completed significant planning, design and project development steps? Can the funds be spent within the proposed time frame? Will the projects be able to meet all federal requirements?

Fiscal Impact - Do the projects align with they City's Capital Improvement Program current budget or planning? What is the most effective way to leverage available matching funds?

Based on the above evaluation criteria, staff selected the following projects for consideration in this call for projects:

Three Major Sidewalk Projects - Sidewalk projects on Johnston Boulevard, New Haw Creek Road, and Onteora Road complete significant pedestrian connections between neighborhoods, commercial areas, schools, and services. These projects are in the Pedestrian Thoroughfare Plan and have been prioritized and promised as part of the bond program. These are some of the most complex sidewalk projects in the City's capital program. Federal funding for these projects will leverage existing funds to free up city funds and ensure that the full extent of the project can be constructed.

Two Shovel-Ready Greenway Projects - The Town Branch and French Broad River West Greenways are fully designed and permitted greenway projects that complete important links in the greenway system. The Town Branch Greenway is three quarters of a mile and will connect the river district, southside neighborhood and downtown and become part of the planned river-to-ridge greenway network. The French Broad River West Greenway is a little over a mile and connects two existing greenways. Both of these projects ranked highly in the recent community prioritization survey.

Ten New Buses - A number of ART buses are in need of replacement and these federal funds will provide the necessary federal share that is currently unfundec for FY 2019 and FY 2020 to ensure that ART is able to provide the buses needed in the replacement schedule. Consistent with city carbon reduction and climate mitigation goals, this proposal will provide six replacement buses that are zero-emission battery-electric vehicles. The request also includes four additional buses needed as expansion vehicles to implement service recommendations that are expected as part of the Transit Master Plan deliverables.

Project Name	Proposed Federal Ask	Local Match	Total Cost
Johnston Blvd Sidewalk	$1,880,000	$470,000	$2,350,000
New Haw Creek Sidewalk	$1,900,000	$475,000	$2,375,000
Onteora Rd Sidewalk	$912,000	$228,000	$1,140,000
French Broad River West Greenway	$3,840,000	$960,000	$4,800,000
Town Branch Greenway	$3,280,000	$820,000	$4,100,000
Bus Replacement (6 electric)	$4,069,180	$1,017,295	$5,086,475
Bus Expansion (4 diesel)	$1,635,860	$408,965	$2,044,825
TOTAL	**$17,517,040**	$4,379,260	$21,896,300

This item was reviewed and approved by the Planning and Economic Development Committee on February 12th, the Finance Committee on February 27th, and the Multimodal Transportation Commission on February 28th.

Pros:

- If awarded, these projects represent approximately $22,000,000 dollars of total investment into multimodal transportation infrastructure within the next three years.
- All of the proposed projects are identified capital needs that are part of existing programs and budgeting processes.
- Funds that are currently programmed or proposed will be leveraged for the best return on city investment: a $4.4M investment for $17.5M in grant funds.

Con:

- The total required matching funds are $4,379,260 and will need to be programmed in the FY 2019, FY 2020, and FY 2021.

The total required local match is $4,379,260 over a three year period. Some of these expenditures are already budgeted in the adopted Capital Improvements Program. In particular, the three sidewalk projects have funding allocated as part of the bond program. The match for the bus replacement and bus expansion have already been anticipated and are currently being considered in the FY 2019 budgeting process. The two greenway projects do not currently have any programmed city funding.

It should be noted that the MPO may choose to fund only some of the proposed projects. The specific fiscal impact will be different for each potential subset of projects.

Staff recommends that City Council adopt a resolution authorizing the City Manager to apply for and, if awarded, accept funding from the French Broad River Metropolitan Planning Organization for FY 2019 through FY 2021 for approximately $18,000,000 in transportation funding.

RESOLUTION BOOK NO. 39 - PAGE 314

D. ORDINANCE NO. 4657 - BUDGET AMENDMENT FOR THE U.S. CELLULAR CENTER TO REFLECT UPDATED FISCAL YEAR 2017-18 REVENUE AND EXPENSE PROJECTIONS

Summary: The consideration of a budget amendment, in the amount of $725,000 from U.S. Cellular Center Operating Revenue, to increase the U.S. Cellular Center Fund budget to reflect updated Fiscal Year 2017-18 revenue and expenditure projections.

The U.S. Cellular Center event load in Fiscal Year 2017-18 has been significantly higher than initially forecasted during last year's budget process as numerous large scale events have been added to the schedule since budget planning was completed. Both revenues and expenses are now on pace to exceed budget with collected revenues expected to exceed budgeted revenues by the end of the third quarter of the fiscal year. Staff is recommending that the U.S. Cellular Center Fund budget be increased by $725,000. It is anticipated that concessions and other show related revenues will cover all additional expenses; therefore, no additional transfer from the General Fund is required at this time. The U.S. Cellular Center has several events scheduled before June 30, 2018 that are expected to generate significant revenues.

This item was approved by the Finance Committee on February 27, 2018, and they recommended it be moved forward to City Council for consideration.

Pros:

- Provides sufficient budget authorization for anticipated expenditures in the U.S. Cellular Center Fund without increasing the General Fund transfer.

Cons:

- There is a slight chance that year-end revenues could fall short of current estimates if ticket sales are less than expected or concession revenues are lower, however in this case expenses needs will be reduced as well.

As noted above, this budget amendment is funded with U.S. Cellular Center operating revenues that will exceed original budget estimates. Therefore, there is no expected impact to the City's General Fund budget.

Staff recommends City Council adopt a budget amendment to increase the U.S. Cellular Center Fund Budget by $725,000 to reflect updated Fiscal year 2017-18 revenue and expenditure projections.

ORDINANCE BOOK NO. 32 - PAGE 17

E. RESOLUTION NO. 18-61 - RESOLUTION SUPPORTING THE SOLE SOURCE PURCHASE OF BUSES AND RELATED CHARGING EQUIPMENT FROM PROTERRA INC. TO COMPLY WITH FEDERAL TRANSIT ADMINISTRATION-APPROVED LOW OR NO EMISSION VEHICLE GRANT PROGRAM PROVISIONS

Summary: The consideration of a resolution supporting the sole source purchase of

buses and related charging equipment from South Carolina-based, Proterra Inc to comply with Federal Transit Administration-approved Low or No Emission Vehicle Grant program provisions.

In September 2017, the City's Transportation Department won a highly-competitive grant to purchase zero-emission buses through the Federal Transit Administration's (FTA) Low or No Emission Vehicle Program. The City of Asheville was selected as the only award recipient in North Carolina and was granted $633,333. This grant, combined with others intended for transit capital purchases, will allow the City to purchase five zero-emission, battery-electric buses.

The FTA guidelines for the grant allow for agencies to submit an application in partnership with other entities that intend to participate in the implementation of the project, including, but not limited to, specific vehicle manufacturers, equipment vendors, owners or operators of related facilities, or project consultants. Further, FTA states that if an application that involves such a partnership is selected for funding, the competitive selection process will be deemed to satisfy the requirement for a competitive procurement under 49 U.S.C. 5325(a) for the named entities.

In the grant application, Asheville partnered with Proterra Inc, and is therefore moving forward with administerial requirements to be able to contract with Proterra Inc for five electric buses and associated chargers.

Pros:

- Proterra is a leading manufacturers of battery-electric buses
- This action ensures compliance with FTA-approved grant award for zero-emission buses

Con:

- None

On January 9, 2018, City Council approved a budget amendment for the purchase of five electric buses and related charging equipment. The current action is administerial and does not affect the budget.

Staff recommends that City Council adopt a resolution supporting the sole source purchase of buses and related charging equipment from Proterra Inc to comply with FTA-approved Low or No Emission Vehicle Grant program provisions.

RESOLUTION BOOK NO. 39 - PAGE 315

F. RESOLUTION NO. 18-62 - RESOLUTION AUTHORIZING THE CITY MANAGER EXECUTE A UTILITY CONSTRUCTION AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE UPPER GRASSY BRANCH EXTENSION BRIDGE NO. 686 WATERLINE RELOCATION PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a Utility Construction Agreement with the N.C. Dept. of Transportation (NCDOT) for the estimated amount of $81,580 plus a 10% contingency for a total project budget of $89,738 for the Upper Grassy Branch Ext. Bridge No. 686 Waterline Relocation Project.

The NCDOT is moving forward in an effort make street and highway improvements to Bridge No. 686 over Upper Grassy Branch Ext. in Buncombe County. The City of Asheville owns and maintains municipal water lines within the right-of-way of the project area. As a condition of the installation, operation and maintenance of said waterlines within the NCDOT right-of-way, the City of Asheville Water Resources Department is responsible for 100% of the cost associated with adjustment or relocation of said waterlines should the need arise. For the purpose of

construction coordination and efficiencies, the City of Asheville Water Resources Department wishes to enter into this Utility Construction Agreement with NCDOT, which allows the waterline utility work to be performed as part of the NCDOT's construction contract. NCDOT has estimated that the cost of the relocation and adjustment of municipally owned water lines for this project will be $81,580. Although the amount is within the City Manager's authority to execute without City Council approval, the NCDOT requires board approval for all municipal projects.

Pros:

- Execution of the agreement allows the City of Asheville Water Resources Department to meet its obligations to NCDOT for the adjustment or relocation of municipal water lines within the NCDOT right-of-way.
- Execution of the agreement allows the required adjustment or relocation of municipal water lines to be performed under the NCDOT construction contract, which will provide construction efficiencies producing cost savings and allow construction schedules to be met.

Cons:

- Failure to execute the agreement hinders the City of Asheville Water Resources Department's ability to meet obligations to NCDOT for the adjustment or relocation of municipal water lines within the NCDOT right-of-way.

- Failure to execute the agreement prevents the required adjustment or relocation of municipal water lines from being performed under the NCDOT construction contract. This will create difficulties with construction coordination, create a lack of efficiencies and add to the overall cost of the construction.

The funding needed for this agreement is currently allocated within the NCDOT Project in the Water Resources Capital Improvement Projects (CIP) Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a Utility Construction Agreement with the N.C. Dept. of Transportation for the estimated amount of $81,580 plus a 10% contingency for a total project budget of $89,738 for the Upper Grassy Branch Ext. Bridge No. 686 Waterline Relocation Project.

RESOLUTION BOOK NO. 39 - PAGE 316

G. RESOLUTION NO. 18-63 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ROGERS GROUP INC. FOR THE YEAR 2 BOND RESURFACING PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of $1,831,450.45 plus a contingency of 20% ($366,290.09) with Rogers Group, Inc. for the project called Year 2 Bond Resurfacing, City of Asheville Project Number X-1711.

The streets were identified as a bond improvement projects and this contract will address pavement and sidewalk issues. The project was advertised on December 13, 2017. Bids were opened on January 31, 2017, with the following results:

Rogers Group, Inc. of Nashville, TN	$1,831,450.45
French Broad Paving, Inc. of Marshall, NC	$1,979,911.50
Harrison Construction Company of Knoxville, TN	$2,265,071.35

A 20% contingency ($366,290.09) has been added to allow payment for any unforeseen costs that typically arise during construction and to do additional street resurfacing. The work

produced from this contract would fix the roadway and sidewalk sections that are in need of repair.

Pros:

- The contract will resurface approximately 3.2 miles of City streets.
- Will address brick sidewalk issues on All Souls Crescent.
- Will improve mobility and safety on city streets.

Con:

- Construction will be disruptive to adjacent residences and businesses.

Funding is coming from the 2016 General Obligation Bond approved by the citizens of Asheville November, 2016. The total cost of this contract, including contingency, is $2,197,740.54.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with Rogers Group, Inc. in the amount of $1,831,450.45 plus a contingency of $366,290.09 (20%) for Year 2 Bond Resurfacing.

RESOLUTION BOOK NO. 39 - PAGE 317

H. ORDINANCE NO. 4658 - BUDGET AMENDMENT TO REFLECT ADDITIONAL AMOUNTS AWARDED BY THE STATE DIVISION OF AGING AND ADULT SERVICES, HOUSING AND HOMELESS UNIT

Summary: The consideration of a budget amendment, in the amount of $39,856 in the City's Special Revenue Fund, to reflect additional amounts awarded by the State Division of Aging and Adult Services (DAAS), Housing and Homeless Unit.

ESG funds are made available from the US Department of Housing and Urban Development through the State of North Carolina Division of Aging and Adult Services (DAAS). The City of Asheville has been the fiscal sponsor for Emergency Solutions Grant funding since 2012 to fund local agencies working to address homelessness.

The initial 2017-18 budget for ESG was based on the previous year's original award of $113,354. For the FY 2017-18 funding competition, the community was eligible for $123,460 and received the full award. The City was then granted an additional $8,000 for administrative costs. In February, DAAS released surplus funds to current grantees and awarded $21,750 to local Emergency Shelters.

The budget of $153,210 reflects the following final 2017-18 ESG awards from the State of NC DAAS:

2017-18 Emergency Solutions Grant Awards						
	Emergency Shelter	Homelessness Prevention	HMIS	Administration	Additional Award	**Total**
Helpmate	$28,500				$14,250	**$42,750**
City of Asheville			$10,000	$8,000		**$18,000**
Homeward Bound of WNC		$64,594				**$64,594**

Salvation Army	$20,366				$7,500	**$27,866**
Total	**$48,866**	**$64,594**	**$10,000**	**$8,000**	**$21,750**	**$153,210**

Pro:

- The Emergency Solutions Grant program is a key funding resource for emergency shelter and housing stabilization for persons experiencing homelessness.

Con:

- None noted.

Program funding is entirely from the US Department of Housing and Urban Development, through the State of North Carolina. Existing Community Development Division staff will administer the program. No general funds are requested to support this program.

Staff recommends approval of the budget amendment in the amount of $39,856 in the City's Special Revenue Fund for Emergency Solutions Grant funds awarded by the State Division of Aging and Adult Services (DAAS), Housing and Homeless Unit.

ORDINANCE BOOK NO. 32 - PAGE 19

I. RESOLUTION NO. 18-64 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH EQUINOX ENVIRONMENTAL TO CREATE A TREE AND RIPARIAN ENHANCEMENTS PLAN

Summary: The consideration of a resolution authorizing the City Manager to execute a contract with Equinox Environmental to create a Tree and Riparian Enhancements Plan for the amount of $50,000.

In May of 2017, The City of Asheville was awarded $60,000 from the Duke Water Resources Foundation in order to improve water quality and engage the community through development of a riparian restoration plan and creation of educational interpretive signage.The City issued a Request for Qualifications (RFQ) to create a Strategic Tree and Riparian Plan in January. The City received five submittals, and after a thorough review and evaluation, staff ranked and recommended Equinox Environmental and their team as the most qualified.

$50,000 of the $60,000 grant will be used to fund this project. $10,000 from the grant has been set aside to work with UNC-Asheville staff and faculty to facilitate the creation of educational signage, and have STEAM students fabricate and install in the RADTIP project area. This project will be completed by June 2018. Public input meetings will be held on April 17, 18, and 22nd of April.

Pro:

- This project is 100% grant funded and helps implement Council and community vision.

Con:

- None.

No impact. Funding for this project is 100% from grant funds. A budget amendment has already been authorized by Council, as part of approving the City's grant application.

Staff recommends City Council adopt the resolution authorizing the City Manager to execute a contract with for an amount not to exceed $50,000.

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilman Kapoor moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. ASHEVILLE MUSEUM OF SCIENCE

Ms. Anna Priest, Executive Director of the Asheville Museum of Science (AMOS), explained that they are Western North Carolina's home for experiential science learning, discovery, and exploration. AMOS strives to spark the imagination and foster lifelong curiosity. She provided statistics of visitors served and how they are serving the community's needs. She explained some of the important partnerships for AMOS being (1) served over 1,200 city students in 2017 through formal science education programming; (2) AMOS (and formerly Colburn Earth Science Museum) has provided science education to City school students for over 25 years; (3) partners with Asheville City Schools to help close the achievement gap; (4) provided free STEM and astronomy programs to over 600 preschoolers so far in Fiscal Year 2017-18 through a partnership with Buncombe County; and (6) provides early childhood STEM programs in support of workforce and economic development.

AMOS co-hosted Asheville's 2017 solar eclipse festival with City of Asheville Schools, Buncombe County Schools and UNC-Asheville. AMOS gave away over 4,000 eclipse glasses to various organizations.

She explained how AMOS is involved with the City of Asheville Afterschool programs and the City of Asheville Youth Leadership Academy.

Ms. Priest then reviewed past municipal support for the Colburn Earth Science Museum and AMOS, noting that AMOS is now paying substantial higher rent and utilities at their new location to remain a safe, family-friendly education center in the heart of downtown. She showed a chart of current AMOS support breakdown with average comparison, noting that according to data from the North Carolina Science Museums Network, nearly all Science Centers in North Carolina receive significant funding from City or County for a portion, if not all, facility expenses.

Councilwoman Mayfield said this is an important piece of Asheville and hoped we can consider how and whether to address their funding. AMOS did not come in for Strategic Partnership Funding this year because they didn't quite fit the mold for those funds. Ms. Priest then asked that this be added as part of the Council's budget discussion.

B. RACIAL JUSTICE COALITION

Mayor Manheimer said that this is the time for City Council to listen to the community. On March 20, 2018, at 2:00 p.m., City Council will be holding a worksession in the Council Chamber, part of which will be devoted to the budget, and the other part will be devoted to this issue.

Current Co-Chair of the Racial Justice Coalition Gerry Leonard and Immediate Past Co-Chair of the Racial Justice Coalition James E. Lee III provided City Council with some recommendations. Below are their comments:

"Mayor, Vice Mayor, members of City Council - thank you for providing the Racial Justice Coalition the opportunity to present some considerations during the agenda. My name is James Lee, previous Co-Chair of the Racial Justice Coalition. The Racial Justice Coalition appreciates the thoughtfulness of the City Council by asking us to speak during the "Presentations" portion of today's agenda; however, we also want to raise and acknowledge the other individuals, grassroot groups, and other organizations that will be speaking later.

My name is Gerry Leonard. I'm the Racial Justice & Outreach Specialist of YWCA Asheville, Co-Chair of Building Bridges of Asheville and current Co-Chair of the Racial Justice Coalition. The Racial Justice Coalition includes representatives from organizations in Asheville and Buncombe County dedicated to racial justice. The RJC comes together in commitment to racial equality and to advocate for the rights of People of Color. The RJC consists of: ACLU of Western North Carolina, Asheville-Buncombe Branch of the NAACP, ABIPA, Asheville City Schools Foundation, Building Bridges of Asheville, Carolina Jews for Justice, Children First/Communities in Schools, Christians for a United Community, Democracy North Carolina, Elders Fierce for Justice, Mountain People's Assembly, Residents Council, and YWCA Asheville.

The RJC's vision is to mobile and energize existing organizations doing racial justice work to become a national model for best practices and improved police-community relations in Asheville and Buncombe County. This group came together in December of 2014, after the tragic events in Ferguson, Missouri, that prompted a group of organizations to seek out allied partners committed to racial justice. The thought was that together, a coalition of organizations could have a more unified voice in responding to these tragedies, and more importantly, preventing such a tragedy in Asheville and Buncombe County. Unfortunately, we continue to see issues of racial profiling and systemic racism show up within our policing in Asheville.

After Jerry "Jai" Williams was shot in July 2016, tensions within the Asheville community, specifically the Black community was never healed nor reconciled. Then in September of 2016 Officer Oza was caught on video slamming a 16-year-old Black girl to the ground. Then in February of 2017, the same officer was captured on video threatening to take a group of Black teenagers to jail while holding an AR-15. It emerged later, had a BB gun.

Now, with the sickening and disheartening incident of an APD officer harassing, beating and tasing Johnnie Rush - it is reminiscent of thousands that have taken place across the country and also right here in Asheville against Black and Brown lives - in this case, for jaywalking. The incident depicts racist application of excessive and unnecessary force. It is contrary to the Asheville Police Department 's recently adopted revised policy on excessive use of force and de escalation training that the Racial Justice Coalition worked with APD on, that included other community members. The incident clearly proves that written policies and training are not enough. There is a need for strong measures of accountability to ensure that actions coincide with policy and training.

Here are the following recommendations we hope to make City Council:

1. Before we can talk solutions, policies, training, we hope that you can provide Mr. Johnnie Rush with trauma-informed care for this incident. If we want to see systematic change then we need to see action behind that change. Mr. Rush should not incur this responsibility on his own. He did not create this situation and therefore should not be required to recover from it on his own. If Mr. Rush's wish is to be left alone, then the City of Asheville should do everything

they can to accommodate his needs and to treat him as you would expect your son, daughter or family member to be treated.

2. We want to lift up the efforts of Dee Williams and the NAACP Criminal Justice Committee and their work with Ian Mance with the Southern Coalition for Social Justice. We want to revisit and recommend the policy revisions around written consent for searches and deprioritizing regulatory stops. These efforts at the time they were presented may have seemed unnecessary; however, if they would have been in place could this situation have been avoided? Fayetteville, NC is currently utilizing written consent for searches and it could be helpful for our City staff to work with those organizations that initially recommended these policy changes to explore the validity of implementing them here in Asheville.

3. We want to lift up the efforts of Nicole Townsend, Carmen Ramos-Kennedy, and other grassroots efforts not only here in Asheville, but in the State, by encouraging support from our City Council for House Bill 165 that went to the General Assembly in 2017 in reference to establishing citizens review boards that have decision making power. We've seen this bill being pushed by Charlotte, Durham, and Greensboro and is in need of support from a coalition of cities in North Carolina in order to gain momentum. We recommend passing a resolution 'for the City of Asheville to call upon our Elected Officials on the state level to introduce this bill.'

4. We recommend an improved complaint process. There needs to be increased accessibility by informing citizens of how and when they can access the complaint process. Perception is reality, and the current perception is that law enforcement cannot be trusted for our community, and specifically for communities of Color, to be able to voice their concerns and issues in a manner that will be heard. We expect this level of transparency not only on the APD website, but also in newspapers and even billboards.

5. During the Racial Justice Coalition meeting with Chief Hooper last Monday, the implementation of an unbiased policing hotline was discussed. Furthermore, the City of Asheville set up a hotline for people to share their feelings prior to last Wednesday's Citizens Police Advisory Committee meeting. We recommend instituting an unbiased policing hotline and respond to all complaints within 48 hours. We would like to see 100% documentation of calls and complaints, and report to the new Human Resources Commission about actions taken. This hotline could be broadcasted not only on the City's website, but also on the billboards and newspapers that Gerry mentioned moments ago.

6. We recommend investigating every excessive use-of-force matter as a criminal case first, and as an administrative case only secondarily after the crimir al investigation is complete. If necessary, you can pull in multiple investigators to conduct two separate cases for any and all use-of-force matters - one administrative and another as a criminal case. It is our understanding that Chief Hooper, in meeting with the organization Faith 4 Justice, has already implemented this measure.

7. We recommend complete transparency around the acccuntability of all the officers that were present during this incident. We've seen steps being taken from District Attorney Todd Williams to drop 27 cases associated with Officer Hickman. However, he was not the only officer at fault in this incident. The City recently released details and information into the use of force incident involving Officer Hickman. We recommend the same level of transparency in the handling of Sergeant Taube's internal punishment as well as the other officers on scene. It's important to the community that the message is sent to all officers is a clear one, so that this matter does not negatively impact the community's perception of its police department and the way which the City responds to misconduct by its employees.

8. We recommend a level of intentionality from the City and Asheville Police Department to include People of Color in the police trainings so that they can share their stories with new officers and experienced officers. While you cannot train your way to equity, we would like to see additional training for those officers involved in this incident and all officers in implicit bias, de-escalation, and other equity trainings that include those that are most affected by law enforcement. This provides the ability for those most affected by law enforcement to share their experience with those that will be there to enforce the law. Without hearing the experiences of those most affected by law enforcement, the training is just that - training! It is a 'check the box' kind of experience rather than a deep meaningful change that we want in our community policing model. There is a need to humanize each other and typically, as we've seen in the case with Mr. Rush, People of Color are dehumanized and devalued by officers.

9. We recommend all police officers, out of uniform, involved in community engagement. Look at ways to rebuild community trust. There are a number of organizations and grassroot groups that would be willing to facilitate sincere and authentic interactions with law enforcement and community members. However, the officers must be sincere and authentic in their motives.

10. We recommend researching and implementing ways that the Civil Service Board is equitable. For example, City Council appoints two positions of the Civil Service Board. What is one of those positions is required to be a Person of Color or a resident of the public housing community. This would ensure that there is more representation of People of Color and those that are most impacted by law enforcement that what presently exists. Had Officer Hickman not resigned, there was the potential for him to go to the Civil Service Board, and be reinstated if Chief Hooper would have terminated his employment. In the past, the Civil Service Board has not upheld the values of the community or the police department.

11. We recommend looking at City staff with how this was handled. The report came to the Assistant Manager and according to the information that has been released was supposed to go to the City Manager; however, never made its way up the chain of command. We think that these matters need to be prioritized by the City Manager and the Assistant City Managers. There is a need for review of how transparent our City staff are to both Council and the community.

The Racial Justice Coalition is organizing a candidate's forum for the Sheriff's race because we believe this is not an issue that is specific to the City of Asheville. That we also need to look at the County as well."

Ms. Carmen Ramos-Kennedy, President of the Asheville NAACP, read the following statement, with comments from Ms. Nicole Townsend:

"I invited Ms. Nicole Townsend of Southerners on New Ground to address the City Council with me because I want you, and everyone assembled, to see what activism across the spectrum looks like in this community. We both have our lanes, and our lanes constantly intersect. And at that intersection is truth, justice, and equity. Please remember there is more than one way to advocate and work for positive change.

Is the beating of Johnnie Rush for jaywalking a reflection of APD's value and regard for black, brown, poor and homeless people in our community? I know many will say no, but what history shows us is overwhelming clear - that late night assault upon a black man, bothering no one, is just one more act in a long continuum of an entrenched way of thinking and acting among those that police us, and it must stop!

There must be accountability. These kinds of violent acts at the hands of police are both human and civil rights violations. Cannot a human being have the right to walk down the street without concern they'll be harassed and then attacked by police?

When there is no system in place for accountability, then there is NO safety, and there is grave concern among the people in this city about their safety in the presence of police. The continued use of excessive force with no accountability will not be tolerated in our communities; every single use of excessive force must start with a criminal investigation - police are not above the law.

We must establish an Independent Citizen Review Board with teeth. In that effort the NAACP would ask you to look at HB 165, a statewide effort to get Raleigh to vote on and approve Citizen Review Boards for every municipality in the state. We are looking for a champion. Will Asheville be our champion?

People must get organized and educate themselves on the issues. We must learn how our government works, and make it work for us. Voting is an essential part of making government work. Look to folks like Shuvonda Harper working with Pisgah Legal Services, the League of Women Voters and Children First In Schools to educate the community about the roles and decision-making process of local government and ot make our voice heard.

To the Asheville Police Department we all know that Officer Hickman does not represent the force in its entirety, but when you stand around and let acts like what happened to Mr. Rush occur, it makes a statement and it's far from good. I offer that police look to their fellow officers like Quinton Miller and Evan Coward as role models that do a great job with the community. They both give and receive respect. Remember, respect - treat people with it and you'll get it back.

One last thing, Chief Hooper has heard recommendations from the RJC, faith leaders, myself and others. She has owned mistakes in the Rush case and has made promises to institute many of the recommendations you heard today. We have a lot of work to do to build trust of so many in our community. I think the Chief is ready and able to continue doing that important work."

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER THE PERMANENT CLOSING OF A PORTION OF PEACHTREE STREET (JAKE RUSHER PARK)

RESOLUTION NO. 18-65 - RESOLUTION TO PERMANENTLY CLOSE A PORTION OF PEACHTREE STREET (JAKE RUSHER PARK)

Street Division Manager Chad Bandy said that this is the consideration of a resolution to permanently close a portion of Peachtree Street (Jake Rusher Park). This public hearing was advertised on February 16, 23, March 2 and 9, 2018.

N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.

Pursuant to this statute, adjoining property owner, City of Asheville, owner of parcels 9654-35-0589, 9654-35-4902, 9654-35-4725, and 9654-35-4635, have requested the City of Asheville to permanently close a portion of Peachtree St (Jake Rusher Park) and setting a public hearing on March 13, 2018. A copy of this resolution of intent shall be sent by registered or certified mail to all property owners abutting the unnamed alley, not joining in the petition to close.

The Multimodal Transportation Commission reviewed this request at their October 2, 2017, meeting and recommended the approval of the closure.

On February 13, 2018, the City Council adopted a resolution of Intent to permanently close the right of way and calling for a public hearing on said closure for March 13, 2018. Copies of the resolution of Intent were properly served and posted, in accordance with N.C. General Statute 160A-299.

Pros:

- There will be no future compromise of ingress/egress to other property
- The closure would allow for more efficient use of the existing adjacent properties
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con:

- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt a resolution ordering the permanent closure of a portion of Peachtree Street (Jake Rusher Park).

Mayor Manheimer opened the public hearing at 5:45 p.m.

Ms. Karen Smelter, resident of 180 Peachtree Street, spoke in support of the closing. She also asked that some type of traffic calming be installed on Cedar Lane. Ms. Smelter was referred to Transportation Director Ken Putnam.

Mayor Manheimer closed the public hearing at 5:50 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of Resolution No. 18-65. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 39 – PAGE 319

B. PUBLIC HEARING TO CONSIDER THE PERMANENT CLOSING OF AN UNOPENED RIGHT-OF-WAY LOCATED AT 85 DEAVER STREET

RESOLUTION NO. 18-66 - RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY LOCATED AT 85 DEAVER STREET

Street Division Manager Chad Bandy said that this is the consideration of a resolution to permanently close an unopened right-of-way located at 85 Deaver Street. This public hearing was advertised on February 16, 23, March 2 and 9, 2018.

N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.

Pursuant to this statute, adjoining property owner, Jose Ruiz, owner of parcels 9638-76-5217 and 9638-76-4166, and Rose Logan, owner of parcel 9638-76-5178, have requested the City of Asheville to permanently close the unnamed alley off of Jarrett St. A copy

of this resolution of intent shall be sent by registered or certified mail to all property owners abutting the unnamed alley, not joining in the petition to close.

The Multimodal Transportation Commission reviewed this request at their October 2, 2017, meeting and recommended the approval of the closure.

On February 13, 2018, the City Council adopted a resolution of Intent to permanently close the right of way and calling for a public hearing on said closure for March 13, 2018. Copies of the resolution of Intent were properly served and posted, in accordance with N.C. General Statute 160A-299.

Pros:

- There will be no future compromise of ingress/egress to other property
- The closure would allow for more efficient use of the existing adjacent properties
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con:

- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt a resolution ordering the permanent closure of an unopened right of way located near 85 Deaver Street.

Mayor Manheimer opened the public hearing at 5:51 p.m., and when no one spoke, she closed the public hearing at 5:51 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of Resolution No. 18-66. This motion was seconded by Councilman Kapoor and carried unanimously.

RESOLUTION BOOK NO. 39 – PAGE 321

C. PUBLIC HEARING TO CONSIDER THE PERMANENT CLOSING OF AN UNOPENED RIGHT-OF-WAY LOCATED AT THE END OF DEAVER STREET SOUTH OF HOWARD STREET

RESOLUTION NO. 18-67 - RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY LOCATED AT THE END OF DEAVER STREET SOUTH OF HOWARD STREET

Street Division Manager Chad Bandy said that this is the consideration of a resolution to permanently close an unopened right-of-way located at the end of Deaver Street south of Howard Street. This public hearing was advertised on February 16, 23, March 2 and 9, 2018.

N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.

Pursuant to this statute, adjoining property owner, Barwick and Assoc. LLC, owner of parcels 9638-74-1509, 9638-74-0685, 9638-74-1740, and 9638-74-2666, have requested the City

of Asheville to permanently close an unopened r/w located at the end of Deaver Street south of Howard Street.

The Multimodal Transportation Commission reviewed this request at their on October 2, 2017, meeting and recommended the approval of the closure.

On February 13, 2018, the City Council adopted a resolution of Intent to permanently close the right of way and calling for a public hearing on said closure for March 13, 2018. Copies of the resolution of Intent were properly served and posted, in accordance with N.C. General Statute 160A-299.

Pros:

- There will be no future compromise of ingress/egress to other property
- The closure would allow for more efficient use of the existing adjacent properties
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con:

- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt a resolution ordering the permanent closure of an unopened right of way located at the end of Deaver Street south of Howard Street.

Mayor Manheimer opened the public hearing at 5:53 p.m. and when no one spoke, she closed the public hearing at 5:53 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of Resolution No. 18-67. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 39 – PAGE 323

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

Regarding the Audit Committee, the following individuals applied for the vacancy: Amy Kemp, Michael Donohue, Keith Sharpe, Holly Nolan, Scott Farkas, Rich Lee, Himanshu Karvir, Teddy Jordan, Dennis White, W. Scott Powell and Gail Miller. Vice-Mayor Wisler moved to appoint Amy Kemp and Scott Farkas (Certified Public Accountants) and interview Himanshu Karvir, W. Scott Powell and Gail Miller. This motion was seconded by Councilwoman Mayfield and carried unanimously.

Regarding the Homeless Initiative Advisory Committee, the following individuals applied for the vacancy: Val Ball, Angela Dubs, Donald Alexander, Kate Caton, Andrew Monroe, Timothy Moser, Bill Robinson, Michael Carlebach, Roberto L. Hess, Thomas Cash and Tamarie Macon. It was the consensus of Council to re-advertise for this vacancy with a focus on a currently homeless person or a person who has experienced homelessness very recently.

Regarding the Multimodal Transportation Commission, the following individuals applied for the vacancy: Helen Hyatt, Han Winogrond, Keaton Edwards, Carson Dellinger, Tina Wexler, Andrew Stephen Kirby, Ritchie Rozzelle, Dennis Wencel, Pat Katz, Rachelle Sorensen-Cox, Kenneth Armstrong and Wayne Wheeler. At the Multimodal Transportation Commission's request, it was the consensus of Council to postpone the appointment until after the Commission has an opportunity to make a recommendation.

Regarding the Riverfront Area Redevelopment Commission, the following individuals, who meet the requirement of a property or business owner in the Riverfront, applied for the vacancy: Jeffrey Horner, Jerry Sternberg, Shelley Schenker, Brent Starck, Tim Schaller, Stuart Cowles, Viola Spells, Emily Boyd and Daniel Brown. It was the consensus of Council to interview Shelley Schenker, Tim Schaller and Viola Spells.

RESOLUTION NO. 18-68 - RESOLUTION APPOINTING ALTERNATES MEMBERS TO THE BOARD OF ADJUSTMENT

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing Alternate members to the Board of Adjustment.

Ms. Christine Longoria (Alternate) has resigned , thus leaving an unexpired term until January 21, 2019. In addition, there currently exists an Alternate vacancy when Mr. Paul Wilczynski was appointed a Regular member. That current vacancy expires on January 21, 2021. Finally, Ms. Misty Miller (Alternate) has resigned, thus leaving an unexpired term until January 21, 2020.

The following individuals applied for the vacancy: Sarah Katzmark, Ken Sherlin and Warrene Williams.

It was the consensus of the Boards & Commissions Committee to appoint Sarah Katzmark and Warrene Williams; and to readvertise for the third Alternate vacancy.

Vice-Mayor Wisler moved to (1) appoint Sarah Katzmark to serve the Alternate unexpired term of Ms. Longoria, term to expire January 21, 2019, or until her successor has been appointed; (2) appoint Warrene Williams to serve the Alternate unexpired term of Ms. Miller, term to expire January 21, 2020, or until her successor has been appointed; and (3) readvertise for the third Alternate vacancy. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 325

RESOLUTION NO. 18-69 - RESOLUTION APPOINTING A MEMBER TO THE NOISE ORDINANCE APPEALS BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Noise Ordinance Appeals Board.

Mr. Vic Fahrer has resigned as a member of the Noise Ordinance Appeals Board, thus leaving an unexpired term until July 1, 2018.

The following individual applied for the vacancy: Wayne Wheeler.

It was the consensus of the Boards & Commissions Committee to appoint Wayne Wheeler.

Vice-Mayor Wisler moved to appoint Wayne Wheeler to serve the unexpired term of Mr. Fahrer until July 1, 2018, and then a full three-year term, term to expire July 1, 2021, or until his successor has been appointed. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 326

RESOLUTION NO. 18-70 - RESOLUTION APPOINTING A MEMBER TO THE RECREATION BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Recreation Board.

Ms. Zakiya Bell-Rogers has resigned as a member of the Recreation Board, thus leaving an unexpired term until June 30, 2018.

The following individuals applied for the vacancy: Ron Nelson, Ken Miller, John Irving and Justin Thompson.

It was the consensus of the Boards & Commissions Committee to appoint Justin Thompson.

Vice-Mayor Wisler moved to appoint Justin Thompson to serve the unexpired term of Ms. Bell-Rogers until June 30, 2018, and then a full three-year term, term to expire June 30, 2021, or until his successor has been appointed. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 327

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Daniel Gilbert, resident on Justin Trail in Arden, asked Council to put pressure on the N.C. Dept. of Environmental Quality and Duke Energy to make the decisions necessary that will result in his neighborhood being connected to municipal water; and to provide some financing for this waterline and/or variances/waivers that will bring them closer to getting municipal water to their neighborhood. City Manager Jackson said that he would have our Interim Water Resources Director David Melton contact Mr. Gilbert.

Mr. Bill Robinson spoke to Council about the need for more empathy and compassion for the homeless in Asheville.

Mr. Anthony M. Thomas spoke to Council about the people who no longer have jobs since the City did not renew their temporary services contract for the U.S. Cellular Center and the Public Works Department. City Manager Jackson said that he will look into this matter.

APD Incident Regarding Mr. Johnnie Rush

Councilman Young said that for three years there have been adverse actions to the African American community and he is still seeking answers. He felt we need more African American Asheville Police Department officers and he wants to see a program that promotes minority recruitment with substantial pay. He said he is their voice but he needs for them to fight with him.

Pastors, members of the NAACP, members of the Racial Justice Coalition, members of the Faith 4 Justice, and many others expressed frustration over the incident involving Mr. Johnnie Rush. Some felt City Council was not doing enough about racial issues n Asheville, noting that there are systemic problems that go beyond Mr. Rush's incident.

Vice-President of the Mountain Chapter of the N.C. Police Benevolent Association, local head of the Fraternal Order of Police, and police officers spoke in support of the Asheville Police Department and Chief Hooper, noting that the APD officers have sworn to protect our community as they report to duty each day to honor their oath.

Councilwoman Smith thanked everyone for coming out to this meeting. She said that she is willing to continue to work with law enforcement; but we have a focus and that is to make sure this collective Council supports a community who has lost trust.

Closed Session

At 8:25 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit involving the following parties: Bach vs. City of Asheville. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3); and (3) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6); and to prevent the disclosure of information that is confidential pursuant to N.C. Gen. Stat. § 160A-168, the Personnel Privacy Act. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 9:53 p.m., Councilman Haynes to come out of closed session. This motion was seconded by Councilman Young and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:53 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Friday – March 16, 2018 - 4:15 p.m.

Special Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Gary W. Jackson; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Mayor Manheimer opened the meeting at 4:15 p.m.

At Mayor Manheimer's request, City Manager Jackson explained the following management changes in City Hall. In summary, (1) based on the Council's Blue Ribbon Task Force recommendation, the Equity and Inclusion Office will be created and report directly to the City Manager; (2) Peggy Rowe will serve as Interim Assistant City Manager supervising directors of Human Resources, Information Technology, General Services, Internal Audit, and Office of Sustainability; (3) Jaime Joyner will serve as Interim Human Resources Director; (4) Jade Dundas will resume full responsibility for the capital projects management and bond program transparency; (5) Cathy Ball will continue as Assistant City Manager supervising directors of Public Works, Capital Projects, Water Resources, Transportation, Planning, Economic & Community Development, Development Services, and Parks & Recreation; and (6) departments reporting to the City Manager will now include Police, Fire, Finance, Communications & Public Engagement as well as the new Office of Equity and Inclusion. The organizational memorandum, along with a new organizational chart is available on the City's website.

Mayor Manheimer announced that Council will be holding a worksession on Tuesday, March 20, 2018, at 2:00 p.m. in the Council Chamber to talk about changes City Council wants to institute. A detailed agenda of that meeting is available on the City's website.

Mayor Manheimer announced that City Council will adjourn immediately after their closed session.

At 4:27 p.m. Councilwoman Smith moved to go into closed session (1) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. §143-318.11 (a)(6); and to prevent the disclosure of information that is confidential pursuant to N.C. Gen. Stat. § 160A-168, the Personnel Privacy Act. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)( ); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3); (3) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of this State or the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.11(a)(1); and (4) To plan, conduct, or hear reports concerning investigation of alleged criminal misconduct. The statutory authorization is contained in N.C.G.S. 143-318.11(a)(7). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 7:55 p.m., Councilman Young moved to come out of closed session. This motion was seconded by Councilman Haynes carried unanimously.

At 7:55 p.m., Mayor Manheimer adjourned the meeting.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Tuesday – March 20, 2018 - 2:00 p.m.

Worksession

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Interim City Manager Cathy Ball; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

Announcement

Mayor Manheimer read the following statement: "The Asheville City Council has unanimously decided to replace City Manager Gary Jackson effective at the close of business today. We appreciate the many successes Gary has brought Asheville in his 13 years here; however, we believe that making this change now is in the City and his best interests. Assistant City Manager Cathy Ball will serve as Interim City Manager until a new city manager is selected. Additionally, Councilwoman Gwen Wisler will lead transition planning *pro bono* to assist with the eventual transition to a new city manager. We wish Gary well and thank him for the good work that he has done for Asheville and the region. (Note: Under his 2005 employment agreement, the City is obligated to provide Mr. Jackson with his salary and regular benefits for six months unless he starts working for another employer.)"

Council's Priorities in Addressing Policing in Asheville

Mayor Manheimer said the purpose of this meeting is for Council to come to the consensus of direction they would like to give staff around areas they want to explore and make changes in. Since this is a worksession, Council will not take public comment, but anyone is welcome to contact Council with their comments.

The first topic discussed was a third-party review of the Asheville Police Department (APD). Specifics include implementation of any recommendations of the review, to include: (a) Adopt new policies and procedures that ensure equal and fair treatment of all people, address selective enforcement, training and retraining (to include people of color), accountability measures; (b) All excessive use of force complaints to be investigated criminally, immediately (this change has already been made); and (c) Change administrative procedures to ensure Council notification of excessive use of force occurrences and/or complaints, and adopt a plan for notifying the DA and the SBI in all cases. The third-party will do a review around Mr. Johnnie Rush and former Officer Hickman and to give Council a set of recommendations around that incident. Mayor Manheimer said that she has had some preliminary conversations with Police Chief Tammy Hooper and she is receptive of this idea and will work with City Council.

Councilwoman Mayfield said that historically there has been a pretty clear gulf between policy that City Council sets and policy that gets set within the Asheville Police Department. She asked that either that be looked at separately or that this third-party can share with us ways that other cities have handled the relationship between the Council and the APD when it comes to setting policy.

Councilman Young moved to ask Interim City Manager Ball work with staff work to come up with a proposal for a third-party entity to review the APD and for this work to be done fairly quickly. This motion was seconded by Councilwoman Smith and carried unanimously.

The next topic discussed was the establishment of the Human Relations Commission of Asheville (HRCA) per the Blue Ribbon Task Force recommendations, to include (1) HRCA or Police Advisory Subcommittee to review all use of force occurrences and excessive use of force complaints; and (2) Enhance Equity and Inclusion Department staffing (this process is happening) (a) Explore whether a staff person from the Equity and Inclusion Department can review APD body camera footage.

City Attorney Currin said that an ordinance has been drafted with recommendations from the Governance Committee. That ordinance will be before Council for their consideration on April 10. Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that once adopted, staff will begin advertising for the seats and potentially we could have a first meeting around June 1.

Mayor Manheimer said that she spoke with the Mayor of Greensboro (they have local legislation) and they have a Police Citizen Review Board but their review board cannot see body cam footage either. They have gone to court to see it once since the new law has been in place and the judge allowed them to see it with a gag order. We have some work to do in exploring the different options and it will require legislation for us to be able to emulate something like Greensboro.

When Councilwoman Smith asked if the Blue Ribbon Task Force discussed the Citizens-Police Advisory Committee (CPAC), Vice-Mayor Wisler said that they did not focus on this area. It was briefly discussed at the CPAC meeting and she envisioned that the HRCA would take it up as soon as possible. Mayor Manheimer said that we may have to have the HRCA work with the City Attorney's Office to come up with a proposal that we ask the legislature for, or if we are not able to get that legislation, what we can do.

It was the consensus of Council to instruct City Attorney Currin to explore whether a staff person from the Equity and Inclusion Department can review APD body camera footage. And, if it is possible, how would it fit with the current practices already established at the APD.

It was the consensus of Council, at the suggestion of Councilwoman Mayfield, that the third-party review of the APD include a review of the APD policy of auditing body cam footage, along with a revisit of the 60-day retention of body cam footage.

The next topic discussed was to fund an outside legal position to advocate for individuals filing complaints against law enforcement. Mayor Manheimer said the idea is to fund an attorney, perhaps at a non-profit like Pisgah Legal Services, who could represent people who are bringing complaints against law enforcement - APD and/or Sheriff's Department. She has had some preliminary discussions with the Chairman of the Buncombe County Commissioners about the possibility of co-funding this position. This position would be to help a complainant navigate the complaint system. Discussions would need to be held with Buncombe County and a third-party entity to house the position.

Councilwoman Mayfield moved to (1) explore funding an outside legal position to advocate policy around law enforcement, and advocate for individuals filing complaints against law enforcement; and (2) discuss co-funding the position with Buncombe County. This motion was seconded by Councilman Young and carried unanimously.

The next topic discussed was review of City of Asheville Personnel Policies and Civil Service Board Rules to allow the city to remove employees who demonstrate terminatable conduct. Mayor Manheimer said that the City's Personnel Policies are being reviewed. Any City

Personnel Policy will need to go to the Civil Service Board for review but not approval. The changes will be provided to City Council for review as well. Any amendment to the Civil Service Board Rules will require legislation. The City Attorney's Office will draft suggested legislation.

Vice-Mayor Wisler felt the Civil Service Board and the potential Police Advisory Subcommittee may have conflicting objectives, so before approaching our legislators we need to look at both policies.

Councilman Kapoor suggested we get some input from the City's Department Directors on their interaction with the Civil Service Board. He also suggested we not take such a narrow view of just terminatable conduct. Vice-Mayor Wisler explained that was specifically noted because no other civil service board in North Carolina has the ability to reinstate employees who have been terminated.

Councilwoman Mayfield moved to review the City of Asheville Personnel Policies and Civil Service Board Rules to more broadly explore the balance to protect the employees and protect the public and other employees, and giving the management the appropriate and legal discretion to take action in a timely manner. This motion was seconded by Councilman Kapoor and carried unanimously.

The next topic discussed was to create an aggressive plan to hire minority officers. Mayor Manheimer said that there is already work underway to do this and this would be to enhance that push. City Council may need to do more, i.e., funding, creative solutions that haven't been tried yet.

Councilman Young moved to instruct staff to work with the Police Chief to go to the Finance Committee and then the Governance Committee with a proposal about enhancing our minority recruitment efforts, along with funding for any enhancement. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

The next topic discussed was to encourage and educate people about the process of bringing complaints against law enforcement along coupled with the use of an unbiased policing hotline. We need to make it easy for people to find out the process and it should be easily accessible on the APD's website. Mayor Manheimer said if the person has something that rises to the level of filing a complaint that they understand they have that option available to them. The outside legal position should be coupled with this idea of informing and encouraging people about how to bring complaints and the policing hotline.

Councilwoman Smith said that in order to help build trust, we will need some type of marketing strategy on making it more visible for people to make complaints against law enforcement.

Councilwoman Mayfield moved to explore the idea of educating and educating people on how to bring complaints against law enforcement coupled with the policing hotline. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

The final topic discussed was to support legislative changes, to include (1) Support for HB 165 (citizen review of police complaints); (2) Civil Service Board changes; and (3) Personnel law changes (not just for police, but any employee) to allow complainants to learn the results of their complaint.

Councilwoman Mayfield moved to support legislative changes to (1) support HB 165; (2) Civil Service Board changes; and (3) Personnel law changes to allow complainants to learn the results of their complaint. This motion was seconded by Vice-Mayor Wisler and carried

unanimously.

Councilman Young said that even though Council did not set specific timelines, it is very obvious that some of this will is already happening, is ongoing, will start very quickly, and will take some time. Therefore, it was the consensus of Council to ask Interim City Manager Ball to provide monthly updates on how we are moving forward on each of the topics discussed.

Aston Park Tennis Center Fees & Charges

ORDINANCE NO. 4659 - ORDINANCE AMENDING THE ASTON PARK TENNIS CENTER FEES & CHARGES

Chief Financial Officer Barbara Whitehorn said that this is the consideration of proposed fee adjustments at the Aston Park Tennis Center.

A study of Tennis Center operations, completed by City staff in 2014, reviewed opportunities to reduce the level of general fund subsidy. In a concurrent process, the City engaged Matrix Consulting Group (consultants) to conduct a Cost of Services Study for the Parks and Recreation Department. The Tennis Center was included as a component of the study. Based on the results of the Cost of Services Study and staff analysis, a step up plan was developed to incrementally increase pass holder fees over a three-year period. The most recent of those fee increases was approved by City Council in February 2017.

At two recent meetings (February 27 and March 7, 2018) the Finance Committee received presentations from City staff and from the tennis community, regarding the impact of the fee changes that have been approved to date. These increases resulted in a greater than anticipated decrease in annual passholders. While a shift from passholders to hourly court rentals has driven increased revenue, advocates for the tennis community asserted that the annual rates were unrealistically high. Discussion centered around the value of the Center to the tennis community and the neighborhood. The Matrix Study placed the Center in the higher cost recovery part of the equity/community value continuum; an important consideration when evaluating the cost and benefit of the Center for the community overall. At the March 7 meeting, staff brought forward a proposal that addressed the tennis community's concerns while maintaining a level of cost recovery in alignment with the Matrix Study recommendations. The Finance Committee endorsed staff's proposal to realign and reduce rates for annual passes while making slight increases to most hourly rates.

Staff will evaluate the financial performance and service levels of the Center during the 2018 season and will provide an update with data on attendance, programming and revenue at the December, 2018, Finance Committee meeting.

Pros:

- Staff analysis suggests that realigning the rates should have a slight positive impact on revenue.
- Collaborative solution reached with the tennis community and staff.

Con:

- Analysis suggesting a potential positive impact to revenues is based on assumptions about the shift from hourly to annual passes and the volume of hourly court rentals, and therefore may not be borne out when implemented.

As noted above, staff analysis suggests that realigning the rates should have a slight positive impact on revenue.

Staff recommends Council adopt the proposed fee adjustments at the Aston Park Tennis Center.

At the suggestion of Councilwoman Mayfield, it was the consensus of Council that senior level begin at age 65.

At the request of Vice-Mayor Wisler, Ms. Whitehorn said that staff will collect demographic information of elderly seniors (over 65) for the Finance Committee review in October so they can discuss whether elderly seniors should be given a reduced fee.

At the request of Councilwoman Mayfield, Ms. Whitehorn said that still will look at allowing people to pay in two installments making it easier for seniors on fixed incomes.

Mayor Manheimer said that members of Council have previously been furnished with a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved for the adoption of Ordinance No. 4659, with the senior age starting at age 65. This motion was seconded by Councilwoman Mayfield and carried unanimously.

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Operating Budget Forecast

Chief Financial Officer Barbara Whitehorn reviewed with Council the 2018-19 Budget Calendar; high level five-year forecast; discussion of 2018-19 budget drivers.

The 2018-19 Budget process began internally in September 2017, when staff began working on capital forecasting and planning. The operating budget process, began in November and has continued with departmental technical reviews and a Management Team workshop on March 9 to collaborate on efficiencies and discuss potential savings.

Budget staff developed a five-year financial forecast that takes base service level needs, accounts for inflation and other usual cost increases, and forecasts revenue changes over time. Three models were presented to the Finance Committee on February 27.

It is important to note that the City's financial forecast changes continuously with new information, so estimates moving forward likely will not match exactly with information previously provided.

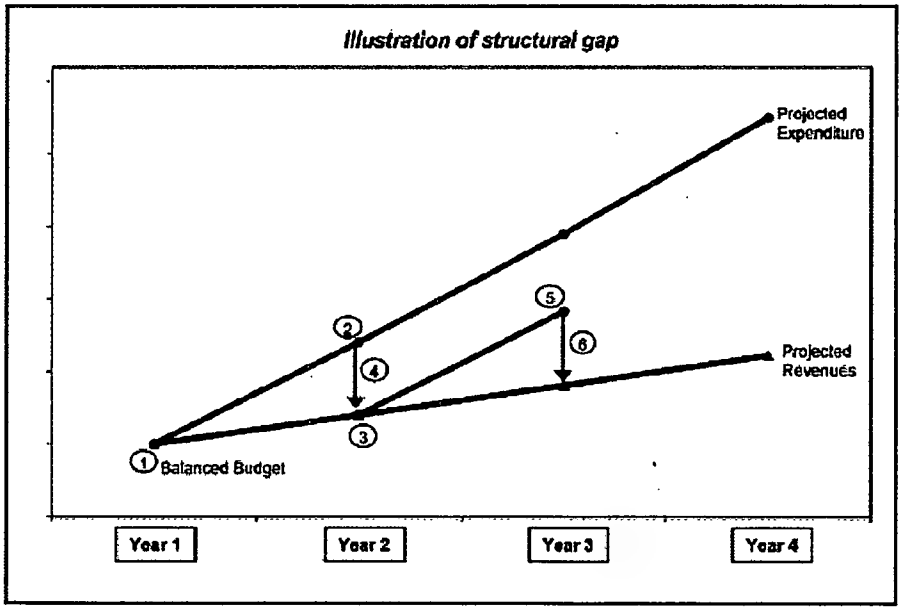
Looking at the forecast over the long term, it is clear that the City of Asheville struggles with a structural imbalance between revenues and expenditures. The use of "structural" to describe the imbalance conveys that this is not a short-term, single budget cycle issue, but rather a long-term problem caused by the structure of the City's revenue streams as opposed to the growth of expenditures. General Fund revenues consistently grow at a rate slower than expenditures. In part, this is driven by the service nature of the City's business. More than 60% of the General Fund budget is personnel-related.

City revenue streams are limited by the NC General Assembly and only fees for services and property tax are within local control. Even these have limitations, some fees are restricted by the State for specific uses, and legislation can limit or change revenue streams at any time. Asheville is the main economic engine of western North Carolina; however, Asheville does not benefit directly from most of the revenue it generates. The City receives no revenue from surrounding areas (i.e. commuter fees), nor does it directly receive room tax to help offset the

impact of tourism on the City's infrastructure and service delivery. Asheville's population increases daily with workers commuting to work from Buncombe and surrounding areas, and the Buncombe County Tourism Development Authority (TDA) estimated that in 2016, an average of 29,800 people visited Asheville *daily.* This puts immense pressure on infrastructure and resident services.

Asheville benefits from tourism through grants from the TDA for capital projects that can be directly linked to maintaining or increasing Asheville's popularity as a tourist destination. Asheville also benefits from sales tax collected on money spent locally; however, sales tax is collected by the State, which retains the majority, disbursing the remaining funds to counties. Counties then have the option to distribute tax proceeds to taxing entities in the county (including municipalities) by population or property tax levy. Buncombe County distributes by tax levy, and the City of Asheville nets approximately 3.5-cents per dollar collected. Put another way, the City receives $1.00 in sales tax revenue for every $350.00 of taxable sales. (The dedicated sales tax for AB Tech is separate from the distribution of sales tax to taxing entities.)

Given the limited nature of existing revenue streams and lacking the ability to access different and/or new revenue sources increases the pressure on local government property tax. This perpetuates the structural gap, putting pressure on management to save money wherever possible while increasing the impact on property taxpayers. Following is the illustration of the structural gap and its annual impact from the white paper, A Community Crossroads, presented to Council in 2013.



(This graph shows projected expenditures growing at 4-5% and projected revenues growing at 1-2%.)

(1) Budget is at balance in Year 1 with expenditures equal to revenues.

(2) With expenditures growing at 4-5%, the cost of offering the same programs in Year 2 grows to here.

(3) Meanwhile, revenues grow at only 1-2%, to here in Year 2.

(4) The difference between expenditure and revenue growth leads to a gap, requiring a cut in expenditures to balance the budget.

(5) If the budget cut affects only the level, but not the growth of expenditures, remaining expenditures will continue to grow at 4-5%. The level of expenditures needed to provide the same level of services as in the previous year grows to here.

(6) This structural difference in revenue and expenditure growth creates the need for another budget cut in the following year (Year 4). The problem continues until structural changes can be made that equalize the growth rates of expenditures with revenues.

2018-19 Revenues - Overall, revenues are anticipated to be up a total of approximately 1.7%, or $2,000,000, over FY 2017-18. This increase includes a 3% increase in property tax collections and a 6% increase in sales tax, and is net of an anticipated 10% decrease in development service fees. Utility revenues, a revenue received from the State, is expected to be flat year-over-year. Revenue performance is aligning with forecasts and while forecasts of individual items may change slightly, staff does not expect any material changes in revenue estimates barring unforeseen economic or legislative pressures.

2018-19 Expenditures - Developing the FY 2018-19 General Fund Operating Budget began with a careful analysis of programs and costs. Each department director was tasked with developing a base budget that would allow their department to continue service levels at their current level, assuming only inflation and/or other factors that impact cost. (i.e. changes in the cost of raw materials for streets maintenance)

With Asheville's current development boom, the cost of providing services including sanitation, streets maintenance, parks maintenance and other City functions that rely on the same labor pool and materials has increased significantly. After technical reviews of department submitted budgets, FY 2018-19 expenditures exceeded revenue by approximately $5.9 million.

Base Budget Starting Point Breakdown

Additional Revenue	$2,000,000
Additional Expenditures	
Inflation and normal cost increases	$3,500,000
Partially Funded enhancements from 2017-18	$4,000,000
One-time moved to operations (EITF)	$205,000
Maintenance driven by CIP	$116,000
Total Expenditure Increase	$7,821,000
GAP	-$5,821,000

Generally the process begins with a structural imbalance gap of $1.5-2 million, and the Management Team works with the Budget Division to narrow the gap, find efficiencies and identify savings.

For the FY 2018-19 budget, the structural imbalance is not the only driver of the gap between revenues and expenditures. Enhancements made to the FY 2017-18 budget while maintaining a revenue-neutral tax rate (with the exception of the 3.5 cents dedicated to the capital program) are an important of the budget discussion for FY 2018-19. Several enhancements were added with half-year or less funding, with the intention to revisit the long-term financial impact in the FY 2018-19 budget discussion.

The following were included in the FY 2017-18 operating budget without long-term funding:

- New Transit contract; expanded transit service
- APD patrol improvements and realignment of districts
- Compensation: funding for market adjustments and incentives (language and education pay)
- AFD retirement plan city match

FY 2017-18 enhancements and their financial impact.

Program	FY 2017-18 Budget	FY 2018-19 Budget	Increase (decrease)
Transit Operations: ½ year expansion funded in FY18; new mgmt contract*	$3,792,000	$4,654,000	$862,000
APD patrol improvements**	-0-	$1,225,000	$1,225,000
Compensation: market adjustments, education, language and shift pay***	-0-	$1,087,000	$1,087,000
AFD retirement plan, add'l 2%, ½ year	$153,000	$309,000	$156,000
Restoring cuts from 2017-18	-0-	$467,000	$467,000
TOTAL	$3,945,000	$7,742,000	$3,797,000

***Transit Enhancements.** In FY 2017-18 the City paid for three months of overlapping service with the exiting and the new management companies. This overlap, as well as the budget amendment to cover the higher cost of the "turn-key" management contract, and the January 1 implementation of additional service enhancements to the system, drive the year-over-year difference. Were the City not paying for three months of overlap in the current fiscal year, the variance between FY 2017-18 and proposed FY 2018-19 would be several hundred thousand dollars higher. Implemented service expansions are below.

Service Expansion implemented January 2018

1) Eight additional hours of evening service per day, Monday-Saturday (48 additional weekly hours)
2) Sunday/Holiday service on all routes (76.5 additional weekly hours)
3) One additional daily trip on Route 170 to Black Mountain (dependent on JARC grant application approval)

****APD Operational Enhancements.** The initial cost of implementing the plan for a downtown district that would allow improved allocation of police resources city-wide, was $1,123,265, reduced to $567,807 after Council directed staff to phase in the staffing increases, reducing the operational impact. The APD and other General Fund departments identified one-time savings to cover the cost for FY 2017-18. The ongoing cost reflects the restoration of the cuts and the implementation of the second phase of the plan. Below is an excerpt from the information provided to Council on May 23, 2017.

Left are the initial and final proposal for the implementation of the plan, right details the cuts made to cover the May 23rd proposed cost by APD and other departments.

APD Downtown District Implementation

	Initial Proposal	5/23/2017 Proposal
Personnel Costs	$ 938,015	$ 469,007
Uniforms & Equipment	$ 185,250	$ 98,800
Total Operations	$1,123,265	$ 567,807
Increase to APD 2017-18 Ops Budget	$1,123,265	-0-

Department	Amount Cut
Fire	$ (50,000)
Police	$ (430,000)
Parks & Recreation	$ (35,000)
Public Works	$ (35,000)
Other	$ (17,800)
Total Cuts	$ (567,800)

*****Compensation.** $500,000 in one-time funds were reserved for market competitive adjustments and changes to the compensation plans to include education and language pay, as well as shift differentials, all of which were anticipated to be implemented for less than a full year. The ongoing cost of the changes is $1,087,000. Turnover, a critical issue that the compensation changes were designed to combat, is showing a decline.

In addition to the operational enhancements discussed above, unassigned fund balance was used to fund several initiatives in FY 2017-18. Fund balance is used for one-time expenditures that are not intended to become part of the operating budget.
Fund Balance Allocations

Program or Project	Amount
Energy Innovation Task Force	$ 205,000
Tree Canopy Study	25,000
Payroll/Benefits Audit Recommendations	200,000
Police Staffing Vehicles	384,000
Election Costs	275,000
Additional Strategic Partnership Funding	42,000
Neighborhood Opportunity Fund	50,000
TOTAL	$ 1,181,000

Of the fund balance allocations above, the EITF funding has been put forth for addition to the operating budget, adding $205,000 to the operating base.

Completed capital projects add maintenance costs that are ongoing, for example, the radio project completed in FY 2017-18, which replaced the public safety radios and improved connectivity throughout the service area, adds an ongoing maintenance cost of $116,000. The City leases tower space to telecom companies, which partially offsets this cost. The offsetting revenue is included in the forecast. In the same way, additional greenways add maintenance costs to keep the facilities clean and clear of weeds and brush. Staff works to balance additional costs with offsetting savings or revenue wherever possible.

In total, the normal operating gap of about $1.5 million, combined with the unfunded and/or under-funded enhancements drives the $5.9 million budget gap.

Revenue Forecast	$ 122.8 million
Expenditure Estimate	(128.7 million)
Surplus (Deficit)	$ (5.9 million)

On March 9, 2018, the department directors and support staff held a workshop to consider budget balancing strategies in the following areas:

- Trend of underspent line-items: a trend analysis of all expenditures, by line-item, was completed by the Budget Team and provided to the participants for discussion.
- Nips and Tucks: Directors and staff were tasked with identifying areas in which they could make small cuts to operational budgets, with the idea that if every department made small cuts, the savings overall could be significant.
- One-time changes: given the large budget gap, Directors were asked to identify temporary cuts that could be made to balance the budget this year, with the intention to identify efficiencies and other cost savings measures that could replace the one-time cuts for a financially sustainable model going forward.
- City-wide changes: Directors and staff were encouraged to think about revenue and expenditures holistically, considering potential new revenue streams, broad efficiencies that require a coordinated approach and the buy-in of multiple departments, and brainstorm opportunities that might not be immediately feasible but with planning could positively impact the budget in the long term.

In all, the team identified $2.27 million in potential savings and $380,000 in additional revenue.

Initial Gap	$ (5.9 million)
Staff identified savings and revenue	2.7 million
Surplus (Deficit)	$ (3.2 million)

New Council Goals and Objectives - Council objectives requiring additional resources are not included above, but are listed below with estimates of the cost of implementation. NOTE: these estimates are based on experience anc preliminary research and may vary significantly from the actual cost of implementation.

1) Establish and staff an Office of Equity and Inclusion
    a) Set-up cost: $40,000 (one-time)
    b) On-going cost: $350,000
2) Contract an audit of police procedures and training
    a) Contract cost: between $200,000 and $400,000 (one-time)
    b) Implementation of recommendations: unknown (ongoing)
    c) Audit follow-up: unknown (ongoing)

3) Additional Transit service expansion
    a) Implementation: usually ½ of 1-year of the annual cost in year one (implementation is usually January 1)
    b) Contract impact: Unknown. The contract with MacDonald requires a renegotiation of the contract if service expansions exceed a certain percentage of the existing service level.
4) Additional labor in-sourcing
    a) Additional full-time equivalent or part-time benefited positions adds to the City's cost of providing insurance and retirement benefits, which amounts to approximately 30% of the annual pay of a position.
5) Participatory Budgeting
    a) Annual allocation: to be determined by Council, addition to base ongoing
    b) Cost of implementation: variable
        i) Consultant-led process: $15,000-$50,000
        ii) Staff-led process: cost would be absorbed by existing budget

If these additional goals are added for FY 2018-19, the budget gap could widen from $3.2 million to somewhere between $4 and $5 million. A more specific number will not be available until staff is able to nail down variables and estimates.

Closing the Gap - What are the alternatives for closing a budget gap of this magnitude? It is important to recognize that while a $3-5 million gap seems enormous, it amounts to between 2% and 4% of the total General Fund operating budget. The challenge lies in balancing the budget when the "low hanging fruit" has all been picked.

In the absence of new revenue, adding programs or projects to the operating budget requires an offsetting reduction which will require service reductions.

Ms. Whitehorn said that the following is a five-year projection of General Fund revenues and expenditures . This projection was developed primarily by analysis of prior year trends, but also anticipates future changes in spending. The Fiscal Year (FY) 18 projection is based on year end estimates as of the Q2 Financial Report. The FY19 projection has been updated to reflect FY19 base budget submittals by departments as well as staff's initial efforts at balancing the budget. As with most multi-year forecasting, confidence in the accuracy of the projections decreases with each succeeding year. The following table provides a high level summary of the projection.

General Fund Actual Expenditures and Revenues (in Millions) by Fiscal Year (FY)

	Actual	Projected					
	FY17	FY18	FY19	FY20	FY21	FY22	FY23
Revenues	$111.37	$120.25	$123.12	$126.42	$129.29	$132.23	$135.25
Expenditures	$108.37	$120.13	$126.27	$131.55	$137.03	$143.28	$148.79

This projection assumes ongoing increases in employee compensation (4.6% per year) and employer share of total healthcare costs (4.8% per year) based on historical trends. The increase in compensation assumes that the City continues to provide modest salary increases for current employees and adds additional staff to maintain existing levels of service in a growing community. This projection also assumes that the City continues to increase funding for Other Post Employment Benefits (OPEB) by $200,000 per year, consistent with prior practice.

Other significant non-personnel expenditures are mainly held at the current funding levels, including the following:

- Housing Trust Fund ($500,000 per year)
- US Cellular Center operating support ($1,066,834 per year - reduced for FY19)
- Strategic Partnership and other external support (approximately $508,400 per year)
- Economic Incentives (amount varies year-to-year, projection includes only agreements that have already been approved by Council)
- Capital funding, which accounts for the significant increase from Fiscal Year 2016-17 to 2017-18, is assumed to follow the debt cash flow model provided by our financial advisors.

Additional increases in expenditures for Fiscal Year 2018-19 are related to full year funding of items included partially funded in the current year budget, including the following:

- Expanded transit service
- Continued implementation of the Downtown police district
- Market adjustments for police staff
- Enhanced benefits for firefighters
- Public safety staff compensation for education attainment, foreign language skills
- Compensation for staff required to perform shift work or be available in off-hours

Other Council living-wage goals that impact the operating budget:

- Maintaining a living wage pay scale for all City employees
- Employ workers in-house instead of contracting for temporary/seasonal labor

Revenue assumptions include continued moderate increases in property tax revenue (2% per year), sales tax revenue (5% initially then 3% per year) and other revenues. Although Buncombe County will revalue all property within the City in 2022, this projection assumes no significant revenue changes will occur (i.e., a revenue neutral tax rate is assumed). While the City has experienced strong revenue growth in recent years, a significant portion of City revenue (including sales tax and development fees) is dependent on overall economic conditions beyond the City's control. These revenue sources would be significantly impacted by a recession or other decline in economic activity. In addition, changes made by the state legislature to the sales tax distribution could significantly impact sales tax revenue received by the City.

Ms. Whitehorn responded to various questions/comments from Council.

There was a brief discussion, initiated by Councilwoman Mayfield, regarding Fund Balance, noting that our minimum is 15%.

Ms. Whitehorn said that she would provide Council with (1) the list of items the Department Directors identified-savings of $2.27 million, noting which items might be on-going savings vs. one-time cuts; (2) a list of all the community partnership funds, along with the contract terms and amounts; and (3) memo and list of priority based budgeting results.

Vice-Mayor Wisler noted this is a continuation budget with no additions of resources for Council's new goals and objectives. If we put in additional programs, we must cut other things. She suggested, and it was the consensus of Council, that the Finance Committee hold a special meeting to "take a deep dive" into the budget and look at what staff suggested for cuts and see if they can come up with any proposals to bring forward to Council.

Councilman Haynes said that he supports the funding of the Council's new goals and objectives that are currently unfunded. He also recalled that last year there was a major funding request for the Police Department, and at this time he has some concerns about the budget

moving forward.

Mayor Manheimer said that staff understands Council's priorities and the Finance Committee will be working on the budget. After we receive the Finance Committee's recommendation we can prioritize Council's new priorities, if necessary.

It was the consensus of Council to ask staff to continue to work with the Finance Committee to identify the actual costs associated with the Council objectives that require additional resources.

Mayor Manheimer said that Council will reconvene in the Chamber after closed session.

Closed Session

At 3:37 p.m. Councilwoman Smith moved to go into closed session (1) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit involving the following parties: Bach vs. City of Asheville. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 4:06 p.m., Vice-Mayor Wisler to come out of closed session. This motion was seconded by Councilman Kapoor and carried unanimously.

Meeting Continued - Removal of City Manager Gary Jackson

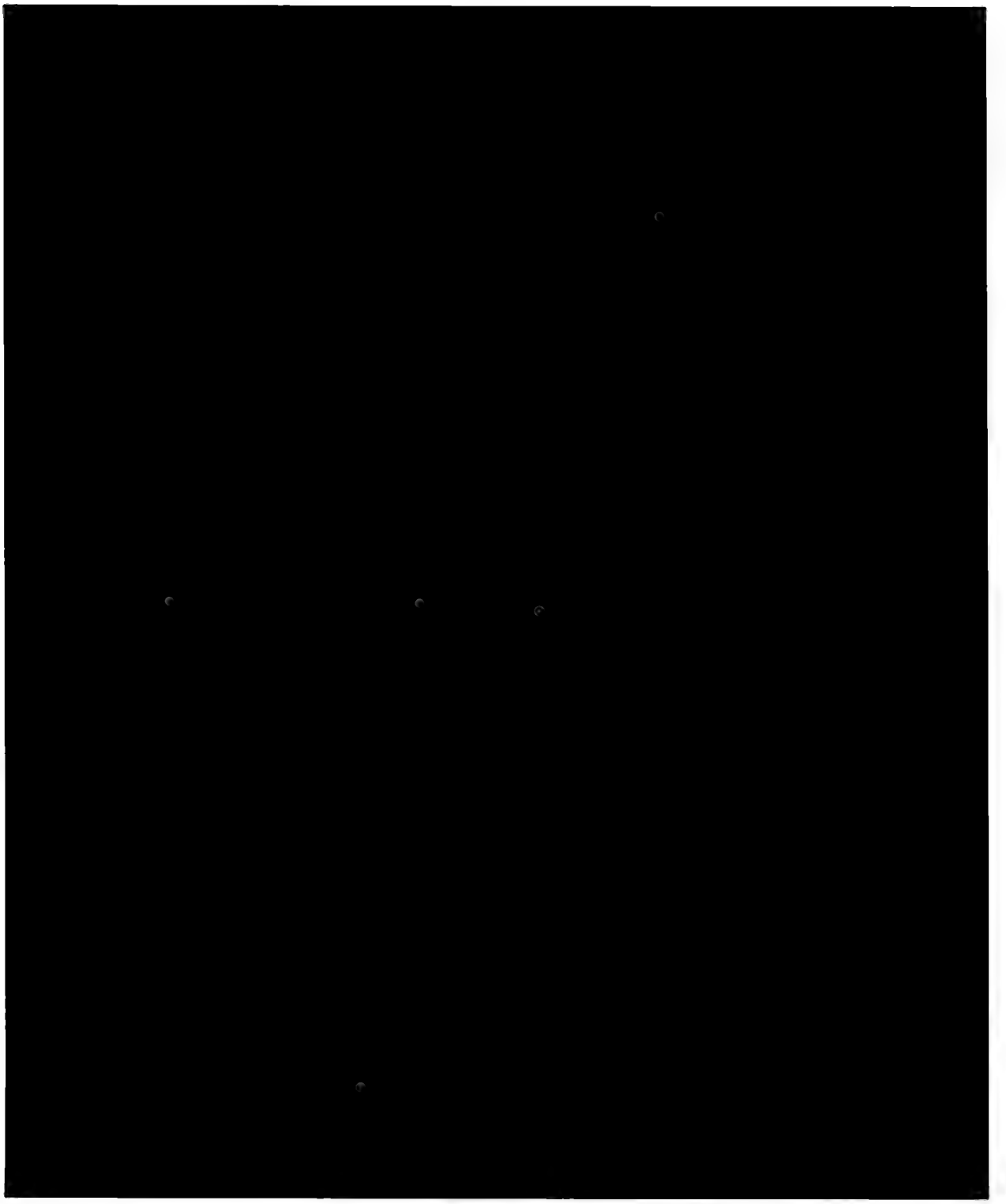
Councilman Kapoor moved that City Council remove Gary Jackson as the City Manager effective at the close of business today. This motion was seconded by Councilwoman Smith and carried unanimously.

Mayor Manheimer explained that Mr. Jackson's employment contract requires that he be paid salary and benefits for 180 days following any removal unless, there is any criminal activity (that is not an issue in this case) or unless Mr. Jackson was provided six months notice which he was not. Mr. Jackson's contract is a public document.

At 4:10 p.m., Mayor Manheimer adjourned the meeting.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor



BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL

MINUTES

VOLUME: 96

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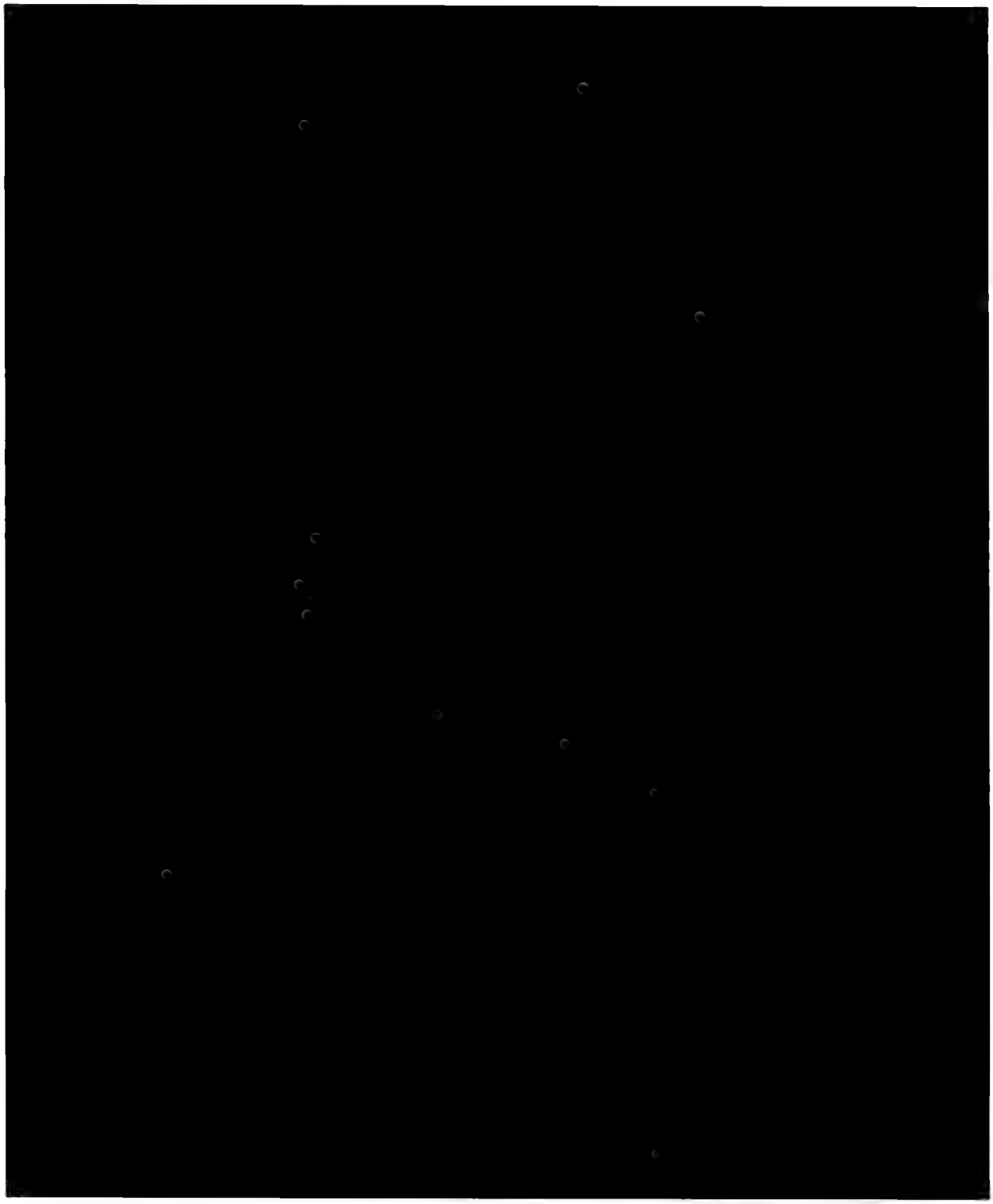

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Thursday – March 29, 2018 - 4:30 p.m.

Special Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilman W. Keith Young; Interim City Manager Cathy Ball; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: Councilwoman Sheneika Smith

Mayor Manheimer opened the meeting at 4:30 p.m.

Mayor Manheimer announced that City Council will adjourn immediately after their closed session.

At 4:34 p.m. Councilman Young moved to go into closed session (1) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. §143-318.11 (a)(6); and to prevent the disclosure of information that is confidential pursuant to N.C. Gen. Stat. § 160A-168, the Personnel Privacy Act. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3); (3) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of this State or the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.11(a)(1); and (4) To plan, conduct, or hear reports concerning investigation of alleged criminal misconduct. The statutory authorization is contained in N.C.G.S. 143-318.11(a)(7). This motion was seconded by Councilman Kapoor carried unanimously.

At 6:34 p.m., Councilman Kapoor moved to come out of closed session. This motion was seconded by Councilwoman Mayfield carried unanimously.

At 6:34 p.m., Mayor Manheimer adjourned the meeting.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

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Tuesday – April 10, 2018- 3:00 p.m.

General Fund Operating Budget Worksession

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Interim City Manager Cathy Ball; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Chief Financial Officer Barbara Whitehorn said that the Finance Committee worksession they started with gap of $3.2 Mil. The Finance Committee recommended (with unanimous support) (1) adjust Employer Health Insurnace ontribution to current year level - $255,000; (2) Debt Fund capital maintenance - $700,000; and (3) adjust Asheville Fire Department fleet maintenance budget - $100,000. New information for the Transit revenue adjustment is $200,000.

Item	**Finance Committee Response**	**General Fund Impact Cost/(Savings)**
Initial budget gap after staff workshop:		$ 3,200,000
Expanded Equity Program	Recommended	259,000
Reduce salary increase by (0.5%)	Discuss	(300,000)
Reduce Health Insurance Contribution	Recommended	(255,000)
Debt Fund Capital Maintenance	Recommended	(700,000)
Fund Balance allocation to operations	Discuss	(300,000)
Reduce Police Academy class size	Discuss	(200,000)
Reduce AFD Fleet allocation	Recommended	(100,000)
Gap assuming all of the above:		$ 1,604,000
Updated state transit revenue*		(200,000)
Adjusted gap:		$ 1,404,000

**Based on information recently received, state transit grant revenue has increased for FY 2018-19.*

It was the consensus of Council to accept these recommendations from the Finance Committee.

Additional considerations include (1) Mission-HCA deal (a) potential for $6.8 Million addition to property tax revenue; and (b) no additional revenue until 2019-20; and (2) transit funding (a) costs and contract management; and (b) identifying alternative funding sources.

Items that are recommended for further discussion include:

- Employee salary increases from 3% to 2.5% - $300,000
- Adjust Police Academy class size - $200,000
- Utilize Fund Balance to bridge gap (16.6%) - $300,000
- Parking fee changes, Transit support - $1.1 Million
- Additional use of Fund Balance (16.0%) - $750,000
- Additional use of Fund Balance (15.0%) - $1.3 Million

Topics of Discussion out of the Finance Committee:

24-Hour Restroom availability at Rankin Street Garage
A proposal was brought forward with a strategy to keep the restrooms open with no financial impact. Staff recommended that the restrooms be staffed, for a potential cost of $156,000.
Additional Cost: $0-$156,000; Parking Fund (no General Fund impact)
Recommended.

Unspent Neighborhood Funds assigned from Fund Balance for FY 2017-18
Fund balance allocation of $50,000 in FY 2017-18 to be reallocated in FY 2018-19, potentially to be used for first participatory budgeting funds.
Recommended.

Inclusion of expanded Equity program
Additional Cost: ***$259,000***
Recommended.
Additional information: The table below outlines the full year cost for each position including salary, benefits and associated operating expenses. In the memo provided to the Finance Committee, the estimated costs ($365,000) included an additional position that was not part of the Blue Ribbon Committee's recommendations. An updated total cost is provided below. The staff recommendation to fully fund two positions for a full year and one for half a year would still result in savings of approximately $40,000 in FY 2018-19.

Full Year Cost of Expanded Equity Program

Position	FY19	Ongoing
Equity Action Plan Implementation	$ 98,000	$ 92,000
Human Relations Commission Support	$ 94,000	$ 89,000
Equity & Inclusion Community Outreach	$ 107,000	$ 101,000
Total	*$ 299,000*	*$ 282,000*

Adjust proposed salary increase for employees from 3.0% to 2.5% and reduce pool for market adjustments
Savings: ***($300,000) salaries; ($125,000) market adjustment pool***
Vice-Mayor Wisler and Councilwoman Mayfield supported both; Vice-Mayor Wisler Wisler also recommended no Council raises and the consideration of a cap on the salary level at which staff would be eligible for raises. Councilman Kapoor did not support a reduction in the 3% increase, citing the market competition for high performing employees.
Recommendation: Move forward for discussion.

Discussion: Council members each voiced their support to either (1) freeze all salaries for one fiscal year; (2) freeze salaries for any employee making more than $50,000 - savings of $956,000; (3) free salaries for all executives - savings of $166,250; (4) raise all employee salary increases by 2.5%; or (5) raise all employee salary increases by 3%. Interim Assistant City

Manager Peggy Rowe said that in order to avoid exacerbating an existing challenge of salary compression, they recommended that any salary increase afforded to employees include all full time and part time benefited employees. After discussion, it was the majority of Council's consensus to provide all full time and part time benefited employees a 2.5% salary increase.

At the request of Councilman Young, Ms. Rowe said that she would provide Council with information on regional increases of employee salaries.

Adjust employer health insurance contribution to current year funding level
Savings: ***($255,000)***
Recommended based on current trends and projections for next fiscal year.

Debt fund certain capital maintenance expenses currently in operating budgets
Savings: ***($700,000)***
Staff would propose this as a one-year cost shift to the CIP model, and that funding revert to the General Fund operating budget in FY 2019-20 pending a review of the capital capacity and operating budget.
Recommended.

One-Time revenues - fund balance ($300,000)
As outlined in the March 20 work session, staff would recommend maintaining the City's existing fund balance percentage (currently 16.6%) to avoid negatively impacting the City's credit rating. Based on current year-end projections for FY 2017-18 as well as projections for next year's adopted General Fund budget total, staff is currently estimating that there may be approximately $300,000 in fund balance available for appropriation while still staying at the 16.6% level. Councilmembers Wisler and Mayfield supported, Councilmember Kapoor cautioned against the use of fund balance.
Recommendation: Move forward for discussion.

Discussion: Councilmembers did not support the use of $750,000 of Fund Balance. After discussion, it was the consensus of Council to bring back other cost saving items in order to not have to use Fund Balance.

Adjust APD academy class size from 20 to 15 recruits
Savings: ***($200,000)***
The Police Department has experienced persistent under-staffing in sworn positions for several years. To address this issue, additional personnel expenses are programmed in the Asheville Police Department (APD) to support a higher number of recruits attending the Police Academy. Reducing the number of recruits may result in more vacancies for a longer period of time. The cost per extra recruit is approximately $40,000, so reducing the number by five next fiscal year would produce savings of $200,000.
Recommendation: Move forward for discussion.

Discussion: Councilman Haynes recommended reducing the APD budget by $1.2 Million for Fiscal Year 2019-20. Interim City Manager Cathy Ball said the result would be laying off people who are in training now, in addition to eliminating the other programs Council agreed to fund last year. It was the consensus of Council to have staff provide Council with information on the APD programs put in motion last year, i.e., new Downtown Unit, impact on overtime, etc.; the minority makeup of trainees; where the new hires will be located; effectiveness of programs; and if we did not increase the APD budget by $1.2 Million, what will be the ground impacts.

Adjust AFD fleet maintenance budget
Savings: ***($100,000)***
Recommended.

Other Items Discussed:

Increase parking fees to support Transit (TBD)
An increase in parking deck fees could be considered to cover a portion of the increased cost of Transit services. Staff is evaluating options for fee adjustments in the Parking Fund. Recommendation: Move forward for discussion.

Additional Information: The bike and pedestrian plan is currently funded at $175,000 ($140,000 in grant funding). Staff estimate that expanding the plan to include greenways would cost an additional $100,000.

Staff Proposed Parking Changes: (1) Increase monthly rates in garages: Depending on the garage, monthly rates range from $40 (discounted rate) to $140. Currently there are 950+ monthly account holders generating about $750,000 annually. Raising the monthly rates by $10 would generate a potential increase of $100,000 annually. (2) Eliminate first hour free: Based on the current annual transient transactions occurring in the four parking garages, staff estimates that eliminating the first hour free would generate a potential increase of $1,000,000 annually. (3) Increase Daily Maximum: Based on the current annual transient transactions that exceed the $10 daily maximum in the four parking garages, staff estimates that raising the daily maximum to $12 would generate a potential increase of $60,000 annually. Staff recommends the $1.1 Million go to transit and that will free some money up for the General Fund and also create a revenue stream for transit.

The Transit Planning Division is in the process of developing a new Transit Master Plan (TMP) which will replace the current plan developed in 2009. The key goals of the TMP will be increased service frequency, expanded service hours, and future service into areas outside the existing coverage area. Implementation of changes and service expansion are planned to begin in Fiscal Year 2019-20. The creation of a new position will ensure that appropriate outreach efforts are made to avoid negatively impacting existing riders and to promote transit services to potential riders. The additional cost of this position would be $86,000 for Fiscal Year 2019.

The Transit Committee recommended adding 12 additional daily service hours in Fiscal Year 2019. Due to schedule requirements for service changes, it is likely that this service could not be implemented until January 1, 2019. A full year cost of 12 additional daily service hours would be $183,000. Staff recommends the Transit Planner position be funded in Fiscal Year 2019 and that any service expansions be considered for Fiscal Year 2020. This will allow staff to focus efforts during Fiscal Year 2019 on building up the fleet, facilities, and staffing levels needed to properly implement the TMP beginning in Fiscal Year 2020.

Discussion: Councilwoman Mayfield noted that the City applied for 10 buses through the Metropolitan Planning Organization (MPO) and that subcommittee recommended funding of those buses. In addition, the MPO subcommittee recommended funding for three sidewalk projects, which will free up some transportation bond money. The City will know in May if we receive those funds.

After an extensive review of balancing strategies to close the budget gap, it was the consensus of Council to have a final recommendation from the Transit Department which will (1) add the Transit Planner position (with an approximate start date of September 1); and (2) delay the implementation of the 12 additional daily service hours until January 1, 2019.

Councilman Kapoor felt we need to feel confident that based on staffing we can execute what we have planned, including the RADTIP and bond program, and still execute the duties of a City that the public expects the City to perform.

It was the consensus of Council to hold another budget worksession on April 24, 2018, at 3:00 p.m. in the 1st Floor North Conference Room in order to receive information on (1) Police budget; (3) additional cost savings so as not to use Fund Balance; and (3) transit related items.

Mayor Manheimer adjourned the worksession at 4:20 p.m.

Tuesday – April 10, 2018- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Interim City Manager Cathy Ball; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING APRIL, 2018, AS "PARKINSON'S DISEASE AWARENESS MONTH"

Mayor Manheimer read the proclamation proclaiming April, 2018, 2018, as "Parkinson's Disease Awareness Month" in the City of Asheville. She presented the proclamation to Mr. Robert Pate, and others, who briefed City Council on some activities taking place during the month.

B. PROCLAMATION PROCLAIMING APRIL, 2018, AS "CHILD ABUSE PREVENTION MONTH"

Mayor Manheimer read the proclamation proclaiming April, 2018, 2018, as "Child Abuse Prevention Month" in the City of Asheville. She presented the proclamation to Mr. Geoff Sidoli, who briefed City Council on some activities taking place during the month.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 13, 2018; AND THE SPECIAL MEETING HELD ON MARCH 16, 2018; THE WORKSESSION HELD ON MARCH 20, 2018; AND THE SPECIAL MEETING HELD ON MARCH 29, 2018

B. MOTION SETTING A PUBLIC HEARING ON MAY 22, 2018, FOR THE FISCAL YEAR 2018 OPERATING BUDGET; AND AMENDING THE BUDGET CALENDAR TO (1) MOVE THE FINAL BUDGET ADOPTION FROM JUNE 12, 2018, UNTIL JUNE 19, 2018; AND (2) ADD A BUDGET WORKSESSION ON APRIL 24, 2018

Summary: The consideration of a motion setting a public hearing on the Proposed Annual Operating Budget for May 22, 2018, and amending the budget calendar to (1) move the final budget adoption from June 12, 2018, until June 19, 2018; and (2) add a budget worksession on April 24, 2018, at 3:00 p.m. in the 1st Floor North Conference Room in City Hall.

The 2018-19 Proposed Annual Operating Budget is scheduled to be presented to City Council on May 15, 2018, and adopted on the rescheduled date of June 19, 2018. In accordance with the North Carolina Local Government Budget and Fiscal Control Act (G.S. 159-12), the board is required to hold a public hearing on the Proposed Budget prior to adoption of the annual budget ordinance. The action tonight will set that public hearing date for May 22, 2018, and amend the budget calendar (1) for final budget adoption on June 19, 2018; and (2) add a budget work session on April 24, 2018, at 3:00 p.m. in the 1st Floor North Conference Room.

Staff recommends City Council set May 22, 2018, as the date to conduct the public hearing on the City of Asheville Fiscal Year 2018-19 Proposed Annual Operating Budget, and amend the budget calendar to (1) move the final budget adoption from June 12, 2018, until June 19, 2018; and (2) add a budget worksession on April 24, 2018, at 3:00 p.m. in the 1st Floor North Conference Room of City Hall.

C. RESOLUTION NO. 18-71 - RESOLUTION ALLOWING FOR THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE 5 WALNUT ORVIS PARTY

RESOLUTION NO. 18-72 - RESOLUTION ALLOWING FOR THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE DOWNTOWN AFTER FIVE EVENTS

RESOLUTION NO. 18-73 - RESOLUTION ALLOWING FOR THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE MOUNTAIN SPORTS FESTIVAL VILLAGE

RESOLUTION NO. 18-74 - RESOLUTION ALLOWING FOR THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE CITY SOCCER CLUB PLAYOFF GAME 1.5

Summary: The consideration of resclutions authorizing the City Manager to approve making provisions for the possession and consumption of malt beverages and/or unfortified wine at the 5 Walnut Orvis Party, Downtown After 5, Mountain Sports Festival Village, and Asheville City Soccer Club Playoff Game 1.5.

- Asheville Greenworks has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the 5 Walnut Orvis Party and allow for consumption at this event.

  The 5 Walnut Orvis Party will be held on Wednesday, April 11, 2018, from 5:00 p.m. to 10:00 p.m. within the boundaries of Walnut Street as per the area limits referenced on the accompanying site map.

- Asheville Downtown Association has requested through the City of Asheville Community & Economic Development Department that City Council allow them to serve beer and/or unfortified wine at Downtown After 5 and allow for consumption at this event.

  Downtown After 5 will be held on Fridays, May 18, June 15, July 20, August 17, and

September 21, 2018, from 5:00 p.m. to 10:00 p.m. within the boundaries of Lexington Avenue as per the area limits referenced on the accompanying site map.

- Mountain Sports Festival has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Mountain Sports Festival Village and allow for consumption at the event.

  The Mountain Sports Festival Village will be open on Friday, May 25, 2018, from 4:00 p.m. to 10:00 p.m., Saturday, May 26, 2018, from 10:00 a.m. to 10:00 p.m. and Sunday, May 27, 2018, from 12:00 p.m. to 6:00 p.m. within the boundaries of Carrier Park as per the area limits referenced on the accompanying site map.

- The Asheville City Soccer Club has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Asheville City Soccer Club Playoff Game 1.5 and allow for consumption at the event.

  The Asheville City Soccer Club Playoff Game 1.5 will be held on Thursday, July 12, 2018, from 6:00 p.m. to 10:00 p.m. within the boundaries of Memorial Stadium as per the area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for Asheville Greenworks, Asheville Downtown Association, Mountain Sports Festival, and Asheville City Soccer Club

Con:

- Potential for public safety issues

Staff recommends City Council adopt resolutions authorizing the City Manager to approve making provisions for the possession and consumption of malt beverages and/or unfortified wine at the 5 Walnut Orvis Party, Downtown After 5, Mountain Sports Festival Village, and the Asheville City Soccer Club Playoff Game 1.5.

RESOLUTION NO. 18-71 - RESOLUTION BOOK NO. 39 - PAGE 328
RESOLUTION NO. 18-72 - RESOLUTION BOOK NO. 39 - PAGE 331
RESOLUTION NO. 18-73 - RESOLUTION BOOK NO. 39 - PAGE 334
RESOLUTION NO. 18-74 - RESOLUTION BOOK NO. 39 - PAGE 337

D. RESOLUTION NO. 18-75 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PATTON CONSTRUCTION GROUP INC. FOR THE MORRIS STREET STORMWATER IMPROVEMENT PROJECT

ORDINANCE NO. 4660 - BUDGET AMENDMENT FOR THE MORRIS STREET STORMWATER IMPROVEMENT PROJECT

Summary: The consideration of (1) a resolution authorizing the City Manager to execute a contract with Patton Construction Group, Inc. (Patton) for construction services necessary to perform the Morris Street Stormwater Improvement Project in the amount of $910,166.00 and to enter into change orders to this contract not to exceed an additional 15% of the original contract amount or $136,525.00 for a total amount of $1,046,691.00; and (2) a budget amendment in the amount of $327,318.00 from other project savings and the Stormwater Operating Fund to fund the contract and the 15% contingency.

Currently there is not an existing storm drainage system along Morris Street from Brevard Road to West Asheville Park. Citizens in this area have been experiencing issues during heavy rainfall events with water overtopping the roadway and running onto private property. Stormwater runoff also accumulates along the edge of the pavement of Morris Street creating low shoulders and/or shoulder erosion. The stormwater accumulation continues to flow down Morris Street and enters the West Asheville Park creating erosion concerns within the park setting.

Within the scope of the project, Patton will install approximately 2330 feet of new storm drainage infrastructure and approximately 3150 feet of curb. This project also provides for additional water quality benefits by having Patton expand the existing stormwater control measure within the West Asheville Park which is designed to capture the stormwater runoff from Morris Street for low flow storm events.

Through the design phase of the Morris Street Project, City Staff and the consulting engineer met multiple times with the neighborhood to discuss the project in detail. Individual meetings were held with various property owners to discuss the specifics of the project adjoining their property and to work through any concerns associated with the project. Our project will be better by having these interactions with the neighborhood and individual property owners.

The project was posted for bid on October 3, 2017. A mandatory pre-bid meeting was held with a large turnout on October 16, 2017. The bids were opened on October 24, 2017, after receiving complete bid submittals from three bidders. The apparent lowest bidder was more than 10% over the engineer's estimate. Therefore, the City decided to reject all bids, redesign a portion of the project and bid the project again.

The revised project was posted for bid on December 12, 2017. This time a non-mandatory pre-bid meeting was held on December 19, 2017. Bids were scheduled to be opened on January 9, 2018; however, only two bids were received. The bids were not opened and were returned to the contractors. Following the re-bid process, the project was re-advertised for at least 7 days. Three bids were received and opened on January 18, 2018, with the following results for base bids:

Graham County Land Company of Robbinsville, NC	$899,362.50
Patton Construction Group of Arden, NC	$910,370.00
NHM Constructors of Asheville, NC	$1,247,405.00

Upon careful consideration of the bidders, their bid submittals and their qualifications, the City determined that Patton Construction Group, Inc. was the lowest responsive responsible bidder. Graham County Land Company, though the lower bid, was determined to be "non-responsible" due to performance issues in other current city contracts. After discussions with Patton and considering the alternate bid item, the final contract amount will be $910,166.00.

Pros:

- Installation of a new storm drainage system in this area prevents future roadway maintenance issues.
- Expanding the existing stormwater control measure within West Asheville Park provides additional stormwater quality benefits.
- Controlling stormwater runoff provides safe access for the citizens that visit this area.
- Making capital investments through projects achieves a goal of the Stormwater Utility Program.

Cons:

- Construction will be disruptive to the area for approximately 5 months.

- Cost of project

The total amount of the contract is $910,166.00. Adding in a 15% contingency of $136,525.00 brings the total required budget to $1,046,691.00. A budget of $750,000.00 was approved for this project in FY 2016-17 in the Stormwater Capital Project Fund with easement acquisition services charged to the project in that year. There is currently a balance of $719,373.00 remaining for construction of this project. In order to fund the construction contract and the 15% contingency, a budget amendment is required in the amount of $327,318.00. This amount can be funded from a combination of savings from other projects that were completed under budget and available money within the professional services account of the Stormwater Operating fund.

City staff recommends City Council adopt a resolution awarding the contract to Patton Construction Group and authorizing the City Manager to execute on behalf of the City of Asheville the contract for the construction services necessary to perform the Morris Street Stormwater Improvement Project in the amount of $910,166.00 and to enter into change orders to this contract not to exceed an additional 15% of the original contract amount or $136,525.00; and approve a budget amendment in the amount of $327,318.00 from other project savings and the Stormwater Operating Fund to fund the contract and the 15% contingency.

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ORDINANCE BOOK NO. 32 - PAGE 23

E. RESOLUTION NO. 18-76 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ENTER INTO, IF AWARDED, THREE FEDERAL EMERGENCY MANAGEMENT AGENCY GRANTS

Summary: The consideration of a resolution authorizing the City Manager to apply for and enter into, if awarded, three Federal Emergency Management Agency (FEMA) grants.

There are currently three federally funded grant programs that the Asheville Fire Department has applied for in the past. The three programs are all administered by FEMA and are awarded after several different reviews, with the final decision being made by fire service members who review all the applications based upon the proposed expected outcomes and community needs. The three programs are:

- AFG- Assistance to Firefighters Grant
- SAFER- Staffing for Adequate Fire and Emergency Response Grant
- Fire Prevention and Safety Grant

All three programs are authorized annually by the US Senate and Congress, and the amounts available vary from year to year. The application periods are established when the funding is secured and typically is only a few weeks.

The AFG program is focused primarily on the equipment required for firefighters to perform their duties in a more safe manner. Items such as Self Contained Breathing Apparatus (SCBA), protective equipment, and items to reduce cancer risks have been focused areas of the program in the past. AFD has applied every year except last year for this grant, but unfortunately we have not been successful. We did not apply last year due to the timing of the application window.

The SAFER program is designed to help fire departments hire and retrain additional firefighters to provide for a safer emergency scene. Multiple studies over the past 10 years have shown that the overall effectiveness of emergency scene operations increase significantly as

minimum fire company staffing increases up to a level of 4 firefighters per company. AFD has also applied for this grant every year it has been available, but our applications were at the bottom of those considered over the past few years as agencies that were confronted with reducing staffs were a priority for consideration.

The Fire Prevention and Safety Grant focuses on equipment and programs for community risk reduction. AFD was successful last year in the Fire Prevention and Safety Grant program, we were awarded $110,000 to purchase items for education programs focused on kids and smoke alarms that are being installed in homes all over the City of Asheville.

The unpredictable and short application periods make it difficult for staff to provide Council with adequate time to review needs and provide policy direction for grants prior to the application deadlines. AFD recommends policy direction from Council to apply for all of these grants as they become available. In future years AFD staff will return with recommendations to seek future grant opportunities.

The Finance Committee reviewed and supported this action at their February 27, 2018, meeting.

Pros:

- Firefighter and Citizen safety would be increased significantly
- Grant would bring COA into compliance with national consensus standards
- The grant would allow a much-needed infusion of protective gear
- AFD would not need to request funds to be spent from the Fund balance for added safety equipment

Con:

- The total match for all three grants could be between $5,000 and $862,500. This range of matching funds is explained in the fiscal impact section of this staff report.

The Assistance to Firefighters Grant (AFG)

- Requires a 10% local match.
- The grant amount, if awarded, would likely be between $200,000 and $500,000
- One time local match would be between $10,000 to $50,000.

The Staffing for Adequate Fire and Emergency Response Grant (SAFER)

- Awarded over a three year period.
- The first year and second year require a 25% local match, and the third year requires a 65% local match.
- The grant amount, if awarded, would likely be between $300,000 and $750,000 annually.
- The local match would be between $75,000 and $187,500 in years one and two. The local match for year three would be between $195,000 and $487,500.
- The grant does not require the City to maintain the higher level of staffing after year three. If Council direction at year four was to continue the higher staffing level, the cost in year four and ongoing would be between $309,000 and $772,500 (increasing annually with inflation). If the direction was to return to current level staffing after year three, the firefighters hired under the grant would be reassigned within the department and normal hiring in year four would be curtailed, with no ongoing staff or financial impact.

Fire Prevention and Safety Grant

- Requires a 5% local match.
- The grant amount, if awarded, would likely be between $100,000 and $200,000.
- One time local match between $5,000 to $10,000.

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City staff recommends City Council authorize the City Manager to apply for, and enter into, if awarded, three Federal Emergency Management Agency grants.

RESOLUTION BOOK NO. 39 - PAGE 341

F. ORDINANCE NO. 4661 - BUDGET AMENDMENT FROM NC GOVERNOR'S CRIME COMMISSION'S STATE APPROPRIATION COMMITTEE - LOCAL SOLICITATION TO PURCHASE FLEET DASHBOARD CAMERA SYSTEMS

Summary: The consideration of a budget amendment in the City's Special Revenue Fund, in the amount of $113,900.00 utilizing funds from the NC Governor's Crime Commission's State Appropriation Committee—Local Solicitation to purchase fleet dashboard camera systems, along with the City match.

On January 23, 2018, the City of Asheville Police Department (APD) requested authorization to apply for and if awarded, accept funds from the NC Governor's Crime Commission's State Appropriation Committee 2017-2018 Body/Dashboard Cameras - Local Solicitation. On March 1, 2018, the APD received notice that they would be awarded this grant for $56,950. Since this is a dollar for dollar matching grant, it is now requested that City Council authorize a budget amendment of $113,900 to include the $56,950 of State grant funding as well as the $56,950 in matching City funds.

These funds will be used to purchase dashboard cameras. The purchase of new cameras will help to update the existing camera inventory and equip new cars with this technology. Cameras are a essential piece of technology for 21st Century Policing. The use of cameras increases the accountability for officers and citizens during law enforcement interactions. This increased accountability enhances the police-community partnerships and decreases use of force. Moreover, criminal and internal investigations are augmented through audio-visual evidence that corroborates the factual basis of an incident.

Pro:

- The City will receive 50% funding for equipment they would otherwise be 100% funded from the City budget.

Cons:

- Ongoing budgeted funding required to sustain the Dashboard Camera program into the future police operations that includes a FTE to manage the program and the continual costs for the maintenance and replacement after the approximate five-year service life of the devices.
- Ongoing task and costs associated with managing, storing, providing discovery, and following retention schedules.

The City will incur an expense as the Local Solicitation is a state-issued matching grant ($1 state for every $1 local). The total expense for the purchase of the 50 camera systems is $113,900; $56,950 provided by the City of Asheville and $56,950 provided by this grant. The City's local match will come from capital funds already budgeted in FY 2017-18 for the replacement of police vehicles and the associated equipment. Moreover, there will be continual costs for maintenance and replacement after the approximate five-year service life of the devices.

Staff recommends City Council approve a budget amendment in the City's Special Revenue Fund, in the amount of $113,900.00 utilizing funds from the NC Governor's Crime

Commission's State Appropriation Committee—Local Solicitation to purchase fleet dashboard camera systems, along with the City match.

ORDINANCE BOOK NO. 32 - PAGE 25

G. RESOLUTION NO. 18-77 - RESOLUTION ADOPTING THE 2017 LOCAL WATER SUPPLY PLAN

Summary: The consideration of a resolution adopting the 2017 Local Water Supply Plan (LWSP) as required by the North Carolina Department of Environmental Quality (NCDEQ).

Every year, the Water Resources Department is required to complete a Local Water Supply Plan (LWSP) update. On March 2, 2018, the North Carolina Department of Environmental Quality (NCDEQ) issued a letter stating that the department's 2017 LWSP is complete and must be adopted by the water system's governing board. The LWSP contains a variety of information about the City of Asheville's water system, including:

- The distribution system (i.e. types/sizes of water lines);
- Water conservation programs;
- Water use (i.e. number of metered connections and average use by customer type);
- Water sales to wholesale customers;
- Monthly withdrawals from reservoirs;
- Surface water sources (i.e. locations and average monthly withdrawals);
- Wastewater discharge by the Metropolitan Sewerage District (MSD);
- Present and projected population;
- Present and future water supplies; and
- Other relevant information as NCDEQ may require.

In order for the 2017 LWSP to be compliant with N.C.G.S. §143-355(l), City Council must formally adopt the plan. Once the City Council adopts the 2017 LWSP, NCDEQ will consider it compliant.

Pro:
- Adoption of the 2017 LWSP will ensure compliance with N.C.G.S. §143-355(l).

Con:
- If the 2017 LWSP is not adopted, then the City will not be compliant with N.C.G.S. §143-355(l) and may be issued a Notice of Violation from NCDEQ.

There is no fiscal impact.

City staff recommends City Council adopt the 2017 Local Water Supply Plan as required by the North Carolina Department of Environmental Quality.

RESOLUTION BOOK NO. 39 - PAGE 342

H. RESOLUTION NO. 18-78 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE FRENCH BROAD METROPOLITAN PLANNING ORGANIZATION FOR TRANSIT PERFORMANCE MANAGEMENT REPORTING REQUIRED BY THE FEDERAL TRANSIT ADMINISTRATION

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with the French Broad River Metropolitan Planning Organization (FBRMPO) for transit performance management reporting required by the Federal Transit Administration (FTA).

In order to comply with Federal transit requirements established in 23 CFR 450.314, the MPO, State, and local transit providers must jointly agree upon and develop specific written procedures for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward achievement of critical outcomes for the region served by the MPO, and the collection of data for the State asset management plan for the National Highway System (NHS).

This agreement requires that the City provide written notice to the MPO when the City's Transit Planning Division sets transit asset management performance targets. This notice will provide the targets and the date the targets were set. The date the targets were set will begin the 180-day time-period within which the MPO must set performance targets.

Pros:

- Satisfies a requirement from the Federal Transit Administration.
- Ensures continued Federal funding.
- Improves system performance by consistent reporting and coordinating performance management goals.

Con:

- Federal funding could be jeopardized if action is not taken.

There is no fiscal impact as a result of this agreement. The performance reporting is already a requirement of the FTA, and the agreement only establishes that the City will coordinate with the MPO on the performance targets.

Staff recommends that City Council adopt a resolution authorizing the City Manager to enter into an agreement with the French Broad River Metropolitan Planning Organization (FBRMPO) for transit performance management reporting required by the Federal Transit Administration (FTA).

RESOLUTION BOOK NO. 39 - PAGE 343

I. RESOLUTION NO. 18-79 - RESOLUTION SUPPORTING A REVISION TO THE CONCEPTUAL CROSS-SECTION FOR SWEETEN CREEK ROAD IN THE ASHEVILLE IN MOTION MULTIMODAL TRANSPORTATION PLAN

Summary: The consideration of a resolution supporting a revision to the Asheville in Motion (AIM) cross-section recommendation for Sweeten Creek Road from Rock Hill Road to Hendersonville Road.

The N.C. Dept. of Transportation (NCDOT) has begun planning and designing a $50,000,000 project to widen and reconstruct Sweeten Creek Road from Rock Hill Road to Hendersonville Road.

City staff has recently begun a more proactive approach to NCDOT projects within Asheville city limits to ensure they meet the goals and priorities of the city. From recent correspondence with the NCDOT project manager for Sweeten Creek Road, we understand that NCDOT is meeting sometime in May 2018 to discuss best fit cross-section alternatives for the Sweeten Creek Road project.

Due to the fact that the Asheville in Motion (AIM) plan recommendation, a five-lane undivided road with bollard-separated bike facilities, is not consistent with NCDOT practice, we believe it would be best for the city to gain consensus on a cross-section concept that aligns with stakeholders and best practice to then provide a revised City of Asheville adopted concept to NCDOT before their May meeting.

An alternative concept proposes a separated, off-road bicycle facility that is integrated with a sidewalk on one side of the street.

Potential benefits include the following:

- Reduced overall footprint, impervious surfaces (~8 acres), and associated costs
- Safer facilities for all users (cars, bicycles, pedestrians)
- Better north/south multimodal facilities
- Consistent with the vision established by the Sweeten Creek Association of Neighborhoods (SCAN)

Primary challenges:

- Driveways along the multi-use path
- Maintenance of planted median
- Uncertain city costs relating to non-standard infrastructure (see below Fiscal Impact)

The design process would determine which side of Sweeten Creek Road would best accommodate a multi-use path based on constraints and site conditions. The concept was presented to the Multimodal Transportation Commission on February 28, 2018 and to the Planning and Economic Development Committee on March 12, 2018, and both bodies support the concept.

It is uncertain how much local funding would need to be provided for this alternative concept, if any. For NCDOT projects, Asheville typically contributes 40% of the cost of sidewalk (concrete only). In this case, the shared-use path along what is typically a sidewalk area would be considered a nonstandard treatment and there is no clear cost-sharing guidance at this time.

Staff recommends that City Council approve a resolution updating the Asheville in Motion (AIM) recommended cross-section for Sweeten Creek Road from Rock Hill Road to Hendersonville Road in order to incorporate better multimodal infrastructure which would improve safety for all users.

RESOLUTION BOOK NO. 39 - PAGE 344

J. RESOLUTION NO. 18-80 - RESOLUTION APPROVING THE INCLUSION OF THE ELSIE BRIDGE AND REED CREEK AS CONNECTIONS IN THE NEIGHBORHOOD GREENWAY CONNECTORS SECTION OF THE TRANSPORTATION BOND FUNDS PROGRAM

Summary: The consideration of a resolution to include two projects; specifically, the Elsie Bridge and Reed Creek projects in the *Neighborhood Greenway Connectors* section of the Transportation Bond Funds program.

The Transportation Bond Funds included $1,000,000 for *Neighborhood Greenway Connectors*. These projects are intended to improve greenway connections to neighborhoods and to close existing greenway gaps. In assessing possible projects, staff considered the size/cost of

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the proposal, equity, safety, schedule, and potential for partnerships to leverage private resources. The following chart highlights projects that were considered and how they compared against each other.

Project	Size/Cost	Equity	Safety	Schedule	Partnership
Elsie Bridge	✓	✓	✓	✓	✓
Reed Creek	✓	✓	✓	✓	✓
Stevens Lee to Beaucatcher	✓	✓	✓	X	✓
Swannanoa to Highlands	✓	X	X	X	✓
AB Tech Loop to AB Tech	X	✓	X	X	✓

Elsie Bridge and Reed Creek rose to the surface as the two most appropriate projects. After the completion of these two projects, there should be enough funding remaining to complete one or two more greenway connector projects. We will wait until these first two projects are complete to give us a clear budget for other connector projects.

The following are more detailed reviews of the two proposed projects:

PROJECT #1 - Elsie Bridge/Town Branch:

Location: River Arts District
Greenway Connection: Town Branch
Cost Estimate: $125,000

Elsie's Bridge is a former road bridge that connects Depot Street to Ralph Street passing between the Glenrock Hotel development and undeveloped City property that is being considered for a future affordable housing location. Although not maintained, the bridge has been a popular cut-through for pedestrians of the Southside community. From Ralph St, there is a dirt path leading to the bridge, which is a ¼ mile short cut to the Mini Mart for residents living to the north. The path is overgrown and dark at night. Residents of Glenrock complain of nefarious activities in this area.

Recently, Mountain Housing Opportunities (MHO) approached the City to ask about the possibility of making this informal connection a better planned facility that can help the neighborhood connect to the future Town Branch Greenway. MHO had the bridge inspected by SKA Consulting Engineers and it was deemed structurally sound as a pedestrian bridge.

MHO would like to partner with the City of Asheville to create an accessible and more attractive connection at the bridge plus a community garden on the corner of the City-owned property. Due to a sewer easement in the area, the proposed site for the community garden is not suitable for housing development and a community garden could be the highest and best use of the land. Incidentally, the sewer line that runs beneath the property is newly installed.

MHO has expressed an interest in paying for the design of the facility contingent on a commitment from the city to build it. To date, MHO has raised $6,400.

Pros:

- This connector will provide safety and aesthetic improvements to a heavily-used pathway

between two neighborhoods and the Town Branch Greenway
- A community garden will be added to this trail project in partnership with the Glenrock residents and the City of Asheville Sustainability Office
- This trail would be built on a corner of city-owned land that is not suitable for housing development

Con:
- No identified constraints have been identified.

PROJECT #2 - Reed Creek Greenway from Magnolia to Elizabeth Street

Location: Broadway Ave/ Montford
Greenway Connection: Reed Creek
Cost Estimate: $350,000

A private developer is building a mixed-use building on the corner of Broadway Ave and Elizabeth St. The proposed building will have 4000 square feet of commercial space and 36 residential units. The construction is planned to begin in early April.

As part of the project, the developer will build approximately 150' of the Reed Creek Greenway adjacent to their driveway on Elizabeth St. The impetus to construct this segment of the greenway is to prevent future greenway construction to block their driveway. The City has a greenway easement on this property and owns all property between it and the existing terminus of the greenway on the north side of Magnolia Street.

Due to the tight development of the site, once built, there will not be sufficient space for the property owner to allow a temporary construction easement to the City. With this consideration, staff recommends building the remaining approximately 190' of greenway on the property while the site is under construction; and to build approximately 445' of greenway northward to close the gap between Elizabeth St and Magnolia St. The most efficient way to conduct this project would be to agree on the costs of the greenway on the developer's property and pay them to build the greenway as part of their project. The City could then build the gap that travels underneath Chestnut St bridge to connect with the Reed Creek Greenway where it currently terminates at Magnolia Street.

Pros:
- This connector will create another 0.15 miles of greenway on the Reed Creek corridor.
- Constructing the greenway on the developer's property now will minimize disturbance to current and future residents by consolidating two projects.
- Striking a private/public partnership to construct the greenway on the developer's property will enjoy cost efficiencies and reduce environmental impacts toReed Creek.

Cons:
- This project is time sensitive. If we are unable to obtain approval for this project in a timely manner, we will lose the opportunity to move forward with the developer's timeline. Waiting to construct this greenway section at a later date will most likely cost more money than constructing it now.

This action was shared with the Asheville Area Riverfront Redevelopment Commission (AARRC) on March 8, 2018 and the Reed Creek project was reviewed and approved by the Montford Neighborhood Association on March 13, 2018. It was also shared with the River Arts District Business Association (RADBA) on March 27, 2018 and favorably received.

This action was reviewed and approved by the Greenway Committee on March 1, 2018, the Multi-Modal Transportation Commission on February 28, 2018 and the PED Committee on

March 12, 2018.

The costs of these projects will be paid for with transportation bond funds that are already budgeted.

Staff recommends that City Council approve a resolution authorizing the City Manager to use a portion of the Neighborhood Greenway Connectors funds of the Transportation Bond for the construction of two separate projects: 1) a portion of the Reed Creek Greenway and 2) a neighborhood connection within the Town Branch Greenway corridor, known as Elsie Bridge.

RESOLUTION BOOK NO. 39 - PAGE 345

K. RESOLUTION NO. 18-81 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH AMEC FOSTER WHEELER FOR ON-CALL GEOTECHNICAL AND ENVIRONMENTAL ENGINEERING SERVICES

Summary: The consideration of a (1) resolution authorizing the City Manager to enter into a professional services contract with Amec Foster Wheeler for on-call geotechnical and environmental engineering services; and (2) a resolution authorizing the City Manager to enter into a professional services contract with S&ME, Inc. for on-call geotechnical and environmental engineering services.

A primary function of the General Services Department is the stewardship of City-owned properties and facilities. The Department is involved with the life cycle of the City's real estate assets, including the initial acquisition of real property, construction and renovation of facilities, and disposition of assets. As a best practice within real estate asset management, municipalities and institutional entities across the State maintain on-call service contracts with firms that support the acquisition, maintenance and management of real estate assets.

Within this framework, the City requires geotechnical or environmental engineering services for various purposes, which include informing the redevelopment of City-owned property, providing needed due diligence on property that the City may acquire, materials testing for construction, etc. Firms within this area of expertise typically perform the following professional services:

1. Geotechnical Engineering: Subsurface assessments, foundation testing, and other geotechnical services related to real property and/or redevelopment of real property; and
2. Environmental Services: Phase I and Phase II Environmental Site Assessments, Asbestos and Lead Paint Assessments, Remediation Design, Indoor Air Quality Assessments, Groundwater Testing and other Environmental services related to real property and/or the redevelopment of real property.

In order to secure firms to perform this work, the City must follow a qualifications-based procurement process. A Request for Qualifications for these services on an on-call basis was published on January 5, 2018. In response to the Request for Qualifications, the following nine firms submitted packages:

EAS Professionals (Asheville, NC Office)	Anchor QEA (Asheville, NC Office)
ECS Carolinas (Asheville, NC Office)	Amec Foster Wheeler (Asheville, NC Office)
S&ME, Inc. (Arden, NC Office)	Mid-Atlantic (Charlotte, NC)
Froehling & Robertson (Greenville, SC)	Little Environmental, PLLC (Raleigh, NC)
SUMMIT (Simpsonville, SC Office)	

The review team utilized a scoring matrix to assess the qualifications of the proposed firms. Two firms scored high enough to be short-listed for on-site interviews, including S&ME, Inc. and Amec Foster Wheeler. Staff discussed with each firm and determined that the best course of action was to contract with both firms in accordance with the scope and framework of the Request for Qualifications. S&ME, Inc. and Amec Foster Wheeler have agreed to this approach and both firms are well-qualified in all the required disciplines, with extensive experience and expertise in this field of work.

If the following resolutions are approved, the City will then enter into a contract with these firms for on-call services. Once a specific project is identified for City-owned real property or property the City wishes to acquire, the City will then reach out to the appropriate contracted firm and negotiate a scope of work and final pricing for those services based on the contracted cost framework and specific project needs. The duration of these on-call service contracts will be for an initial term of one year with an option to renew for up to two additional one-year periods. For the initial term, the total expenditure of each contract is not expected to exceed $250,000.

Pros:

- Well-qualified firms will perform needed services in support of ongoing City real estate and facilities management.
- These services will be available to support various programs and projects within the City's portfolio, including redevelopment of City-owned land for affordable housing, capital improvement projects, facilities construction and renovation projects, and acquisition of real estate to support Council's strategic goals.

Cons:

- None identified.

Each contract will be established at a not-to-exceed amount of $250,000 over the initial term. At the point in which a project, scope of work, and task cost are identified, the funds must be programmed and/or budgeted within the annual operating or capital project budget.

Staff recommends City Council adopt (1) a resolution authorizing the City Manager to enter into a professional services contract with Amec Foster Wheeler for on-call geotechnical and engineering services; and (2) a resolution authorizing the City Manager to enter into a professional services contract with S&ME, Inc. for on-call geotechnical and engineering services.

RESOLUTION BOOK NO. 39 - PAGE 346

L. RESOLUTION NO. 18-82 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH S&ME FOR FOR ON-CALL GEOTECHNICAL AND ENVIRONMENTAL ENGINEERING SERVICES

Summary: The consideration of a (1) resolution authorizing the City Manager to enter into a professional services contract with Amec Foster Wheeler for on-call geotechnical and environmental engineering services; and (2) a resolution authorizing the City Manager to enter into a professional services contract with S&ME, Inc. for on-call geotechnical and environmental engineering services.

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and institutional entities across the State maintain on-call service contracts with firms that support the acquisition, maintenance and management of real estate assets.

Within this framework, the City requires geotechnical or environmental engineering services for various purposes, which include informing the redevelopment of City-owned property, providing needed due diligence on property that the City may acquire, materials testing for construction, etc. Firms within this area of expertise typically perform the following professional services:

3. Geotechnical Engineering: Subsurface assessments, foundation testing, and other geotechnical services related to real property and/or redevelopment of real property; and
4. Environmental Services: Phase I and Phase II Environmental Site Assessments, Asbestos and Lead Paint Assessments, Remediation Design, Indoor Air Quality Assessments, Groundwater Testing and other Environmental services related to real property and/or the redevelopment of real property.

In order to secure firms to perform this work, the City must follow a qualifications-based procurement process. A Request for Qualifications for these services on an on-call basis was published on January 5, 2018. In response to the Request for Qualifications, the following nine firms submitted packages:

EAS Professionals (Asheville, NC Office)	Anchor QEA (Asheville, NC Office)
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SUMMIT (Simpsonville, SC Office)	

The review team utilized a scoring matrix to assess the qualifications of the proposed firms. Two firms scored high enough to be short-listed for on-site interviews, including S&ME, Inc. and Amec Foster Wheeler. Staff discussed with each firm and determined that the best course of action was to contract with both firms in accordance with the scope and framework of the Request for Qualifications. S&ME, Inc. and Amec Foster Wheeler have agreed to this approach and both firms are well-qualified in all the required disciplines, with extensive experience and expertise in this field of work.

If the following resolutions are approved, the City will then enter into a contract with these firms for on-call services. Once a specific project is identified for City-owned real property or property the City wishes to acquire, the City will then reach out to the appropriate contracted firm and negotiate a scope of work and final pricing for those services based on the contracted cost framework and specific project needs. The duration of these on-call service contracts will be for an initial term of one year with an option to renew for up to two additional one-year periods. For the initial term, the total expenditure of each contract is not expected to exceed $250,000.

Pros:

- Well-qualified firms will perform needed services in support of ongoing City real estate and facilities management.
- These services will be available to support various programs and projects within the City's portfolio, including redevelopment of City-owned land for affordable housing, capital improvement projects, facilities construction and renovation projects, and acquisition of real estate to support Council's strategic goals.

Cons:

- None identified.

Each contract will be established at a not-to-exceed amount of $250,000 over the initial term. At the point in which a project, scope of work, and task cost are identified, the funds must be programmed and/or budgeted within the annual operating or capital project budget.

Staff recommends City Council adopt (1) a resolution authorizing the City Manager to enter into a professional services contract with Amec Foster Wheeler for on-call geotechnical and engineering services; and (2) a resolution authorizing the City Manager to enter into a professional services contract with S&ME, Inc. for on-call geotechnical and engineering services.

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M. RESOLUTION NO. 18-83 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH WES COLE LAND SURVEYING PA FOR ON-CALL SURVEYING SERVICES

Summary: The consideration of a resolution authorizing the City Manager to enter into a professional services contract with Wes Cole Land Surveying PA for on-call surveying services.

A primary function of the General Services Department is the stewardship of City-owned properties and facilities. The Department is involved with the life cycle of the City's real estate assets, including the initial acquisition of real property, construction and renovation of facilities, and disposition of assets. As a best practice within real estate asset management, municipalities and institutional entities across the State maintain on-call service contracts with firms that support the acquisition, maintenance and management of real estate assets.

Within this framework, the City requires surveying services for various purposes, which include informing the redevelopment of City-owned property, providing needed due diligence on property that the City may acquire, identifying the locations of easements, improvements, utilities, boundary lines, etc. A qualified firm should be able to perform the following services: Boundary survey and plats, topographic survey, ALTA survey, easement exhibits, subdivision plats, metes and bounds descriptions and other survey related services.

In order to secure firms to perform this work, the City must follow a qualifications-based procurement process. A Request for Qualifications for these services on an on-call basis was published on January 5, 2018. In response to the Request for Qualifications, the following eight firms submitted packages:

Wes Cole Land Surveying (Asheville, NC)	Mattern & Craig (Asheville, NC)
McGill Associates (Asheville, NC)	Vaughn & Melton (Asheville, NC Office)
Ed Holmes & Assoc. (Asheville, NC)	Stewart (Raleigh, NC)
The Wooten Co. (Hickory, NC)	GEL Engineering of NC (Raleigh, NC)

The review team utilized a scoring matrix to assess the qualifications of the proposed firms. Three firms scored high enough to be short-listed for on-site interviews, including Wes Cole Land Surveying, McGill Associates, and Mattern & Craig. Scoring by the interview team indicated Wes Cole Land Surveying as the highest-rated offeror in this procurement. Wes Cole Land Surveying is well-qualified in all the required disciplines, with extensive experience and expertise in this field of work.

If the following resolution is approved, the City will then enter into a contract with this firm for on-call surveying services. Once a specific project is identified, the City will then reach out to the contracted firm and negotiate a scope of work and final pricing for those services based on

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the contracted cost framework and specific project needs. The duration of this on-call service contract will be for one year with an option to renew for up to two additional one-year periods. For the initial term, the total expenditure of the contract is not expected to exceed $100,000.

Pros:

- Well-qualified surveying firm will perform needed services in support of ongoing City real estate and facilities management.
- These services will be available to support various programs and projects within the City's portfolio, including redevelopment of City-owned land for affordable housing, capital improvement projects, facilities construction and renovation projects, and acquisition of real estate to support Council's strategic goals.

Con:

- None identified.

This contract will be established at a not-to-exceed amount of $100,000 over the initial term. At the point in which a project, scope of work, and task cost are identified, the funds must be programmed and/or budgeted within the annual operating or capital project budget.

Staff recommends City Council adopt a resolution authorizing the City Manager to enter into a professional services contract with Wes Cole Land Surveying for on-call surveying services.

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N. RESOLUTION NO. 18-84 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GENERAL SERVICES CONTRACT WITH TELECOMMUNICATION & INDUSTRIAL CONSULTING SERVICES (TELICS) FOR ON-CALL RIGHT-OF-WAY AND EASEMENT ACQUISITION SERVICES

Summary: The consideration of a resolution authorizing the City Manager to enter into a general services contract with Telecommunication & Industrial Consulting Services Corporation (TELICS) for on-call right-of-way and easement acquisition services.

The City's Real Estate Division is frequently called upon to acquire easements or other fee interests of private property for capital improvement projects and other City projects wherein access to real property is essential for project completion. At this time, staff seeks to engage a qualified firm to provide right-of-way (ROW) and easement acquisition services on an on-call basis basis to augment the current capacity of the Real Estate Division.

The firm should have experience acquiring easements and fee simple interests for a wide variety of municipal improvement projects such as roadway, sidewalk or greenway installation, water line extension, and/or other transportation and utility projects. The firm must be able to perform acquisition services in compliance with the Federal Uniform Act (URA).

Work assignments may include the following:

- Permanent and/or temporary easement acquisition;
- Fee simple right-of-way acquisition;
- Valuation of real property (i.e., claim reports);
- Appraisal of real property; and
- Relocation services (sign relocations, limited residential/business relocation).

In order to secure firms to perform this work, the City published a Request for Proposals for these services on an on-call basis on January 5, 2018. In response to the Request for Proposals, the following five firms submitted packages:

TELICS (Statesville, NC)	OR Colan Associates (Charlotte, NC)
AECOM Technical Services (Raleigh, NC)	Vaughn & Melton (Asheville, NC Office)
Bernard Johnson Group (San Diego, CA)	

The review team utilized a scoring matrix with specific criteria to assess the responses of the firms. The criteria included costs, qualifications, and experience of the firms. Scoring by the review team indicated TELICS as the highest-rated firm in this procurement. TELICS is well-qualified in all the required disciplines and provided unit pricing that is competitive and appropriate for this field of work.

If the following resolution is approved, the City will then enter into a contract with this firm for on-call right-of-way and easement acquisition services. Once a specific project is identified, the City will then reach out to the contracted firm and negotiate a scope of work and final pricing for those services based on the contracted cost framework and project need. The duration for this on-call service contract will be for one year with an option to renew for up to two additional one-year periods. For the initial term, the total expenditure of the contract is not expected to exceed $250,000.

Pros:

- Well-qualified right-of-way and easement acquisition firm will perform on-call services in support of ongoing City infrastructure improvement programs.
- These services will be available to support various programs and projects within the City's portfolio, such as capital improvement projects in support of Council's strategic goals.

Con:

- None identified.

This contract will be established at a not-to-exceed amount of $250,000 over the initial term. At the point in which a project, scope of work, and task cost are identified, the funds must be programmed and/or budgeted within the annual operating or capital project budget.

Staff recommends City Council adopt a resolution authorizing the City Manager to enter into a general services contract with TELICS for on-call right-of-way and easement acquisition services.

RESOLUTION BOOK NO. 39 - PAGE 349

O. RESOLUTION NO. 18-85 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A REVISED AGREEMENT WITH BUNCOMBE COUNTY TO SHARE THE COSTS OF A COMPOSTING FEASIBILITY STUDY

Summary: The consideration of a resolution authorizing the City Manager to enter into a revised agreement for payment of $37,500 to Buncombe County for half the cost of a *completed* composting feasibility study.

On June 28, 2016, City Council voted to authorize the City Manager to enter into an agreement with Buncombe County to share the cost of a composting feasibility study. Phase II of the Organics Feasibility Study was completed last month. The research and data compiled from the study will help inform the Sanitation Division's Solid Waste Management Plan. Funding for

the Solid Waste Management Plan was submitted through the Fiscal Year 2019 budget in the Public Works Department.

The original document reflected a "not to exceed dollar amount of $37,000". The correct amount is $37,500. Approval of this action will corrects that error.

Pro:

- Funding for Resolution 16-152 is available and ready for payment to Buncombe County

Con:

- None Identified

As noted above the total cost of the portion of the study is $37,500, with funding utilized from Green Revolving funds.

Staff recommends City Council to approve the difference in payment of $500 and authorize the City to Manager to enter into a revised agreement for payment to Buncombe County, with the cost of the City's portion of the study not to exceed $37,500.

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P. MOTION TO CHANGE THE NAME OF THE FINANCE COMMITTEE TO FINANCE & HUMAN RESOURCES COMMITTEE AND TO CLARIFY THAT ITS AREAS OF INTEREST INCLUDE HUMAN RESOURCES POLICY ISSUES INCLUDING EMPLOYEE COMPENSATION AND PERSONNEL POLICIES WHILE THE GOVERNANCE COMMITTEE CONTINUES TO HAVE OVERSIGHT OF SPECIFIC PERSONNEL MATTERS THAT INVOLVE AN EMPLOYEE

Summary: The following is a memorandum from Councilman Kapoor: "In an effort to better clarify and define Council committee responsibilities, I propose that Council vote to change the Finance Committee's name to the Finance & Human Resources Committee and to clarify that human resources policy issues such as employee compensation and personnel policies (including harassment and discipline) be brought to it. Personnel matters or issues dealing with specific employees (including the City Manager, City Attorney and City Clerk) would be handled by the Governance Committee.

By way of background, the City Clerk explained that the Finance Committee was established by motion in 2006 and its "areas of interest include the annual budget process, capital improvement programming, financial reports, taxes, fees, assessments and infrastructure finance. Fees, Debt Issues, Alternative Revenue Sources; Outside Agency Grants."

Council created the Governance Committee on December 10, 2013, to provide guidance on "City Council Rules of Procedure; Personnel Issues; City Council Retreat Planning, or designate a committee retreat planning; development of legislative agenda; strategic planning process, follow through and accountability; and public engagement, development and recommendation of best practices." While the Governance Committee charge includes "personnel issues," I understand that in practice this meant dealing with specific employee issues rather than more general human resources policy matters which went to the Finance Committee. I don't propose any change to that role – the distinction in responsibility is between personnel policies and procedures that impact the City's workforce and specific personnel matters that involve an employee.

Given the critical role human resources policy plays in the City's operation, we must be

clear that Council will exercise its oversight responsibilities in this area and making this change is a step in that direction."

Q. RESOLUTION NO. 18-86 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CLARK PATTERSON LEE, P.C., FOR THE U.S. CELLULAR CENTER HVAC DESIGN AND ENGINEERING SERVICES CONTRACT

Summary: The consideration of a resolution authorizing the City Manager to execute a Contract Amendment to the Professional Services Agreement with Clark Patterson Lee, P.C. in the amount of $215,000 for design and engineering services for the U.S. Cellular Center HVAC and Mechanical Renovation Project.

On November 3, 2017, the General Services Department issued a Request for Qualifications for Design and Engineering Services for the U.S. Cellular Center HVAC and Mechanical Renovation project, for professional services including design, planning, and construction administration services. The project is partially funded by a 2016 Tourism Product Development Fund (TPDF) grant for $1,500,000 and City Capital Improvement Program funds that were authorized in the 2016-17 budget.

The project's first priority is to maximize the available construction funds to replace existing equipment and increase system efficiency. These improvements will reduce the U.S. Cellular Center's operating costs and provide greater flexibility for the venue to book a wider range of events. The project's second priority is to provide a complete systems modernization plan for future improvements, which will include cost estimation, scope development, and design in key areas such as the addition of a solar array on the arena roof. The project is based on a 2015 building energy analysis, and the design and planning considerations are being coordinated with the Office of Sustainability.

In response to the Request for Qualifications, the department received eight submittals on November 30, 2017. Companies responding were:

Clark Patterson Lee (Greenville, SC Office)	Griffith Engineering (Charlotte, NC)
RMF Engineering (Charlotte, NC)	McGill Associates (Asheville, NC)
AME Consulting Engineers (Charlotte, NC)	SUD Associates (Asheville, NC)
DeVita (Greenville, SC)	Clark Nexsen (Asheville, NC Office)

Following a review of qualifications by City staff and the program manager, Clark Patterson Lee, P.C., was selected as the most qualified firm. In order to expedite design and ensure the design would be complete in time for construction to be performed during the U.S. Cellular Center's off season, the City Manager awarded an initial scoping and schematic design phase contract in the amount of $50,000 on February 6, 2018. The initial phase is well underway, and it is time to move forward with design development, construction documents, and related activities. The negotiated fee for this additional work requires a contract amendment in the amount of $215,000, and the resulting total contract amount will be $265,000 for consideration by City Council.

Pros:

- Reduce energy consumption and operational costs at the U.S. Cellular Center.
- Improve the venue's ability to host a wider range of events.
- Leverage grant funding in partnership with the Buncombe County Tourism Development Authority.

Con:

- None.

The funding needed for this agreement is currently allocated within the TPDF Theater Project (C1701) in the Capital Improvement Program (CIP) Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a Contract Amendment to the Professional Services Agreement with Clark Patterson Lee, P.C., for the amount of $215,000 for design and engineering services for the U.S. Cellular Center HVAC Design and Engineering Services, which yields a total contract amount of $265,000 for these professional services.

RESOLUTION BOOK NO. 39 - PAGE 351

R. RESOLUTION NO. 18-87 - RESOLUTION AMENDING THE 2018 CITY COUNCIL MEETING SCHEDULE TO CANCEL THE JUNE 12, 2018, AND JUNE 26, 2018, FORMAL CITY COUNCIL MEETINGS AND ADD A FORMAL CITY COUNCIL MEETING ON JUNE 19, 2018

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Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Mayfield moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. PRIORITIZING EQUITY IN PLANNING AND INVESTING IN RECREATIONAL FACILITIES AND PROGRAMS

Director of Parks & Recreation Roderick Simmons said Urban parks and recreational facilities are dynamic institutions that play a vital role in the social, economic and physical well-being of urban areas and its residents. Dating back to the 19th century when Frederick Law Olmsted introduced the first large-scale urban parks to this country, these green spaces provided relief from urban intensity for residents and brought people together across social, economic and racial divides. Community recreational facilities are not only designed to be safe and beautiful, but also serve as one of the key components in helping to address nearly every critical urban need from health to housing, education, environmental, combating crime and countering developmental sprawl. (City Park Alliance, Why Urban Parks Matter, http://www.cityparksalliance.org (accessed January 9, 2018)

The City of Asheville provides an 803-acre system with 78 facilities, consisting of neighborhood parks, central business district parks, open space, playgrounds, pools, community recreation facilities, sports fields and courts, a golf course, gardens, walking paths, and nature sanctuaries. With this number of physical assets, the system requires an investment in resources to operate, maintain and provide a satisfactory level of service. Over the past ten years, the City has invested a combined total of $5 million, approximately $500,000 per year to address capital maintenance needs, which has only allowed for the rehabilitation of existing facilities when there are failures of critical systems. Funding was not previously available to implement a sustainable,

ongoing maintenance program to maintain all systems during their useful life cycle or to develop a predictable funding model for major facility upgrades or replacement of recreational infrastructure.

The previous lack of funding has resulted in some neighborhoods that have had high-quality public spaces, while others do not meet contemporary needs and have fallen into disrepair. Now, with the passage of the 2016 bond, the City is able to develop a plan to maintain, replace, and upgrade recreational facilities, revolutionizing the park system for years to come.

Equity Plan: The 2009 Parks and Recreation Master Plan identified the community's recreational gaps in services. The majority of the City's parks and facilities that have not received funding since the late 70's and 80's are in communities of low wealth. These parks and facilities have not received the necessary investments to maintain their useful life to provide a safe and enjoyable experience for park visitors. In order to address these gaps and ensure that funding is directed where it is needed, the Parks and Recreation Department developed an equity-based criteria system to prioritize investments in parks and facilities using an Equity Matrix.

The Equity Matrix focuses on racial and economic equity for capital and rehabilitation project scheduling, while providing recreational programs, and services to the community. The Equity Matrix is based on U.S. Census Data, and previous investment priorities for replacement, operating, and maintenance of existing neighborhood park assets.

The Parks and Recreation Department's Neighborhood Recreational Service Plans use the Equity Matrix to help guide annual funding for neighborhood park maintenance, rehabilitation, capital investments and recreational programming.

Equity Goal: The use of the Equity Matrix is meant to quantifiably evaluate neighborhood parks, to ensure investments are equitably targeted in support of the Asheville Parks and Recreation Department's Comprehensive Plan, with particular focus on the theme: *Dynamic Parks That Shape City Character and Meet Diverse Community Needs.*

Through the increase in available funding and the implementation of this data-driven process, the Parks and Recreation Department will invest capital, rehabilitation, maintenance, and programming over the next decade to meet community recreational needs. These needs will be met with a commitment to ensuring that racial and economic equity criteria is utilized in the determination of the distribution of equitable funding to neighborhood parks and programs in the City.

He explained the following equity actions in progress: (1) using census tracts - neighborhood park and recreational facility within each neighborhood in the Census Tract was mapped; (2) used mapping to create department service districts to track equity investments by facility and program; (3) develop Neighborhood Recreational Service Plans for each service district; (4) develop equity pricing strategies for programs and services; (5) on-going re-engineering of department staff and resources to address equity in service delivery and implement the equity action plan; (6) staff equity education and training in connection with the Equity Office; (7) community engagement efforts - revamping strategy (a) community designed outreach efforts; (b) hands on community design workshops; and (c) Shiloh and Grant Center - in the process of developing the Neighborhood Recreational Service Plans; (8) developing a small business database and outreach to minority owned business for projects based on state statute that does not require formal bid process; (9) developing Community Benefit Agreement with school systems to offer programs and make facility improvements for use by the community (a) Asheville Middle School; and (b) South Asheville (Valley Springs); (10) created additional summer camp sites for underserved youth 1st - 6th and 7th-8th grades; (11) offering a Nature Center Camp at the Nature Center for youth from identified underserved neighborhoods; (12) created a

free neighborhood swimming camp at Walton Street pool; (13) offering a year-round YWCA community swim program; (14) help support the Fire Department middle school camp; (15) working with Asheville Police Department and Asheville Fire Department to continue to offer ongoing presentation to after school/summer camp sites; (16) continue to work with City of Asheville Youth Leadership Academy (CAYLA) and In Real Life - providing facility and activities; and (17) continue to conduct youth focus groups with Asheville middle students and CAYLA students to determine gaps in services for youth.

Future action items include (1) locate a bus stop at Nature Center and soccer complex; and (2) youth development program for middle and high school - civic and job training.

He explained that their desired end result is for a more equitable allocation and distribution of public park and recreation resources.

Mr. Simmons responded to various questions from Council, some being, but are not limited to: regarding workforce youth development, is there a possible small stipend; and is it appropriate to look at federal funds from the Dept. of Labor.

B. OFFICE OF SUSTAINABILITY ANNUAL REPORT

Sustainability Officer Amber Weaver said that the Office of Sustainability was created in 2008 to advance the City's efforts in addressing Greenhouse Gas Emissions. Through Resolution No. 11-77, the City's adopted carbon reduction goal for municipal operations of 80% by 2050 was doubled to 4% annual reduction, or 1,114 metric tons of carbon reduced annually. City Council adopted the Sustainability Management Plan in 2009 which outlines eight focus areas and 107 action items. She then reviewed the 2017 progress in achieving the Plan's focus areas, action items and new policies adopted by City Council.

She reviewed the notable Fiscal Year 2017 climate resilience assessment achievements: • Completion of the first three steps in the US Climate Toolkit • Addition of the Climate Resilience Assessment within the City's Comprehensive Plan, Living Asheville. Top priorities for Fiscal Year 2018: • Finalize the Climate Resiliency Assessment • Equity Foundations Training through GARE + USDN • Work with IT Department to include climate hazards on Simplicity • Public Information Sessions • Staff Trainings.

She reviewed the notable Fiscal Year 2017 waste reduction goal achievements include: • Added an additional 388 public housing residents to the City's curbside recycling program for a total of 666 units. • Provided City residents five (5) backyard compost demonstration workshops through Asheville GreenWorks contract. Top priorities for Fiscal Year 2018 include: • Adding an additional 256 public housing units to curbside recycling program. • Composting program at the US Cellular Center's Thomas Wolfe Auditorium. • Additional backyard composting workshops through Asheville GreenWorks contract.

She reviewed the notable Fiscal Year 2017 Food Policy Action plan achievements include: • Updated Food Policy Action Plan through the Asheville Buncombe Food Policy Council contract, with Bountiful Cities as the fiscal agent. • Creation of the Asheville Edibles webpage located on the Office of Sustainability website. • Rollout of the Asheville Edibles Community Garden Program. • Rollout of the Asheville Adopt A Spot program though the Asheville GreenWorks contract. Top priorities for Fiscal Year 2018 include: • Water spigot installations at community gardens. • Bountiful Cities contract to oversee the Asheville Edibles Community Garden Program. • Planting more food on City of Asheville properties • Establishing metrics to determine the City's role in Asheville's larger food system.

Ms. Bridget Herring, Energy Program Coordinator, reviewed the notable Fiscal Year 2017 4% carbon reduction goal achievements include: • To date, the City has achieved 31% of the carbon reduction goal • Reduced carbon emissions by 1.43% from the baseline • Leveraged over $130,000 in Duke Energy Rebates estimated to yield $38,000 in annual avoided energy costs. Top Priorities for Fiscal Year 2018 Include: • LED upgrades at 6 municipal properties • Electric landscaping equipment pilot • Energy Audits for 3 buildings • Rooftop Solar Energy Assessments on 4 rooftops. The City did not achieve the 4% reduction goal and exceeded the target by 249 tons of CO2 equivalent.

She reviewed the notable Fiscal Year 2017 community clean energy policy framework achievements include: • Hired Sustainability Technician to organize and advertise the Asheville Workplace Challenge (AWC) • Launched AWC and celebrated top 3 participants in partnership with the Chamber of Commerce • Embedded clean energy initiatives within the City's Comprehensive Plan, Living Asheville • Installed 2 electric vehicle charging stations in Rankin and Civic Center parking decks with grant from Duke Energy • Created of the Energy Innovation Task Force through Resolution 16-64. Top Priorities for Fiscal year 2018 include: • Contract with Green Built Alliance to oversee AWC • Achieved national SolSmart Gold designation • Proclaimed October 5, 2017, as Energy Efficiency Day and distributed over 550 LED light bulbs to City staff.

She reviewed the notable Fiscal Year 2017 Energy Innovation Task Force achievements include: • Creation of Energy Innovation Task Force (EITF) project page managed by staff which include meeting agendas, meeting minutes and presentations. Top Priorities for Fiscal Year 2018 Include: • Cities Leading through Energy Analysis and Planning (LEAP) analysis • Buncombe County partnership for low-income residential weatherization • Buncombe County partnership for commercial retrofits • Launch of Blue Horizons Campaign • Contract with Green Built Alliance to manage Blue Horizons Campaign.

Ms. Weaver then summarized the Green Revolving Fund expenditures.

In response to Councilwoman Mayfield, Ms. Weaver explained the pay as you throw program, which the City does not implement.

C. I-26 WIDENING PROJECT FROM NC 280 (AIRPORT ROAD) TO I-40 - BRIDGE REPLACEMENT OVER THE FRENCH BROAD RIVER

Mr. David Uchiyama, consultant working with the N. C. Dept. of Transportation, briefed Council on the I-26 widening project from NC 280 (Airport Road) to I-40, in particular the bridge replacement over the French Broad River and the potential impacts on the river users. He noted that a design public meeting will be held on Monday, April 16, 2018, at 4:00 p.m. at Biltmore Baptist Church.

When Councilwoman Mayfield asked about the bats under the bridge, Mr. Uchiyama said the N.C. Dept. of Transportation has funded a study and they are working with the U.S. Fish and Wildlife Service.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 1 BROOKSIDE CIRCLE FROM RM-6 RESIDENTIAL MULTI-FAMILY LOW DENSITY DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE FOR 70 RESIDENTIAL UNITS IN THREE BUILDINGS WITH A CLUBHOUSE

ORDINANCE NO. 4662 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT 1 BROOKSIDE CIRCLE FROM RM-6 RESIDENTIAL MULTI-FAMILY LOW DENSITY DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE FOR 70 RESIDENTIAL UNITS IN THREE BUILDINGS WITH A CLUBHOUSE

Urban Planner Sasha Vrtunski said that this is the consideration of an ordinance to conditionally zone property located at 1 Brookside Circle from RM-6 Residential Multi-Family Low Density District to Residential Expansion/Conditional Zone for 70 residential units in three buildings and associated parking with a clubhouse at the property located on 5.89 acres. This public hearing was advertised on March 30 and April 6, 2018.

Ms. Vrtunski said that this this project is considered a Level III Development, which requires a rezoning and is subject to a Conditional Zoning review pursuant to Section 7-5-9 of the city's Unified Development Ordinance (UDO).

The applicant is proposing to build three apartment buildings and a clubhouse with parking on the site. Plans indicate 70 units which is a resulting density of 12 units per acre. The project will provide 21 three-bedroom units, 35 two-bedroom units and 14 one-bedroom units. This project is being proposed as an affordable housing project with 100% of the units being affordable.

The project site is 5.89 acres in Candler near the Westridge shopping center. The lot is nonconforming with no direct street frontage. The site slopes from the northwest to the east. The property is bordered on two sides to the north by residential zoning and development, and along the southern boundary, commercial zoning (Highway Business). Currently there is one single family house on the property.

The site is accessed from a private road from Westridge Shopping Center. Given the topography and surrounding development, this access route makes the most sense as visitors will be able to access the site via a signalized intersection at Smokey Park Boulevard.

Sidewalks are provided in the development leading from buildings to parking areas and the clubhouse. A sidewalk is shown leading from the development to the property line of the shopping center lot. A ramp is required because of the grade of the site.

Parking is provided throughout the site with 105 spaces, which meets the parking requirements for this type of development.

The project is required to comply with landscaping standards, including street trees, a 20 foot type A property line buffer (along the east and west), building impact, vehicle use area and tree save area. Retaining walls may require either screening or natural stone facing depending on height.

Open space is being provided above and beyond required and will need to be shown on plans.

Sec. 7-8-43 states that projects adjacent to residential zoning should be compatible with the immediate neighborhood context in the following ways: building scale, setback and relative height of structures transitioning to existing neighborhood fabric.

The proposed structures are four stories overall, but built into the natural slopes of the site so that northern and western sides of the buildings are three stories in height on the uphill side and four stories on the downhill side. With an overall height of approximately 48 feet

(including the roofs), the buildings are well below the 60 feet in height allowed by the Residential Expansion district. With the topography and landscaping, the development should be sufficiently screened to have a limited impact on surrounding residential development.

Conditions: The applicant is requesting several conditions to modify the standards.

1. Access to the site will be via a private road that enters from the Westridge shopping center. The lot is currently a non-conforming lot without frontage on a road.
2. Sidewalks in front of and connecting the buildings will be 7 feet wide.
3. The street sidewalk connecting the apartment buildings and shopping center shall have a grass strip of varying widths between the back of curb and edge of sidewalk.
4. A fence along the property line adjoining the Brigadoon subdivision will be provided.

This project was approved with conditions by the city's Technical Review Committee (TRC) on February 19, 2018. As this is a Level III review, it will be reviewed by the Asheville City Council. A Final TRC review is also required if approved by City Council.

Planning and Zoning Commission reviewed this project on March 7, 2018, and voted 7-0 in favor of the project. The Commission did discuss several issues including a sidewalk to connect to the existing shopping center stores, ensuring that the street through the shopping center is clearly a street.

The Commission recommended a condition that the developer provide planted islands along the private road where there are currently only painted "islands". At the meeting, the developer was willing to pursue this option, but it was made clear that the parking lot is not under his control and that property owner was not present at the meeting.

The Brigadoon Homeowners Association reached out to staff with concerns. They communicated their concerns to the developer and had a representative at the Planning and Zoning meeting. The developer agreed to several of their requests including providing a fence at the property line, moving the playground and dumpster. No other public comment has been received regarding this proposal as of the writing of this report.

Current zoning is RM-6, Residential Multifamily Low Density District. The applicant is requesting conditional rezoning to Residential Expansion Conditional Zone district.

On January 9, 2018, City Council approved a Conditional zoning for a new Ingles shopping center at 153 Smoky Park Highway, approximately two miles to the east.

The proposed project should be relatively compatible with the surrounding context. To the south are commercially zoned properties along Smokey Park Highway. Directly to the east for a portion of the property is the Westridge Shopping Center, zoned Highway Business. To the northeast and along the west side of the property are residential properties zoned RM-6.

The development of this parcel aligns with the City Development Plan 2025 (i.e. the comprehensive plan), specifically the goal to encourage the construction of affordable housing. The comprehensive plan also identifies this general area as a commercial node on the Future Land Use map.

The proposal aligns with the 2036 Council vision in the following areas (1) A Well-Planned and Livable Community – The project is located near stores, services, and schools in the Enka-Candler area; and (2) Quality Affordable Housing - The development will provide 70 affordable units in the Candler area.

Considerations:

- Project will provide 70 affordable housing units close to needed facilities such as grocery stores, bank, library and schools.
- Proposal meets almost all standards with the exception of lot frontage.
- This is an infill project in a developing area and on a major transportation corridor.
- Higher density housing can serve as an effective transitional use between a commercial corridor and single-family housing, and will support future commercial development on the corridor.

The Planning and Zoning Commission reviewed this project on March 7, 2018. The Commission voted 7-0 in favor of the project and recommended Council approval of this Conditional Zoning request subject to Final TRC approval and the B-1 Conditions that were presented to Planning & Zoning with the addition of planted islands in the parking lot of the shopping center, and a clarification of the type of fence to be installed along the property line with the Brigadoon Subdivision.

Councilwoman Field noted that the HCD Committee approved a Housing Trust Fund loan for this project, which Council will consider later in the meeting.

When Councilman Kapoor asked how many trees will be cut down, Ms. Vrtunski was not sure; however, they have an incentive to keep as many as they can as they get an incentive. This is an affordable housing project and they will want to reduce their costs as much as possible.

The President of Workforce Homestead, Inc. said that this will facilitate the much needed affordable housing. He felt this is an ideal location for working families that can walk to a grocery store, YMCA, banks and restaurants. He asked for Council's support. He too, was not sure how many trees would be cut down, noting that parts of the parcel are cleared and some are not.

When Vice-Mayor Wisler asked when a decision will be reached on the federal housing tax credit awards, the President of Workforce Homestead said mid-August, noting it is a very competitive process.

Mayor Manheimer opened the public hearing at 6:25 p.m. and when no one spoke, she closed the public hearing at 6:25 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the conditional zoning request for Residential Multifamily Low Density District to Residential Expansion Conditional zone for the Amaranth Apartments project with the requested conditions and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in that: (1) the project provides much needed affordable housing; and, (2) the development is well located such that residents will have good access to schools, community services and commercial businesses. This motion was seconded by Councilwoman Mayfield and carried unanimously.

ORDINANCE BOOK NO. 32 - PAGE 32

V. UNFINISHED BUSINESS:

A. ORDINANCE NO. 4663 - ORDINANCE ESTABLISHING A HUMAN RELATIONS COMMISSION OF ASHEVILLE

Deputy City Attorney Kelly Whitlock said that this is the consideration of an ordinance establishing a Human Relations Commission of Asheville (HRCA).

In May of 2017 the City Council provided a directive to establish a human relations commission in the City to deal with issues relating to equity and human relations.

N.C. Gen. Stat. §160A-492 authorizes cities to undertake a human relations program and appoint a commission to carry out such program. The statute defines a human relations program as "one devoted to (i) the study of problems in the area of human relations, (ii) the promotion of equality of opportunity for all citizens, (iii) the promotion of understanding, respect and goodwill among all citizens, (iv) the provision of channels of communication among the races, (v) dispute resolution, (vi) encouraging the employment of qualified people without regard to race, or (vii)) encouraging youth to become better trained and qualified for employment."

In furtherance of its directive and goal to promote equity in the City, the City Council appointed a Blue Ribbon Commission ("BRC") as an advisory body to provide recommendations to the City Council about the mission, scope and duties of a human relations commission. The BRC held approximately 12 meetings over a period of several months and presented its final recommendations to the City Council at its February 13, 2018, meeting.

City staff drafted an ordinance creating a Human Relations Commission of Asheville ("HRCA") that incorporates the recommendations provided by the BRC and state law requirements.

In summary, the ordinance includes the following sections: i) Establishment and Purpose; ii) Definitions; and iii) Duties, Membership and Rules of Procedure. The membership of the HRCA is comprised of 15 members appointed by the City Council. Membership is intended to reflect the groups of individuals that the human relations program is intended to assist and protect, including but not limited to, individuals from different races, ethnicities, sexual orientation and socioeconomic backgrounds.

Duties of the HRCA include, but are not limited to, the following: i) making policy recommendations to the City Council which promote and improve human relations and advance equity in the City; ii) supporting the City's Office of Equity and Inclusion; iii) providing a forum where residents can raise issues and complaints relating to human relations in the City; iv) engaging the community regarding the utilization of City-funded programs and policies for the promotion of human relations; and 5) promoting and improving human relations and advance equity in the following areas: public safety; educational, art and cultural opportunities; economic development; health and human services; and housing.

The proposed ordinance was presented to the City Council's Boards and Commissions Committee on March 13, 2018. With some proposed minor modifications which are incorporated herein, it was the consensus of the Committee to recommend adoption of the proposed ordinance.

Pros:

- Serves to improve human relations in Asheville by partnering with communities and agencies in an effort to better promote and ensure diversity, equity and inclusion.
- Serves to identify and address all forms of individual, institutional and community level discrimination through education, advocacy and policy recommendations.
- Increases community engagement.

Con:

- None noted.

Staff recommends adoption of the ordinance.

In response to Councilwoman Mayfield, Ms. Whitlock said that while the ordinance does not spell out all the Blue Ribbon Committee recommendations, it is noted in the ordinance that City Council desires that the Committee be guided and influenced by those recommendations.

City Attorney Currin also noted that the Commission cannot make binding decisions or policy decisions because that is not within the scope of their under authority under the General Statutes.

Councilwoman Mayfield felt that the recommendations by the Blue Ribbon Committee requested broader authority regarding providing a forum for citizens to come to raise issues and bring concerns about racial equity. Ms. Whitlock responded that said that state law prohibits local governments from regulating private employers or regulating public accommodations. That means that this Commission cannot rule on a grievance or regulate a private employer but they can hear a complaint and grievance and help resolve them in any other way.

Councilman Young felt that scope can be developed by the Commission.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved for the adoption of Ordinance No. 4663. This motion was seconded by Councilman Haynes and carried unanimously.

ORDINANCE BOOK NO. 32 – PAGE 35

VI. NEW BUSINESS:

A. RESOLUTION NO. 18-88 - RESOLUTION AUTHORIZING THE APPROVAL OF HOUSING TRUST FUND LOANS TO WORKFORCE HOMESTEAD INC. AND MOUNTAIN HOUSING OPPORTUNITIES INC.

Community Development Analyst Chris Hnatin said this is the consideration of a resolution authorizing the approval of Housing Trust Fund loans to Workforce Homestead, Inc. and Mountain Housing Opportunities, Inc.

Staff received two (2) Housing Trust Fund (HTF) applications totaling $2,400,000 in requested funds for the creation of 130 affordable rental units. These applications were presented to the Housing and Community Development Committee (HCD) on March 23, 2018. The HCD Committee recommended the full amount requested for each project be awarded ($2,400,000 total) to the applicants.

The following applications have been recommended by HCD for approval:

1) *Amaranth Apartments*: Workforce Homestead, Inc. asks $600,000 for the construction of a 70 unit rental development with all units serving households earning 60% AMI or less. Project is located on Smokey Park Highway (Enka/Candler area) and is a 100% affordable Low Income Housing Tax Credit (LIHTC) project.

2) *Clingman @ Hilliard*: Mountain Housing Opportunities Inc. asks $1,800,000 for the construction of an 80 unit mixed-income rental development with 60 units being reserved to households earning 60% AMI or less. Project is located downtown, is mixed-use, and a Low Income Housing Tax Credit (LIHTC) project.

Workforce Homestead, Inc. – Amaranth Apartments ($600,000)

Workforce Homestead, Inc., proposes a 70 unit all affordable multi-family rental Low Income Housing Tax Credit (LIHTC) development, known as Amaranth Apartments. The developer is seeking a $600,000 Housing Trust Fund loan. The project will serve all levels of low to very low incomes (60%, 50%, and 30% AMI's) and vouchers will be accepted. The project is designed with 3 buildings each ¾ split level with a park and community center on site; it will receive Energy Star certification, 5% of the units will be fully ADA accessible and reserved for homeless transition or those with disabilities; and a 30 year affordability period, per LIHTC agreements, will accompany the project. The project is expected to begin construction in May 2019 and completing in November 2019.

The proposed project is on a 5.89 acre site located off of Smoky Park Highway next to the Westridge Shopping Center. It is zoned RM-6 and does require rezoning Planning and Zoning and Technical Review reviews are taking place. It is 8 miles from downtown and is within 1/4 mile of jobs and services, including grocery, pharmacy, YMCA, and AB-Tech. Transit does not extend to this site, but is a corridor that is mapped for extension and a gap transit service is provided by Buncombe County.

The application request results in the following terms, conditions, estimated development costs and subsidy allocation:

Proposed Loan Terms and Conditions

30% AMI Units	50% AMI Units	60% AMI Units	Loan Amount	HTF Loan Per Unit	Afford ability Period (Years)	HTF Loan/Unit / Year	Interest Rate*	Term (Years)	Type
18	10	42	$600,000	$8,571	30	$285	Adjustec to meet 1.15 DCR (est. 0.5% average)*	20	Amortized with Balloon Payment

**Outside of policy*

Proposed Total Development Costs and Loan Allocations

Total HTF Loan Amount	Total Development Cost	Loan % of Total Development Cost	Total cost per unit	Additional City Investment	Total City Investment	Total Est. City Investment Per Unit
$600,000	$10,271,497	6%	$146,736	$0	$600,000	$8,571

The total Housing Trust Fund investment per unit is $8,571 per unit; to date, no other City funding has been requested (i.e. Land Use Incentive Grant). Developer has submitted cost estimates, but could change. Developer is working with shopping center to develop a private road to access the property and developer is working with P&Z to meet City requirements. The project

is pending LIHTC award which are announced in August 2018. Project scored a 90 in HTF Underwriting and an adjusted amortization is requested in order to meet the minimum 1.15 DCR, which is outside the HTF Policy. All other parameters are within policy.

Strengths:

- Seventy (70) units serving households earning 60% AMI or less
- Unit mix includes households earning 50% and 30% AMI
- Low subsidy per unit, $8,571
- 30 year affordability period
- Low development cost and minimum cash flow
- Will obtain energy efficiency certification
- Close proximity to grocery and AB-Tech

Concerns:

- Project has an adjusted amortization which yields little interest on the loan
- Project is 8 miles from downtown with no transit
- Project is dependent upon LIHTC
- Entrance to the property may be an issue
- Cost estimates could change
- No Environmentals on record
- No additional financial commitments to date

Mountain Housing Opportunities, Inc. – Clingman@Hilliard ($1,800,000)

Mountain Housing Opportunities, is proposing an 80 unit mixed-equity and mixed-use development at 357 Hilliard Avenue in downtown Asheville, just across the street from the former Parks/Maintenance site. Sixty (60) of those units will be reserved for households earning 60% AMI, including 50% and 30% AM's, and will be a Low Income Housing Tax Credit (LIHTC) project; 20 of the units will be market rate (comparable to workforce housing), and 5,000 sq. ft. of office space will be financed separately. Developer requests a $1,800,000, 2% interest only loan with deferred principle in perpetuity with an affordability period to match that (i.e. 99 years). The project is designed to have parking underneath the building with 37 shared spaces between the commercial and residential spaces. It will provide ADA and homeless transition and no other City funds are being requested at this time. The request does deviate from the current HTF policy, with a request higher than $20,000/unit, $1,000,000 maximum ask, and no payback of the principal amount.

The proposed project is a on a .66 acre site in downtown and is zoned CBD. The project is currently in Planning and Zoning and Technical Review Committee, with no required zoning changes. The project is located in close proximity to transit, transit center, downtown, and grocery. The project will be NC Green Built and System Vision certified with will provide units as ADA accessible. The developer is proposing permanent affordability (i.e. 99 years).

The application request results in the following terms, conditions, estimated development costs and subsidy allocation:

Proposed Loan Terms and Conditions									
30% AMI Units	50% AMI Units	60% AMI Units	Loan Amount*	HTF Loan Per Unit*	Affordability Period (Years)**	HTF Loan/Unit / Year	Interest Rate	Term (Years)	Type

15	9	36	$1,800,000*	$30,000*.	99**	$303	2%	99	Interest Only

**Exceeds policy maximums - $1,000,000 and $20,000/unit respectively*
***HTF principal remains in the project in perpetuity; all subject to project performance*

Proposed Total Development Costs and Loan Allocations						
Total HTF Loan Amount	**Total Development Cost**	**Loan % of Total Development Cost**	**Total cost per unit**	**Additional City Investment**	**Total City Investment**	**Total Est. City Investment Per Unit**
$1,800,000	$13,070,117	14%	$163,376	$0	$1,200,000	$30,000

The total Housing Trust Fund investment per unit is $30,000 per unit; to date, no other City funding has been requested, but Fee Rebate Grant will likely be applied for. Developer has submitted cost estimates, but could change. Developer has completed environmental assessments and there are no expected challenges with the review. The project is pending LIHTC award which are released in August 2018. Project received 85 points in HTF Underwriting Score and several requests were made outside of the policy, including more than $1,000,000 ask and $20,000/affordable unit. All other parameters are within policy and affordability period is requested in perpetuity (99 years) with HTF funds remaining in the project for that length of time.

Strengths:

- Sixty (60) units serving households earning 60% AMI or less
- Affordable period in perpetuity (99 years)
- Unit mix includes households earning 50% and 30% AMI
- Location efficiency in downtown and on bus line
- Mixed income and Mixed-use development
- Environmental Site Assessments Completed
- Will obtain energy efficiency certification
- Offers homelessness transition through vouchers through Homeward Bound

Concerns:

- Total ask ($1,800,000) and subsidy per unit ($30,000) are above policy guidelines
- Could bank DCR be reduced with less subsidy and higher conventional loan
- Development Costs per unit are high ($163,376)
- Concern about shared parking arrangements
- Project is dependent upon LIHTC
- Cost estimates could change
- No additional financial commitments to date

The Housing Trust Fund, with the support of $1,200,000 FY 18-19 CIP funds and $5,000,000 affordable housing bond funds, has sufficient cash flow to cover anticipated draw requests for the proposed developments. (The current FY 18-19 HTF balance as of July 1, 2018 is $570,393.)

The Housing and Community Development Committee recommends City Council approve a resolution approving the following loans subject to the developers meeting all program requirements for loan closing:

1. $600,000 to Workforce Homestead, Inc. for the development of seventy (70) multifamily rental units at Amaranth Apartments, serving 60%, 50%, and 30% AMI households including vouchers, adjusted amortization to meet minimum 1.15 total debt-coverage

ratio, with principal deferred for 20 year loan term. The approval is conditioned on the developer receiving appropriate City Planning and Zoning approvals and Low Income Housing Tax Credit (LIHTC) award. Loan is to be made immediately available for disbursement following loan closing.

2. $1,800,000 to Mountain Housing Opportunities, Inc., for the development of eighty (80) multifamily rental units for Clingman@Hilliard, 60 units reserved for households earning 60%, 50%, and 30% AMI including vouchers, as 2% interest only with deferred principal in perpetuity (99 years) loan term. The approval is conditioned on the developer receiving Low Income Housing Tax Credit (LIHTC) award. Loan is to be made immediately available for disbursement following loan closing.

In response to Councilman Kapoor, Mr. Hnatin explained the application process noting that you can apply now throughout the fiscal year to be eligible for these funds.

In response to Councilman Kapoor, Mr. Hnatin said that the City has not worked directly with the developer for Workforce Homestead in the past. However, Councilwoman Mayfield noted that the HOME Consortium has also awarded them money as the company has developed affordable housing across the state.

Mr. Hnatin responded to Councilman Kapoor when he questioned why Workforce Homestead is being awarded $600,000 for 70 units and Mountain Housing Opportunities is being awarded $1.8 Million for 80 units. Councilwoman Mayfield noted that part of the increase is the location - downtown land, along with the affordability in perpetuity vs. 30 years of affordability.

Mr. Hnatin responded to Vice-Mayor Wisler regarding the funding sources, which sources have not been decided yet.

At the request of Councilman Kapoor, it was the consensus of Council to consider these loans separately.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Mayfield moved to approve the Housing Trust Fund loan to Workforce Homestead, Inc. This motion was seconded by Councilman Young and carried unanimously.

Councilwoman Mayfield moved to approve the Housing Trust Fund loan to Mountain Housing Opportunities, Inc. This motion was seconded by Councilman Young and carried on a 6-1 vote, with Councilman Kapoor voting "no."

RESOLUTION BOOK NO. 39 – PAGE 353

B. ORDINANCE NO. 4664 - ORDINANCE ADOPTING THE FISCAL YEAR 2018-19 FEES & CHARGES

Chief Financial Officer Barbara Whitehorn said that this is the consideration of an ordinance adopting the Fiscal Year (FY) 2018-19 fees and charges.

Fees and charges are a significant revenue source for the City of Asheville, comprising 35% of city-wide revenue and 10% of General Fund revenue. Utilizing a fee for service model allows the City to recover service costs directly from those that benefit from the service. These

fees generally fall into three major categories: general user fees and charges; regulatory fees; and public enterprise fees and charges.

Fees and charges are evaluated throughout the year, taking into consideration changes in service levels, demand for the service, and related costs of providing service. The proposed FY 2018-19 fee adjustments were reviewed and endorsed by the City Council Finance Committee at their February and March meetings. A full summary of the proposed adjustments was provided. It should be noted that the development related fee proposals resulted from the recently completed fee study performed by Matrix Consulting Group. These proposals will move the City closer to full cost recovery in the areas of planning & zoning and site development.

All of the proposed fee adjustments would be effective July 1, 2018, but changes to the charges on the combined utility bill for water and stormwater will not be applied until September 1, 2018, to ensure that only services provided at the new rate are being billed. As staff continues preparation of the FY 2018-19 Manager's Recommended Budget, there may be additional fee adjustments that are brought forward as part of the budget presentation in May.

Pros:

- Provides opportunity to recover the cost of services from those that directly utilize or benefit from the service where appropriate, reducing the financial burden of city services on taxpayers.
- Provides additional revenue to help balance the FY 2018-19 budget.
- Allows staff to begin communicating fee changes to citizens, customers, and stakeholders so they are aware of changes that will be implemented on July 1.

Con:

- A slight increase in the annual costs to Asheville citizens and customers.

The proposed fee adjustments would generate estimated revenue as follows:

GENERAL FUND (non development)	$11,660
STORMWATER FUND (non development)	$279,005
GENERAL FUND (development fees)	$224,155
STORMWATER FUND (development fees)	$138,509
WATER FUND	$881,793
PARKING FUND	$10,000
STREET CUT FUND	$6,500

City staff recommends City Council adopt an ordinance adopting the fees and charges for Fiscal Year 2018-19.

Mr. McDowell noted that the parking fee reductions are not part of this ordinance but will be a part of the budget ordinance presentation in May.

In response to Councilwoman Mayfield, Mr. McDowell said that they are not raising any solid waste fees.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved for the adoption of Ordinance No. 4664. This motion was seconded by Councilman Kapoor and carried on a 5-2 vote with Councilman Haynes and Councilman Young voting "no."

ORDINANCE BOOK NO. 32 – PAGE 40

C. BOARDS & COMMISSIONS

Regarding the Multimodal Transportation Commission, the following individuals applied for the vacant seat: Helen Hyatt, Han Winogrond, Keaton Edwards, Carson Dellinger, Tina Wexler, Andrew Stephen Kirby, Ritchie Rozzelle, Dennis Wencel, Pat Katz, Rachelle Sorensen-Cox, Kenneth Armstrong and Wayne Wheeler. It was the consensus of Council, at the request of the Multimodal Transportation Commission, to postpone the appointment.

RESOLUTION NO. 18-89 - RESOLUTION APPOINTING MEMBERS TO THE AUDIT COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Audit Committee.

On December 19, 2017, City Council adopted Resolution No. 17-277 establishing an Audit Committee, consisting of 5 members, 4 who must have a minimum of 5 years of experience in the management of accounting, finance, or audit for corporation, non-profit, and/or government. In addition, there must be at least two Certified Public Accountants and/or Certified Internal Auditors. City Council has previously appointed Vice-Mayor Wisler to also serve on the Committee.

The following individuals applied for the vacancy: Amy Kemp, Michael Donohue, Keith Sharpe, Holly Nolan, Scott Farkas, Rich Lee, Himanshu Karvir, Teddy Jordan, Dennis White, W. Scott Powell and Gail Miller.

On March 13, 2018, City Council appointed Amy Kemp and Scott Farkas as the two Certified Public Accountants; and requested to interview Himanshu Karvir, W. Scott Powell and Gail Miller.

After Council spoke highly of all the candidates, Himanshu Karvir received 4 votes, W. Scott Powell received 5 votes and Gail Miller received 4 votes. Another vote was taken. Himanshu Karvir received 3 vote and Gail Miller received 4 votes. Therefore, (1) Gail Miller was appointed to serve a three-year term , term to begin May 1, 2018, and expire May, 1, 2021, or until her is appointed; and W. Scott Powell was appointed to serve an initial two-year term, term to begin May 1, 2018, and expire May 1, 2020, or until his successor is appointed. In addition, at the March 13, 2018, Council meeting, Amy Kemp was appointed to serve as one of the two Certified Public Accountants, to serve a three-year term, term to begin May 1, 2018, and expire May 1, 2021, or until her successor is appointed; and Scott Farkas was appointed to serve as one of the two Certified Public Accountants, to serve an initial two-year term, term to begin May 1, 2018, and expire May 1, 2020, or until his successor has been appointed.

RESOLUTION BOOK NO. 39 – PAGE 354

RESOLUTION NO. 18-90 - RESOLUTION APPOINTING A MEMBER TO THE RIVERFRONT AREA REDEVELOPMENT COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Riverfront Area Redevelopment Commission (RARC).

Ms. Cindy Weeks (property or business owner in the Riverfront area) has resigned, thus leaving an unexpired term until January 1, 2020.

The following individuals, who meet the requirement of a property or business owner in the Riverfront, applied for the vacancy: Jeffrey Horner, Jerry Sternberg, Shelley Schenker, Brent Starck, Viola Spells, Tim Schaller, Stuart Cowles, Emily Boyd and Daniel Brown.

On March 13, 2018, it was the consensus of Council to interview Shelley Schenker, Tim Schaller and Viola Spells. After the interview, it was discovered that Ms. Spells was a County employee, and if Council chooses to appoint her, they would need to waive their rules.

After Council spoke highly of all the candidates, Ms. Schenker received no votes, Mr. Schaller received 4 votes and Ms. Spells received 3 votes. Therefore, Tim Schaller was appointed to serve the unexpired term of Ms. Weeks (property or business owner in the Riverfront area), term to expire January 1, 2020, or until his successor has been appointed.

RESOLUTION BOOK NO. 39 - PAGE 355

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Ms. Ashley Cooper asked Council that as they move forward bridging the budget gap that they do so with transparency and accountability.

Mr. Sidney Bach spoke to Council about the stipulations of the bond lawsuit settlement agreement noting that the bond lawsuit was settled by joint agreement of all parties and then jointly dismissed by the parties at their request.

Mr. Patrick Conant, member of the Blue Ribbon Committee, spoke in support of the Human Relations Commission of Asheville (HRCA) and hoped that for those people not appointed to the Commission still bring ideas and participate in the process. He said it was important for Council to support the HRCA and when they make policy recommendations that Council seriously consider their recommendations.

Ms. Kim Roney thanked City staff for their work on the readvertisement of the Multimodal Transportation seat, in helping translate the public service announcement in Spanish for more outreach into the community and help with public service announcements. She hoped that this will be an example we see in our other boards and commissions.

Closed Session

sAt 7:18 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3); (3) To establish or to instruct the

City's staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the terms of a contract for the acquisition of real property by purchase, option, exchange or lease. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(5); and (4) To discuss matters relating to the location or expansion of industries. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(4). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 9:02 p.m., Councilman Kapoor to come out of closed session. This motion was seconded by Councilwoman Smith and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:02 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – April 24, 2018 - 3:00 p.m.

General Fund Operating Budget Worksession

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Interim City Manager Cathy Ball; and City Clerk Magdalen Burleson

Chief Financial Officer Barbara Whitehorn explained the original budget gap was $5.82 Million. After staff budget work the gap was reduced to $3.2 Million. Council supported strategies include:

Reduce health insurance contribution	($ 255,000)
Debt fund capital maintenance	($ 700,000)
Reduce AFD Fleet allocation	($ 100,000)
Add Transit Planner	$ 86,000
Employee compensation at 2.5%	($ 300,000)
Parking monthly rate & daily max increase	($ 160,000)
Use of Fund Balance above 16.6%	($ 300,000)
Adjusted Police Academy Budget Plan	($ 400,000)
Cost of County tax collection	($ 100,000)

The adjusted budget gap would then be $971,000.

Significant research into firefighter cancer trends have led the National Fire Protection Association (NFPA) as well as other groups to recommend that firefighters not use turnout gear repeatedly without decontamination. There are two ways a fire department may address this issue: 1) upstaffing to allow for the four-hour decontamination of each set of turnout gear after a fire response, or 2) two sets of turnout gear for every firefighter. Option one is not recommended because the upstaffing required to ensure the same level of response to emergencies while gear is decontaminated would add millions in cost to the City's operating budget. Staff recommends option two. Turnout gear is considered personal protective equipment and has a useful life of 10 years. Staff recommends that for the safety and protection of firefighters, a new set of turnout gear for all firefighters be provided in FY 2018-19. This equipment would be included in the 59-month installment financing debt that the City issues annually for vehicles and equipment. The maximum cost for the gear is $780,000, which can be added to the capital budget. The fire department has a replacement plan for existing gear in their operating budget, assuming replacement every five years. This existing allocation enables the City to debt fund the purchase of the additional gear in one year with the knowledge that the operating budget will cover the replacement of the gear over time. This addition will not affect the FY 2018-19 budget gap.

Ms. Whitehorn asked for Council direction on the following two points: (1) structure and use of parking revenues; and (2) allocation of Fund Balance.

Regarding the parking revenues, options are as follows:

Eliminate the first hour free for all transactions - $1,000,000
Provide 30 minutes free parking for all transactions - $500,000
Provide free parking only for transactions less than 1 hour - $800,000

In response to an earlier Council inquiry, Ms. Whitehorn said that the City cannot charge different parking rates based on residency - the City has authority to vary rates based on classes

of services - i.e.: monthly v. daily parking, parking garages v. parking lots and on-street parking - but there is no legal authority to charge different user fees for parking based on residency.

Regarding the use of Fund Balance, options are as follows:

Additional use of Fund Balance (16%)	$ 750,000
Additional use of Fund Balance (15%)	$1,300,000

In response to Councilman Kapoor, an additional alternative/additional strategy was suggested: Defer the FY 2018-19 allocation to the Housing Trust Fund to FY 2019-20 which would be a savings of $500,000. There would be no impact on operation of Housing Trust Fund. Basically we would forego the $500,000 Housing Trust Fund allocation for FY 2019-20 and put in $1 Million in the Housing Trust Fund the following fiscal year.

Mr. Doug Carter, our financial advisor, spoke to Council regarding the use of Fund Balance to balance the budget. He felt the City is doing good financial management.

Staff recommends the following to balance the budget: (1) Provide free parking only for transactions less than 1 hour - $800,000; and (2) add an additional $171,000 of Fund Balance.

Interim City Manager Cathy Ball said that Council asked staff to evaluate the capacity of the Transportation Department staff to plan and implement an expansion of transit service hours. Due to ongoing work on the Transit Master Plan and an expected significant expansion of service in early FY 2019-20, staff recommends delaying any service enhancements until that time. This delay would allow staff to focus on implementation of the first year of Transit Master Plan recommendations and ensure effective outreach and promotion efforts in advance of FY 2019-20 service changes. There was considerable discussion and disappointment regarding not adding the additional 12 hours for transit service in this budget, due to staffing levels.

There was a brief discussion regarding employee compensation. In summary, it was the consensus of the majority of Council to provide the employees with a 2.5% compensation with the possibility of re-evaluating additional employee compensation in January, 2019.

Councilman Kapoor wanted to make sure that our resources are allocated properly and that we have staffing adequate to get the things done that Council wants done.

After discussion on each option, Vice-Mayor Wisler moved that staff proceed with balancing the budget as outlined above with the adjusted budget gap of $971,000 being closed with the (1) Provide free parking only for transactions less than 1 hour - $800,000; and (2) add an additional $171,000 of Fund Balance. This motion was seconded by Councilman Kapoor and carried unanimously.

Mayor Manheimer adjourned the budget worksession at 3:48 p.m.

Tuesday – April 24, 2018- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Interim City Manager Cathy Ball; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

MOMENT OF SILENCE

Mayor Manheimer asked for a moment of silence in remembrance of the victims of the tragic April 18 shooting that claimed the lives of an Asheville mother and two children. She asked us to also remember the other siblings who were harmed by this unspeakable act of gun violence.

Mayor Manheimer also acknowledged our public safety employees in the Asheville Police and Fire Departments who responded to this horrific shooting on Hansel Avenue that day. These public servants are not only trained and equipped to respond to calls for help in our community, they often confront issues of personal safety in the course of their duties. We commend them for their professionalism, dedication and compassion.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING APRIL 24, 2018, AS "OSOGBO DAY" IN THE CITY OF ASHEVILLE

Councilwoman Smith read the proclamation proclaiming April 24, 2018, as "Osogbo Day" in the City of Asheville in recognition of our Sister City, Osogbo, State of Osun, Nigeria, Africa. She presented the proclamation to Ms. Karen Korp, along with a large group of 11 delegates and Otunba Grace Titilayo Tomori, the Deputy Governor of Osun State, who briefed City Council on some activities during the day.

B. PROCLAMATION PROCLAIMING APRIL 27, 2018, AS "STAND AGAINST RACISM DAY"

Councilman Young read the proclamation proclaiming April 27, 2018, as "Stand Against Racism Day " in the City of Asheville. He presented the proclamation to Ms. Sala Menaya-Merritt, Ms. Nona Workman and Ms. Betsey Russell, representing the YWCA, who briefed City Council on some activities taking place during the day.

C. PROCLAMATION PROCLAIMING MAY 2018 AS "NATIONAL PRESERVATION MONTH"

Councilwoman Mayfield read the proclamation proclaiming May 2018, as "National Preservation Month " in the City of Asheville. She presented the proclamation to Mr. Jack Thomson, Executive Director the The Preservation Society of Asheville and Buncombe County, and others, who briefed City Council on some activities taking place during the month.

D. PROCLAMATION PROCLAIMING MAY 2018 AS "MOTORCYCLE AWARENESS MONTH"

Councilman Kapoor read the proclamation proclaiming May 2018, as "Motorcycle Awareness Month " in the City of Asheville. He presented the proclamation to Mr. Jody Martin, and others, who briefed City Council on some activities taking place during the month.

E. PROCLAMATION PROCLAIMING MAY 6-12, 2018 AS "NATIONAL DRINKING WATER WEEK"

Vice-Mayor Wisler read the proclamation proclaiming May 6-12, 2018, as "National Drinking Water Week " in the City of Asheville. She presented the proclamation to Interim Water Resources Director David Melton, and others, who briefed City Council on some activities taking place during the month.

II. CONSENT AGENDA:

At the request of City Staff, Consent Agenda Item F was removed from the Consent Agenda to be scheduled at a later date.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 10, 2018

B. ORDINANCE NO. 4665 - BUDGET AMENDMENT FROM THE N.C. DEPT. OF CRIME CONTROL & PUBLIC SAFETY FOR REIMBURSEMENT FOR HAZARDOUS MATERIALS RESPONSE AT 288 LYMAN STREET

Summary: The consideration of a budget amendment in the amount of $25,779.10 from the N.C. Dept. of Crime Control and Public Safety, Division of Emergency Management for the reimbursement for Hazardous materials Regional Response Team 6 Mountain Energy at 288 Lyman Street on February 4, 2018.

The N.C. Dept. of Crime Control and Public Safety, Division of Emergency Management developed the Regional Response Teams (RRT) strategically located throughout the state. Asheville Fire Department hosts one of the seven state funded teams - RRT 6. The team responds to hazardous materials incidents in the twenty westernmost counties of North Carolina.

The strategy identifies the NC Hazardous Materials Regional Response Teams (RRT) as an integral component of North Carolina's preparation and response to manmade and natural emergencies and disasters. The City of Asheville adopted on March 22, 2016, with Resolution No. 16-56 the latest contract to continue the Regional Response Team -6. The contract allows for the City to accept reimbursement funds NCEM to refurbish the supplies used in order to make the team whole and ready for the next response.

Pro:

- The Department of Crime Control and Public Safety, Division of Emergency Management, has reimbursed RRT-6 in the amount $25,779.10

Con:

- None identified

Upon City Council Approval, a budget amendment will be made in the current fiscal year to accept this reimbursement and reduce the impact to replace used/damaged equipment for the Asheville Fire Department in the amount of $25,779.10

City staff recommends that City Council accept the non-matching grant from the N.C. Dept. of Crime Control and Public Safety, Division of Emergency Management, to enhance AFD's capabilities to protect Asheville and Western North Carolina, and the associated budget amendment.

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C. RESOLUTION NO. 18-91 - RESOLUTION AUTHORIZING THE CITY EXECUTE A CONTRACT AMENDMENT WITH B. ALLEN CONSTRUCTION,LLC FOR THE DESIGN-BUILD SERVICES FOR THE WNC NATURE CENTER RED PANDA AND BREEDING FACILITY PROJECT

ORDINANCE NO. 4666 - BUDGET AMENDMENT FOR THE WNC NATURE CENTER RED PANDA AND BREEDING FACILITY PROJECT

Summary: The consideration of: 1) a resolution authorizing the City Manager to execute a Contract Amendment to the Construction Agreement with B. Allen Construction, LLC for the negotiated amount of $154,200 for design-build services for the WNC Nature Center Red Panda Exhibit and Breeding Facility project; 2) a budget amendment in the amount of $184,820 in the General Capital Projects Fund to fully budget the project, which is funded with a donation from from The Friends of the Western North Carolina Nature Center, Inc. and a transfer from the Parks and Recreation deferred maintenance budget.

The development of the Red Panda exhibit and breeding facility is identified as a priority in the WNC Nature Center 2020 Vision Plan, and as part of the Prehistoric Appalachians themed area. The Friends of the Nature Center will donate funds to support the cost associated with construction ($154,200), and they have pledged to donate $5,000 per year for 10 years to support operations & maintenance costs.

On September 19, 2017, the General Services Department issued a Request for Qualifications for Design-Build Services for the WNC Nature Center Red Panda Exhibit and Breeding Facility project. The contract includes the design and construction of a breeding facility and an outdoor viewing area and exhibit space. A Design-Build justification is required per NCGS 143-128.1A and City Council Resolutions 14-138 & 16-45, and it was approved by the Acting City Manager on June 30, 2017.

In response to the Request for Qualifications, the department received one submittal on October 11, 2017. The company responding was:

1. B. Allen Construction, LLC (Candler, NC)

Following a review of qualifications by City staff and the program manager, B. Allen Construction, LLC was selected as the qualified firm. In order to expedite design and ensure the project would be complete before the deadline to receive the pandas, the City awarded an initial contract to complete the design phase and professional services for $15,200 on December 11, 2017. The negotiated fee for the remaining design-build services is $154,200. The total design-build contract amount will be $169,400. A 10% contingency on construction in the amount of $15,420 will be added to the project budget, for a total project budget of $184,820 for approval by City Council.

Pros:

- Provides the City with an opportunity to contribute to the restoration of an endangered species through participation in the red panda breeding program.
- Enhances the visitor experience and contributes to the mission of the Western North Carolina Nature Center.
- Contributes toward improvements cited in the 2020 Vision Master Plan for the Western North Carolina Nature Center.
- Continues the partnership with the Friends of the Nature Center with the donation of construction funds, in the amount of $154,200, and the commitment to fund future operations & maintenance costs ($5,000 per year for 10 years).

Cons:

- During the improvements, some modest disruption will be seen in the visitor experience at the adjacent exhibit.
- There will be an increase in maintenance for the additional species and exhibit.

As noted above, a portion of the cost of the project will be funded by a $154,200 donation from the Friends of the Nature Center. The remaining $30,620 will come from previously budgeted funds in the Parks and Recreation Department's deferred maintenance account. A budget amendment is included to budget the donation and the transfer of the Parks budget from the General Fund to the General Capital Projects Fund.

Staff recommends City Council adopt: 1) a resolution authorizing the City Manager to execute a Contract Amendment to the Design-Build Agreement with B. Allen Construction, LLC, for the amount of $154,200 for the construction phase of the WNC Nature Center Red Panda Exhibit and Breeding Facility project, for a total contract amount for these design-build services being $169,400; and 2) a budget amendment in the amount of $184,820 in the General Capital Projects Fund to fully budget the project (including the $169,400 total design-build contract value plus a 10% construction cost contingency in the amount of $15,420), which is funded with a donation from from The Friends of the Western North Carolina Nature Center, Inc. and a transfer from the Parks and Recreation deferred maintenance budget.

In response to Councilwoman Mayfield, Director of the Nature Center Chris Gentile said that while red pandas currently live in the forest of the Himalayas and major mountain ranges of southwestern China, 5 million years ago their now extinct relative Bristol's Panda inhabited what is now known as the Southern Appalachians Mountains in North Carolina and Tennessee. They are an endangered species. Only 10,000 wild adult red pandas remain in the world. And red panda populations are on the decline in the wild. Bringing them to the WNC Nature Center is the next development in the center's Prehistoric Appalachia-themed area of the park. The exhibit will feature a den and breeding area, an interpretive exhibit and viewing areas.

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ORDINANCE BOOK NO. 32 - PAGE 54

D. MOTION TO DIRECT STAFF TO NEGOTIATE A CONTRACT WITH AN EXECUTIVE SEARCH FIRM FOR THE CITY MANAGER

Summary: The City of Asheville City Council intends to contract with an Executive Search Firm for the purpose of a national search for a new City Manager.

A Request for Proposal was open beginning March 1, 2018, and closed on April 2, 2018. There were nine (9) responses that include the following:

• Ralph Andersen & Associates,	Rocklin, California
• Find Great People,	Greenville, SC
• LLC GovHR USA,	Northbrook, Illinois
• Slavin Management Consultants,	Norcross, Georgia
• vTech Solution Inc.,	Washington D.C.
• The Mercer Group, Inc.,	Raleigh, NC
• Springsted Waters Executive Recruitment	Addison , Texas
• Strategic Government Resource,	Keller, Texas
• The Hawkins Company,	San Ramon, California

Human Resources and City Manager staff will evaluate these proposals and make a recommendation to City Council.

The Search Firm will work with staff to establish dates for meeting with Council to develop the profile for the City Manager, finalize the timeline, and establish dates for community engagement meetings.

The fiscal impact will be negotiated but is not expected to exceed $38,000.

Staff recommends Council allow Human Resources Director and Purchasing Manager to negotiate with selected vendor Springsted Waters Executive Recruitment.

E. RESOLUTION NO. 18-92 - RESOLUTION IN SUPPORT OF FEDERAL CONGRESSIONAL ACTION TO ADOPT LEGISLATION FOR A CARBON FEE & DIVIDEND POLICY TO ADDRESS CLIMATE CHANGE

Summary: The City of Asheville encourages Congress to enact legislation that address the significant risks posed by greenhouse gas emissions and that such legislation potentially include, but not be limited to, the following carbon fee and dividend policy components: (1) An annually increasing fee on carbon dioxide (or greenhouse gas equivalents) emissions produced by fossil fuels at the points of production and importation; (2) A dividend system that returns all the net revenues generated from the carbon dioxide fee to citizens; and (3) Carbon-based fees and rebates for imports and exports to and from nations that have not implemented a carbon fee and dividend policy, which incentivises trading partners to adopt similar laws to reduce greenhouse gas emissions.

Councilwoman Mayfield, along with four other individuals, spoke in support of the resolution noting that it is another step towards a clean, stable climate and a renewable America.

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F. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FRENCH BROAD PAVING INC. FOR THE PARKS SPORT COURT UPGRADES/RENOVATIONS BOND PROJECTS

BUDGET AMENDMENT TO FUND THE PARKS SPORT COURT UPGRADES/RENOVATIONS

These items were removed from the Consent Agenda to be considered at a later date.

G. MOTION TO ESTABLISHMENT OF I-26 CONNECTOR PROJECT AESTHETICS COMMITTEE

Summary: The consideration of a motion to establish an Aesthetics Committee for the I-26 Connector project (I-2513) including the process to identify, review, and approve committee members.

For the past several months, staff has been working closely with the North Carolina Department of Transportation (NCDOT) and its design consultant (AECOM) to prepare the "betterments list" and so far, many multi-modal features have been identified including pedestrian, bicycle, and greenway amenities. Once the "betterments list" is completed, it will be reviewed, tweaked, and approved by City Council as to which amenities will move forward to the construction phase.

It is quite common for this type of project that an Aesthetics Committee be established to help identify and suggest various aesthetics treatments including signage, bridge enhancements, retaining and/or noise walls, plantings, and landscaping. The objective of the Aesthetics Committee is to gather information and ideas about treatments that would make the project a cohesive and integrated part of Asheville. The final product for the Aesthetics Committee will be a list of suggested aesthetics treatments that will be included in the "betterments list" for City Council consideration.

At this time, it is anticipated that this committee would serve for about one year and complete their tasks before the final Environmental Impact Statement (EIS) is released. It's hard to determine how often the committee would need to meet but it is anticipated that they would typically meet on a monthly basis with special meetings on a case-by-case basis. There probably should be 8 to 10 members on the committee. Sam Schwartz Consulting will be guiding the committee through the process and the NCDOT and their design consultant will be available as well.

The NCDOT has suggested that Alice Oglesby be involved since she previously served on the Aesthetics Committee for an I-40 widening project. Other individuals that have expressed an interest include Karen Cragnolin, Sharon Henady, Julia Burr, Larry McDevitt, Joe Minicozzi, and David Nutter.

This action was reviewed and unanimously approved by the Boards and Commissions Committee on April 10, 2018.

Pros:

- Identify aesthetics treatments that would enhance the quality of life.
- Creates a partnership with the City of Asheville and the North Carolina Department of Transportation (NCDOT) regarding the successful completion of the project.

Con:

- Potential fiscal impact for the various aesthetics treatments.

There is no fiscal impact for the creation of the committee.

Staff recommends that City Council approve a motion to establish an Aesthetics Committee for the I-26 Connector project (I-2513) including the process to identify, review, and approve committee members.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Mayfield moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. CODE FOR ASHEVILLE'S "PETITION FOR POLICE ACCOUNTABILITY THROUGH DATA TRANSPARENCY"

Mr. Patrick Conant, representing Code for Asheville, provided Council with the following statement: They "believe that the community must play a vital role in addressing the structural issues that underlie incidents like the one that happened last August to Johnnie Jermaine Rush. To enable this, Code for Asheville asks that the Asheville City Council mandate a significant increase in the transparency of policing data. Data transparency alone won't solve issues of trust

and accountability in Asheville, but it provides a foundation for the wider work necessary to improve equity and justice in our city.

As the Police Data Initiative noted in a recent post:

> When data is open, community members are empowered to assess the data directly. Releasing open data is more than a gesture of goodwill and trust on behalf of law enforcement agencies; it is a shrewd use of resources and a means of enlisting communities to solve some of their most entrenched crime problems.

This request aligns with the City of Asheville Open Data Policy, with the March 5 statement by City Manager Gary Jackson that there is "strong direction... from the City Council that in all matters, especially those involving police, the City should be as transparent as possible to its citizens," and with best practice recommendations from organizations like What Works Cities, the Governance Lab at New York University, and the Center for Governmental Excellence at Johns Hopkins University.

The release of these data sets will provide additional accountability within the Asheville Police Department (APD), and the commitment to transparency by our City will start the long process of rebuilding community trust in our police department. Our specific requests are enumerated below.

Specific Requests - **Datasets:**

1. Use of Force: We request the release of factual information related to use-of-force incidents by our police department, as part of the City of Asheville Open Data Portal. Specifically, we request that the data include the following information: location, date, type of force used, reportable action, type of resistance, nature of call (origin of interaction), primary offense, gender/race of subject of force, gender/race of officer, subject injury, officer injury, and whether the use of force originated from a 911 call.

2. Emergency Call Data: We request the release of emergency (911) call data as part of the City of Asheville Open Data Portal, to provide greater insight into the deployment of police resources in our community. Specifically, we request that the data include the following information: call date and time, general location of call, neighborhood, nature of call / crime type, call disposition, and case or incident id.

3. Crime Reports: We request the restoration of the complete crime report feed on the City of Asheville Open Data Portal, to include historical data from 2004 onward. Incidents prior to 2013 were removed from the current feed in late 2017.

We request that all categories of offenses be included in the feed and, if any are excluded, that fact be clearly documented.

4. Citation and Arrest Data: We request an additional feed containing all arrest and citation records generated by APD on the City of Asheville Open Data Portal. We request that this information include the date, location, neighborhood, offense type, and demographic information on on both the subject(s) of an arrest or citation and the officer(s). We request that records in this data feed be related to the records in the Crime Reports data feed.

5. Citizen Complaints: We request the release of data related to citizen complaints within the department. This information is compiled on an annual basis in the Professional Standards report. We request this information be provided in a data feed on the City of Asheville

Open Data Portal, including, at a minimum, the date a complaint is filed, the status of complaint and investigation, and the type of complaint.

6. Traffic Stop Report Data: We request that the City of Asheville publish on the City of Asheville Open Data Portal the raw data used to generate all of the analysis in the quarterly traffic stop report submitted to City Council. APD has enhanced their traffic stop report to include additional information that is not submitted to the state, including the geographic location of traffic stops. We request that this additional information be included with the other data.

7. Demographic Information on APD Officers: The APD multi-year work plan contains strategic goals related to increasing the diversity of their workforce. We request that APD release a data feed or monthly report detailing the demographic composition of APD employees, broken down by division and rank. This will allow the public to monitor the results of APD's multi-year work plan efforts.

Policies and Reports - These outline some additional items that are not data but should be released to the public to increase the transparency of the Asheville Police Department.

1. APD Policy Manual: We request that a redacted version of the complete APD Policy Manual be published to the City of Asheville website. The redactions should be limited to information that might put officers in danger by revealing APD operating tactics.

2. Internal Reports: We request that a blank copy of any internal reports used by the APD, such as the "Blue Team" report for Use of Force, be released to the public. This will allow the community to understand what information is collected with these reports, even if the content of completed reports is restricted by personnel or investigative concerns.

3. Internal Audits of Body Worn Cameras: APD conducts random audits of body worn camera footage, as specified in the Body Worn Camera Policy. We request that the results of those audits be provided to the Public Safety Committee on a monthly basis and published to the City website. We also request that the results of the annual audit of Body Worn Camera usage, as specified in the Body Worn Camera Policy, be published to the City website. This will enhance community trust in the police department by providing evidence that these critical audits are being conducted properly.

4. Recordings of Committee Meetings: We request that the City record all public meetings related to public safety, policing, or possessing significant community interest and post them promptly to the City website. This will allow community members who are not able to physically attend meetings the ability to engage with the City process and provide effective input.

Additional Actions - We ask that Council also consider taking the following actions.

1. Blue Ribbon Committee Recommendations for a Human Relations Commission: We request that the City of Asheville move quickly to accept the recommendations of the Blue Ribbon Committee and start the process of forming a Human Relations Commission. We also request the City accept the Blue Ribbon Committee's request for additional staff and modifications to the organizational structure of the Office of Equity and Inclusion.

2. NAACP and SCSJ Policy Reforms: We request that City Council adopt the policy recommendations presented by Ian Mance of the Southern Coalition for Social Justice in April 2017. We specifically request that Council adopt a Written Consent policy for searches of vehicles, pedestrians, and residences.

3. Anti-Retaliation Policy: We request that City Council adopt a comprehensive anti-retaliation policy to protect employees and citizens that expose wrongdoing within our government. In addition, there is apparently a system in place for city employees to submit whistleblower reports, but there is limited awareness among city employees that this exists. The City should ensure that all employees are trained on this system and on the anti-retaliation policy.

4. Police Data Initiative: We request that City Council direct staff to have the City of Asheville join the Police Data Initiative, a "law enforcement community of practice that includes leading law enforcement agencies, technologists, and researchers committed to engaging their communities in a partnership to improve public safety that is built on a foundation of trust, accountability and innovation." Participating agencies in North Carolina already include Charlotte, Fayetteville, Chapel Hill and Kinston.

These actions are in line with best practices of city governments around the country and are in line with Asheville's Open Data Policy. We ask that the City Council accept Code for Asheville's recommendations and direct staff to begin implementing them without delay.

We have waited long enough. It is time to begin the hard work to create a more equitable and just community and to rebuild the trust between the community and those tasked with protecting it."

Mr. Conant specifically requested Council to (1) provide clear direction to staff to prioritize the release of these data sets and documents; (2) establish a timeline and process for regular updates on progress; (3) invite the community to develop future policy solutions; and (4) request committees or Council to revisit additional actions at a future meeting.

Mr. Jesse Michel, member of Code for Asheville, provided Council with a folder which contained approximately 873 online and handwritten petition signatures, as well as a list of all the organizations they received endorsements from so far.

Interim City Manager Cathy Ball said that their goal, from a cross-functional departmental standpoint, is to put together a general overview to be presented at the May 15 Council meeting. That doesn't mean that they'll have all of the questions answered at that point. It just means that they are going to start the process of looking at the requests and specifically be able to speak to next steps, timeline, action items, benchmarking, etc. She appreciated the Information Technology (IT) Department's work on this issue, but it is a collaborative effort between the Police Department and our Legal staff as well as the IT Department. We are committed to transparency and to providing information. We want to make sure that we protect the rights of all the individuals involved.

Councilman Young asked that prior to the May 15 meeting, if there are items that staff cannot have addressed by that time, he would like to be made aware of those.

Mayor Manheimer asked that we develop some sort of regular system for reviewing our police data so Council can determine what is and what is not working.

Councilman Haynes, Chair of the Public Safety Committee, said that his committee is eager to move forward with this goal.

Because Councilwoman Mayfield will not be at the May 15 Council meeting due to a previously committed event, she requested, in addition to figuring out a path to make data public, that we also figure out a way to bring a small group of people in to help interpret the data and be in agreement on what the data means.

IV. PUBLIC HEARINGS:

V. UNFINISHED BUSINESS:

A. RESOLUTION NO. 18-93 - RESOLUTION AUTHORIZING THE CITY MANAGER TO DIRECT STAFF TO MOVE FORWARD WITH THE CHARLOTTE STREETS IMPROVEMENT PROJECT IMPLEMENTING OPTION 1 AND 3 RECOMMENDATIONS

Director of Transportation Ken Putnam said that this is the consideration of a resolution authorizing the City Manager to direct staff to move forward with the Charlotte Streets Improvements project that is listed in the adopted General Capital Improvement Program implementing Option 1 and Option 3 recommendations.

The Charlotte Streets Improvements project has been listed in the General Capital Improvement Program since Fiscal Year (FY) 2014-15, and it includes the section of Charlotte Street between I-240 and Edwin Place. The adopted budget for the project is $1,250,000; with assumed cash flows of $200,000 in FY 2018-19 and $1,050,000 in FY 2019-20.

City Council identified the North Charlotte Street corridor as an Asheville Innovation District in October 2014. While Innovation Districts were defined as special redevelopment areas where the City coordinates a variety of investments and resources to increase economic opportunities, promote safety and enhance sense of place, the most vocal discussion surrounding investment in the corridor has primarily focused on addressing specific transportation concerns. Some of the transportation concerns are outlined in the four transportation studies that have been created for the corridor in the past 20 years. The recent Council-adopted Asheville In Motion (AIM) Transportation Plan speaks to redeveloping the corridor to include better bicycle and pedestrian facilities. The recommendation reads:

> **"Primary Opportunities.** Bicycle recommendations for Charlotte Street include shared lane markings (sharrows). It is recommended that shared lane markings are placed in the middle of travel lanes and "Bicycles May Use Full Lane" signage installed. A longer-term plan for Charlotte Street could include a road diet with enhanced bicycle facilities. However, this longer-term scenario will need additional feasibility studies.
>
> With surrounding Traditional Neighborhood land uses, Charlotte Street needs a safer, walkable environment. Pedestrian improvements including wider sidewalks and safer roadway crossings should be prioritized.
>
> Current transit conditions include the N route which runs around Klondyke, Montford, Charlotte, and Grove Park. This corridor should remain a priority investment route, particularly since the Montford portion of the N route serves as the northwest connection while the Charlotte portion serves the northeast and terminates at a major destination, the Grove Park Inn.
>
> **Primary Implementation Challenges.** Existing space challenges exist for the corridor given buildings with frontage directly on the street in some parts of the corridor. The cost of adding sharrow markings and potential cost of widening sidewalks along the corridor are also challenges."

Strategic Development Office and Transportation Department staff have engaged with Charlotte Street community members for a little over six months in order to build some relationships with stakeholders in advance of any planning or capital project development process. While this engagement has not been comprehensive, it has included enough input for

staff to assess that the implementation of a "road diet with enhanced bicycle facilities" is not fully accepted by the community at this time. A recent non-scientific survey produced by the Charlotte Street Business Association indicates that the majority of respondents would prefer the AIM vision be implemented.

This action was reviewed by the Planning and Economic Development Committee on March 12, 2018, and they considered the following five options for moving the subject project forward.

1. Road Diet Only: Recommendation that Council provide staff direction to issue an RFQ for engineering services to use programmed capital funds to produce construction drawings to implement a road diet with enhanced bicycle facilities with pedestrian improvements including improved sidewalks and safer roadway crossings, as recommended in the AIM plan. Bike lanes between sidewalks and moving vehicles would create a more pedestrian-friendly environment. Staff recommends that if this option is pursued, that Council also consider directing staff to eliminate the use of the "Innovation District" designation for this area in order to clarify the focus on increasing livability through multimodal improvements (only).

2. Corridor Improvement Approach: Recommendation that Council consider allocating up to $35,000 in general funds to support an abbreviated land use planning process that identifies barriers to economic growth and sustainable development and supports policy reforms like updates to the current zoning for the corridor. Staff recommends that if this option is pursued, that Council also consider directing staff to eliminate the use of the "Innovation District" designation for this area in order to clarify the focus on increasing livability through multimodal improvements. Additional funds will be necessary above and beyond the $1,250,000 in the current budget to complete this project.

3. Tactical Projects Approach: Recommendation that Council provide staff direction to use an amount up to $1.25 Million in CIP funding for the design and implementation of spot neighborhood safety and streetscape improvements along the Charlotte Street Corridor that are focused on making the area more walkable and bikeable while still maintaining the existing 3 and 4 travel lane configurations. Staff has identified approximately 500 linear feet of sidewalk area that could be improved by either closing an non-operational driveway or by reducing driveways to the city's maximum permitted driveway width for commercial properties: 36 feet.

4. Comprehensive Redevelopment Approach: Recommendation that Council prioritize allocation of general funds up to $100,000 to work with a broad spectrum of the community to create a vision plan for the Charlotte Street Corridor, using a process similar to the Riverside Drive Redevelopment Plan, Riverfront Redevelopment process, or South Slope Vision Plan. The plan, which would identify goals and strategies for a more comprehensive set of community issues than multimodal service including other infrastructure issues like stormwater management, improvements to land use policies, and other livability issues like public/open spaces and public art and placemaking) can later be considered for adoption by Council and for subsequent (FY 20) use by staff as a guide for use of capital dollar investment. Additional funds will be necessary above and beyond the $1,250,000 in the current budget to complete this project.

5. Reconsideration Approach: Recommendation to Council to reprogram current CIP allocation into another Council goal area.

The Planning and Economic Development Committee unanimously approved moving option # 1 - Road Diet Only and option # 3 - Tactical Projects Approach to City Council for review

and consideration of approval.

Pros:

- Currently listed in the FY 2017-18 adopted budget.
- Implements multi-modal principles.
- Enhances travel safety for multiple modes of transportation.

Con:

- Possible reduced levels of service for automobiles and increased cue lengths during peak hours.

According to the adopted budget, a total of $1,250,000 is included in the Charlotte Street Improvements project; with cash flows of $200,000 in FY 2018-19 and $1,050,000 in FY 2019-20. As noted above, additional funding will be required to complete certain options that were considered by the Planning and Economic Development Committee.

Staff recommends that City Council approve a resolution authorizing the City Manager to direct staff to move forward with the Charlotte Streets Improvements project that is listed in the adopted General Capital Improvement Program implementing Option 1 and Option 3 recommendations.

The following individuals spoke in support of the resolution, but with a clarification in the resolution making it clear that a road diet with bike lanes is the preferred vision of Council and the community:

Mr. Benji Burrell, area resident
Mr. Clark Mackey
Ms. Deb Karash, area resident (also disappointment with elimination of Innovation District)
Mr. David Trophia, area resident
Ms. Meg Jamison, area resident
Mr. Jack Thomson, Executive of The Preservation Society of Asheville & Buncombe County
Ms. Grace Curry, area resident
Mr. Will Hornaday, representing the Charlotte Street Business Association
Mr. Jim Siemens, area resident (also supported Option 2)
Ms. Billie Lofland
Mr. Philip Jackson, area resident
Mr. Michael Soule, Executive Director of Asheville on Bikes
Ms. Jane Mathews, area resident

Mr. Max Alexander did not support the road diet as he was concerned with emergency vehicles being delayed.

Interim City Manager Cathy Ball said that in general Charlotte Streets Improvement Project feels like a transportation improvement project, not an Innovation District which typically comes with being able to make transformational placemaking changes; however, she did not feel like it is a big issue for it to remain as an Innovation District.

Councilwoman Mayfield also noted that at the Planning & Economic Development Committee (PED) they asked staff to look at the zoning in that corridor and to come back to PED with any recommendations around zoning changes that would help better foster the pedestrian corridor.

Councilwoman Mayfield requested the resolution before Council be amended with the following revisions (1) WHEREAS, Option 1 is a road diet only approach which consists of issuing an RFQ for engineering services to use programmed capital funds to produce construction drawings to implement a road diet with bike lanes and pedestrian improvements as the preferred and priority treatment; (2) WHEREAS, Option 3 is a tactical projects approach for the design and implementation of spot neighborhood safety, pedestrian, and streetscape improvements along the Charlotte Street Corridor; and (3) WHEREAS, City Council also requests the Planning staff review the zoning and land uses in the Charlotte Street Corridor to identify possible changes that would enhance a multi-modal, pedestrian-oriented experience.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of Resolution No. 18-93, with requested amendments outlined by Councilwoman Mayfield above. This motion was seconded by Councilwoman Mayfield and carried unanimously.

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VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Five individuals spoke in support of the Code for Asheville's petition for police accountability through data transparency.

Ms. Suzanne Stowe and Mr. Claude Gable, Laborers 1 in the Parks and Recreation Department, reported that they make far less than $13/hour but every other department in the City that has a Laborer 1 position has been earning at least $13/hour. They felt this is unequal treatment and should be fixed immediately by raising their base pay to $13/hour and making the raise retroactive to the date that every other Laborer 1 in the City was given that raise in base pay. Mayor Manheimer asked that Interim City Manager Ball investigate this statement and report back to the Finance Committee.

Mr. Chris Peterson spoke to Council about his feelings that the City Council is in debt up to $70 Million.

Mayor Manheimer said that regarding the ICE operations in the Asheville area, cities in North Carolina do not provide social services or health services. Those are provided by the County and we don't own or operate any jails. But she has asked staff to reach out to ICE to see if they will sit down with us to start a discussion in order to establish a better relationship with ICE. She hoped they are receptive to sitting down and having an open discussion around that.

Councilman Kapoor noted that the issue of Asheville districts is back in the news. The legislation is asking for input and he encouraged residents to give their thoughts to redistricting in Asheville.

Closed Session

At 7:18 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is

N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit involving the following parties: City of Asheville v. Robert H. Frost and Parkway Court, LLC v. City of Asheville. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 9:42 p.m., Vice-Mayor Wisler to come out of closed session. This motion was seconded by Councilwoman Mayfield and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:42 p.m.

Magdalen Bandeson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – May 15, 2018- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Sheneika Smith; Councilman W. Keith Young; Interim City Manager Cathy Ball; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: Councilwoman Julie V. Mayfield

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING MAY 21-27, 2018, AS "NATIONAL PUBLIC WORKS WEEK"

Vice-Mayor Wisler read the proclamation proclaiming May 21-27, 2018, as "National Public Works Week " in the City of Asheville. She presented the proclamation to Public Works Director Greg Shuler, who then introduced Jamoan Martin and Kyle Reynolds from Sanitation; Colton Fisher and Brian Hanrahan from Streets; and Jonathon Ballard and Assan Salley from Stormwater.

B. PROCLAMATION PROCLAIMING MAY, 2018, AS "BUILDING SAFETY MONTH"

Councilman Young read the proclamation proclaiming May, 2018, as "Building Safety Month " in the City of Asheville. He presented the proclamation to Director of Development Services Ben Woody, who briefed City Council on some activities taking place during the month.

C. PROCLAMATION PROCLAIMING MAY, 2018, AS "TICK-BORNE DISEASE AWARENESS MONTH"

Councilman Kapoor read the proclamation proclaiming May, 2018, as "Tick-Borne Disease Awareness Month" in the City of Asheville. He presented the proclamation to Ms. Jane Dooley and Mr. Rick Cormier, who briefed City Council on some activities taking place during the month and donated some information on tick-borne diseases to the City.

D. PROCLAMATION PROCLAIMING JUNE 1, 2018, AS "NATIONAL GUN VIOLENCE AWARENESS DAY"

Mayor Manheimer read the proclamation proclaiming June 1, 2018, as "National Gus Violence Awareness Day" in the City of Asheville. She presented the proclamation to Ms. Aryelle Jacobsen, and others, who briefed City Council on some activities taking place.

E. INTRODUCTION

Interim City Manager Cathy Ball introduced Mr. Sean Smoot with 21st Century Policing LLC, who has been hired to look at the Johnnie Rush incident that occurred on August 25, 2017, through the investigation.

Mr. Smoot said that his team has undergone a start of their assessment of the Police Department's policies and procedures. They will be meeting with Police personnel during their review and look forward to reporting their results to Council near the end of July.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 24, 2018

B. RESOLUTION NO. 18-94 - RESOLUTION APPROVING THE ISSUANCE BY THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE OF UP TO $12,500,000 MULTIFAMILY HOUSING REVENUE BONDS TO PROVIDE FINANCING FOR LEDGEWOOD VILLAGE APARTMENTS TO SATISFY SECTION 147(f) OF THE INTERNAL REVENUE CODE

Summary: The consideration of a resolution approving the issuance of bonds by the Housing Authority of the City of Asheville for Ledgewood Village.

Ledgewood-Asheville Limited Partnership (the "Borrower") has requested that the Asheville Housing Authority issue up to $12,500,000 in multifamily housing revenue bonds for the acquisition and renovation of Ledgewood Village, consisting of 180 affordable apartments, located at 15 Future Drive in Asheville. The Borrower is seeking to keep these units affordable, using a combination of 4% Low Income Housing Tax Credits and bond debt.

Ledgewood Village was constructed in 1975 through the Federal Housing Administration ("FHA") 236 program. The property was acquired and rehabilitated in 2000 in connection with a 4% low income housing tax credit (LIHTC) and bond financing. The Borrower proposes to acquire and rehabilitate the property with financing primarily provided through a HUD 221(d)(4) loan, tax-exempt bonds, and equity from 4% low income housing tax credits. This financing serves two purposes. First, it allows for a recapitalization of the Property with LIHTC equity and attractive long-term debt that will allow for a beneficial capital injection. Second, it ensures that the units will remain affordable for a period of at least 30 years.

The Housing Authority approved a bond inducement resolution for the bonds, and the North Carolina Housing Finance Agency approved the 4% LIHTC financing in January of this year.

On August 23, 2017, the Board of Commissioners of the Housing Authority of the City of Asheville ("HACA") approved a bond inducement resolution to issue multifamily revenue bonds in an amount up to $12,000,000, which resolution was amended on February 21, 2018 to approve an increase in the amount of the bonds to $12,500,000, for the acquisition and renovation of Ledgewood Village Apartments. In January 2018, the North Carolina Housing Finance Agency ("NCHFA") offered its approval of the financing proposal, issuing a 42(m) tax credit commitment letter. All units at Ledgewood Village Apartments will be affordable to households earning no more than 60% of Area Median Income for 30 years.

The resident-in-place renovation will address a variety of project needs ranging from deferred maintenance items to project upgrades that will allow Ledgewood Village to compete favorably with market rate product. The proposed scope of work includes: new siding and insulation; new windows; new 30-year roofing; new design elements including entryway canopies; selective kitchen and bathroom renovations including energy efficient appliances and fixtures throughout; new durable flooring; new kitchen cabinets and countertops; new exhaust fans; fire alarm and electrical upgrades; new HVAC systems and energy-efficient hot water tanks; new LED lighting; ADA-accessible play structures; an expanded community building with renovated laundry

facilities and new computer lab; an expanded active monitoring security camera system; and improved paving, landscaping, sewerage, drainage and signage.
As part of the renovation, nine (9) units will receive ADA upgrades, as will all common areas, including the laundry facilities, dumpster pads and enclosures, mail kiosk, walking path, and new play structures.

These capital improvements will extend the Property's useful life, while hopefully improving the quality of life for Ledgewood Village residents.

With offices located in Portland, Maine, Washington, D.C. and Wilmington, North Carolina, Silver Street Development Corporation ("Silver Street") is an organization dedicated to the quality preservation, operation, and growth of affordable housing in the U.S. The company is comprised of industry leaders with over 20 years of experience in the multifamily housing market. Silver Street strives to change the image of "low-income housing" by not only providing safe, healthy, and prideful communities, but also by providing the necessary tools and resources within communities to empower tenants to better themselves and their environment. Through partnerships and relationships with some of the industry's top leaders, Silver Street has pioneered the changing face of subsidized and affordable housing in the country. From implementing one of the first Section 236 decouplings to successfully crafting complex bond capitalization strategies to overcome obstacles arising from a difficult lending environment, Silver Street is constantly looking for ways to keep its portfolio in top condition. Currently, Silver Street owns over 11,000 units of affordable housing and is one of the Top 20 largest owners of affordable housing in the U.S.

Staff notes that the 4% LIHTC program is ideally suited for a purchase/renovation project such as this. Although either the City or the Housing Authority is authorized to issue bonds, historically the Housing Authority has played this role for multi-family rental developments.

The IRS requires that any bonds issued by Housing Authority for developments such as this have the approval of the plan of financing by City Council, following a public hearing with respect to such plan. On April 25, 2018 the Housing Authority held a public hearing, and there were no comments. Staff notes that approval does not obligate the City in any way to issue or pay for the bonds, or for any debt taken on by the developer.

Pro:

- 180 units of affordable housing will be preserved and renovated.

Con:

- None.

This financing plan does not require City investment, and maintains and improves residential tax base.

Staff recommends that City Council approve the resolution approving in principle the issuance by the Housing Authority of the City of Asheville of up to $12,500,000 of multifamily housing revenue bonds for the acquisition and renovation of Ledgewood Village Apartments.

RESOLUTION BOOK NO. 39 - PAGE 360

C. RESOLUTION NO. 18-95 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A UTILITY CONSTRUCTION AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR WATERLINE RELOCATION ON BRIDGE NO. 217 OVER GRASSY BRANCH

Summary: The consideration of a resolution authorizing the City Manager to execute a Utility Construction Agreement with the N.C. Dept. of Transportation (NCDOT) for the estimated amount of $153,680 plus a 10% contingency for a total budget of $169,048 for the Bridge No. 217 over Grassy Branch on SR 2402 (Old Farm School Road) Waterline Relocation Project.

The NCDOT is moving forward in an effort make street and highway improvements to Bridge No. 217 over Grassy Branch on SR 2402 (Old Farm School Road) in Buncombe County. The City of Asheville owns and maintains municipal water lines within the right-of-way of the project area. As a condition of the installation, operation and maintenance of said waterlines within the NCDOT right-of-way, the City of Asheville Water Resources Department is responsible for 100% of the cost associated with adjustment or relocation of said waterlines should the need arise. For the purpose of construction coordination and efficiencies, the City of Asheville Water Resources Department wishes to enter into this Utility Construction Agreement with NCDOT, which allows the waterline utility work to be performed as part of the NCDOT's construction contract. NCDOT has estimated that the cost of the relocation and adjustment of municipally owned water lines for this project will be $153,680.

Pros:

- Execution of the agreement allows the City of Asheville Water Resources Department to meet its obligations to NCDOT for the adjustment or relocation of municipal water lines within the NCDOT right-of-way.
- Execution of the agreement allows the required adjustment or relocation of municipal water lines to be performed under the NCDOT construction contract, which will provide construction efficiencies producing cost savings and allow construction schedules to be met.

Cons:

- Failure to execute the agreement hinders the City of Asheville Water Resources Department's ability to meet obligations to NCDOT for the adjustment or relocation of municipal water lines within the NCDOT right-of-way.
- Failure to execute the agreement prevents the required adjustment or relocation of municipal water lines from being performed under the NCDOT construction contract. This will create difficulties with construction coordination, create a lack of efficiencies and add to the overall cost of the construction.

The funding needed for this agreement is currently allocated within the NCDOT Project in the Water Resources Capital Improvement Projects (CIP) Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a Utility Construction Agreement with the North Carolina Department of Transportation (NCDOT) for the estimated amount of $153,680 plus a 10% contingency for a total budget of $169,048 for the Bridge No. 217 over Grassy Branch on SR 2402 (Old Farm School Road) Waterline Relocation Project.

RESOLUTION BOOK NO. 39 - PAGE 362

D. RESOLUTION NO. 18-96 - RESOLUTION AUTHORIZING NEGOTIATION OF THE CITY DEBT FINANCING FOR CAPITAL PROJECTS WITH A DRAW PROGRAM THAT INCLUDES THE ISSUANCE OF INTERIM LIMITED OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED $48,000,000

Summary: The consideration of a resolution authorizing and directing the Interim City Manager and Chief Financial Officer, with advice from the City Attorney and Bond Counsel, to pursue and negotiate on behalf of the City debt financing for capital projects with a draw program

that includes the issuance of interim Limited Obligation Bonds (LOBs) in an amount not to exceed $48,000,000. Such program will be in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina.

The City has reimbursement resclutions for Council approved capital projects authorized as part of the FY 2018 Budget. The interim LOB draw program will reimburse the City for costs incurred to date for those projects and allow the City to complete many of the projects. Upon completion, these projects will be permanently financed through longer-term LOBs and Special Obligation Bonds (SOBs).

The resolution authorizes the Interim City Manager and Chief Financial Officer to proceed and negotiate an interim LOB financing on behalf of the City. The resolution also authorizes the Chief Financial Officer to provide information to and seek necessary approvals from the LGC for such financing and to retain assistance from bond counsel and financial advisors as she deems necessary to carry out the transaction.

Pro:

- Allows the City to move forward with the Capital Improvement Program and Draw Program financing.

Con:

- None noted.

The interim LOBs draw program includes an amount not to exceed $48,000,000. The annual debt service payments for this financing shall be calculated following responses from the considered banks and will be included in the Staff Report provided for the May 22, 2018 City Council meeting.

Staff recommends that City Council approve the resolution as it is proposed.

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E. RESOLUTION NO. 18-97 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SECOND AMENDMENT TO THE WHOLESALE PURCHASE AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND TOWN OF BLACK MOUNTAIN TO INCREASE BLACK MOUNTAIN'S CAPACITY

Summary: The consideration of a resolution authorizing the Mayor to execute a second amendment to the Wholesale Water Purchase Agreement (Agreement) between the City of Asheville (Asheville) and the Town of Black Mountain (Black Mountain) to increase Black Mountain's daily water allotment from 200,000 gallons per day (gpd) to 300,000 gpd.

Asheville and Black Mountain have an existing Agreement for Black Mountain to purchase water from Asheville.

Section B.4 of the Agreement with Black Mountain provides that Black Mountain may renegotiate the fixed volume amount upward with the City anytime during the term of this Agreement upon thirty (30) day written notice to the Director who shall negotiate in good faith within thirty (30) days of receiving the request for a new fixed volume monthly amount. Water Resources Staff has conducted a system analysis of the water availability and determined that the additional allotment can be conveyed to Black Mountain through the existing and proposed infrastructure.

Pro:

- This amended wholesale agreement will give Black Mountain the increased capacity they need to provide water to the Town customers.
- Asheville has the available water supply for Black Mountain's request for additional capacity.

Con:

- None

Asheville will gain $22,080/year in additional revenue from the increase in fixed fees.

City staff recommends City Council adopt a resolution authorizing the Mayor to execute a second amendment to the Wholesale Purchase Agreement between the City of Asheville and the Town of Black Mountain to increase Black Mountain's daily water allotment from 200,000 gallons per day to 300,000 gallons per day.

RESOLUTION BOOK NO. 39 - PAGE 368

F. RESOLUTION NO. 18-98 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE TOWN OF BLACK MOUNTAIN TO TRANSFER WATER RESOURCES ASSETS WITHIN THE TOWN OF BLACK MOUNTAIN SERVICE AREA FROM THE CITY OF ASHEVILLE TO THE TOWN OF BLACK MOUNTAIN

Summary: The consideration of a resolution authorizing the Mayor to execute an agreement with the Town of Black Mountain to transfer Water Resources assets within the Town of Black Mountain service area from the City of Asheville to the Town of Black Mountain.

The transfer of Water Resources assets has been in consideration for greater than 15 years. The transfer includes relinquishing ownership and future maintenance responsibilities of the City of Asheville's infrastructure within the Town of Black Mountain service area to the Town of Black Mountain over a two year period in two phases. This transfer allows the entities to be more efficient in the operation and maintenance of the water systems, which in many cases, occupy the same right of way. This also allows the Town of Black Mountain to increase their capacity through system expansion to serve their residents and proposed future commercial and industrial development.

On April 23, 2018, the Finance Committee reviewed this action and recommended approval.

Pros:

- The transfer will allow both entities to operate each water system more efficiently.
- The City will avoid future maintenance and infrastructure investments for these assets.

Con:

- Short-term revenue loss.

Although there will be a reduction in revenue for the City of Asheville, the increased water supplied to Black Mountain through the wholesale agreement will help offset this revenue loss. Additionally, the City will be able to reduce the maintenance activity of this system, which will need significant investment in the next 10 to 20 years. Black Mountain will be able to take advantage of the redundant infrastructure in some cases to minimize the maintenance and replacement costs that would be incurred by Asheville. Over time the transfer of these assets is a good economic and customer service decision for both entities.

Staff recommends City Council adopt a resolution authorizing the Mayor to execute an agreement with the Town of Black Mountain to transfer Water Resources assets within the Town of Black Mountain service area from the City of Asheville to the Town of Black Mountain.

RESOLUTION BOOK NO. 39 - PAGE 369

G. RESOLUTION NO. 18-99 - RESOLUTION APPROVING AMENDMENTS TO THE HOUSING TRUST FUND POLICY

Summary: The consideration of a resolution authorizing the amendments to the Housing Trust Fund Policy.

The Housing and Community Development Committee (HCD) conducted its annual review of the Housing Trust Fund Policy with recommendations from both the Affordable Housing Advisory Committee (AHAC) and staff. The HCD Committee recommended that the following changes be made to the Policy after reviewing :

1. Equal priority given to rental and homeownership proposals
2. Permanent affordability given highest priority
3. Down Payment Assistance is an eligible use of funds, as long as funds are not forgiven
4. Unique features to the project can warrant awards outside of the existing policy
5. A minimum of 10% funds will be held until completion of the project
6. Number of affordable units and transit access given higher underwriting priority
7. Low Income (50% AMI) homeownership given additional points in underwriting
8. Bedroom size priority reduced from Tier II to Tier III in underwriting

Pros:

- The proposed changes would increase the incentive to create permanent affordable housing and create incentives for low income home ownership;
- The underwriting scoring matches the needs of the current affordable housing market, including the need for more units and homeownership opportunities;
- Down Payment Assistance funds provides additional support to the development of homeownership programs for low income households

Cons:

- Homeownership loans are still 3-year construction loans and may remain a challenge for developers;
- Private developers may ask to keep loans in the project for the life of a permanent affordability period, which could deplete the fund balance over time;
- Upholding a higher weight to the underwriting score is not being leveraged.

The Housing and Community Development Committee recommends City Council approve a resolution approving the amendments to the Housing Trust Fund Policy.

RESOLUTION BOOK NO. 39 - PAGE 370

H. RESOLUTION NO. 18-100 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FRENCH BROAD PAVING INC. FOR THE PARKS SPORT COURT UPGRADES/RENOVATIONS BOND PROJECT

ORDINANCE NO. 4667 - BUDGET AMENDMENT TO FUND THE PARKS SPORT COURT UPGRADES/RENOVATIONS

Summary: The consideration of a (1) resolution authorizing the City Manager to execute a contract with French Broad Paving, Inc, to provide construction services for Asheville Parks Sport Court Upgrades/ Renovations Bond Project for an amount of $890,000 and further authorizing the execution of any contract amendments up to 5% (44,500) above of the contract price, which may arise during execution of said project; and (2) technical budget amendment in the amount of $157,500 to move additional funding needed for this project from the Parks and Recreation Department's General Fund adopted deferred maintenance budget to the General Capital Project Fund Bond Project.

The primary goal of the project is to address maintenance backlog for sport courts and to build for the future. These goals will be accomplished by replacing out of date facilities and site components that have reached the end of their service life. Specific sport court upgrades will include site grading/drainage, new equipment, surfacing, fencing, site furniture, drinking fountains, plant materials, and accessible pedestrian circulation systems.

The sport court projects have been prioritized with a focus on improvements in underserved areas of the city. These improvements will address the needs of diverse park users through replacement of existing assets in parks to better reflect changing neighborhoods and their long-term recreation requirements.

Weaver Park, Murphy-Oakley Park, Montford Park, and Malvern Hills Park sport courts were designed and bid as part of this project. The City issued an Advertisement for Bids for construction on February 21, 2018, pursuant to NCGS 143-129. One bid was received on the bid due date of March 14, 2018. As of the re-advertised bid opening date on April 4, 2018, the City received one bid making French Broad Paving, Inc located in Marshall, North Carolina the lowest, responsive, responsible bidder with a base bid of $1,139,867.60. As this exceeded the available funding, the City negotiated a base bid for all work at Murphy-Oakley Park, Montford Park, and Malvern Hills Park in the amount of $890,000 to bring the contract within the available budget. These court projects were prioritized for reconstruction based upon their current condition and to provide an equitable distribution of court projects. Weaver Park will be considered as future funding becomes available.

The tentative project timeline for construction is June 2018 - December 2018.

Pro:

- Improves the safety and functionality of the City's sport courts for park users by replacing and improving existing courts.

Con:

- The proposed courts and portions of the adjacent park will be partially closed during renovations since the majority of work is scheduled to take place during the summer. Any closure will be advertised and coordinated with general park users, Parks & Recreation programming and neighborhood representatives.

The General Obligation (GO) Bond included $1,015,000 in funding for the Parks Sport Court Upgrades/ Renovations Project. In order to fully cover the cost of the contract and other expenses in the project, an additional $157,500 in funding is being transferred from the Parks and Recreation Department's General Fund adopted deferred maintenance budget to the project. A technical budget amendment is included in order to provide budget authorization for this transfer.

Staff recommends City Council authorize the City Manager to (1) execute a contract with French Broad Paving, Inc, to provide construction services for Asheville Parks Sport Court Upgrades/ Renovations Bond Project Bond Project for an amount of $890,000, and further

authorizing the execution of any contract amendments up to 5% ($44,500) above of the contract price, which may arise during execution of said project; and (2) execute a technical budget amendment in the amount of $157,500 to move additional funding needed for this project from the Parks and Recreation Department's General Fund adopted deferred maintenance budget to the General Capital Project Fund Bond Project.

RESOLUTION BOOK NO. 39 - PAGE 382
ORDINANCE BOOK NO. 32 - PAGE 56

I. RESOLUTION NO. 18-101 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PATTON CONSTRUCTION GROUP INC. FOR BOND YEAR 2 RESURFACING - STORMWATER IMPROVEMENTS PIPE REPLACEMENT PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a contract with Patton Construction Group, Inc. (Patton) for construction services necessary to perform the Year 2 Bond Resurfacing - Stormwater Improvements Pipe Replacement Project in the amount of $326,525.00 and to enter into change orders to this contract not to exceed an additional 15% of the original contract amount or $48,978.75 for a total amount of $375,503.75.

This project is to complete the needed pipe replacement and minor stormwater improvements ahead of our Street Division Year 2 Bond Resurfacing Contract. This work includes but is not limited to the installation and replacement of stormwater pipe, stormwater structures, concrete curb and the associated repairs to driveways, sidewalk, and patching of roadway.

Within the scope of the project, Patton will install approximately 538 feet of new storm drainage infrastructure in various locations along Caledonia Road, Caribou Road, and Lakeshore Drive.

The project was posted for bid on March 28, 2018. A non-mandatory pre-bid meeting was held with a small turnout on April 9, 2018. Bids were scheduled to be opened on April 17, 2018; however, only one bid was received. The bid was not opened and was returned to the contractor.

Following the re-bid process, the project was re-advertised for at least 7 days. Bids were received and opened on April 25, 2018; with the following bid result:

Patton Construction Group of Arden, NC	$326,525.00

Upon careful consideration of the bidder, their bid submittal and their qualifications, the City determined that Patton Construction Group, Inc. was the lowest responsive responsible bidder. With Patton's bid the final contract amount will be $326,525.00.

Pros:

- Repair and installation of storm drainage systems ahead of resurfacing prevents future roadway cuts and maintenance issues in these areas.
- Controlling stormwater runoff provides safe access for the citizens that visit this area.
- Making capital investments through projects achieves a goal of the Stormwater Utility Program.

Con:

- Construction will be disruptive to the area for approximately 2 months.

The total amount of the contract is $326,525.00. Adding in a 15% contingency of $48,978.75 brings the total required budget to $375,503.75. This contract is funded through the General Obligation Bond Program as part of the road resurfacing allocation.

City staff recommends City Council adopt a resolution awarding the contract to Patton Construction Group and authorizing the City Manager to execute on behalf of the City of Asheville the contract for the construction services necessary to perform the Year 2 Bond Resurfacing - Stormwater Improvements Pipe Replacement Project in the amount of $326,525.00 and to enter into change orders to this contract not to exceed an additional 15% of the original contract amount or $48,978.75.

RESOLUTION BOOK NO. 39 - PAGE 383

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Kapoor and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. CITY OF ASHEVILLE YOUTH LEADERSHIP ACADEMY

Mayor Manheimer said that for the past decade, the Asheville City Council has celebrated the achievements of the dedicated and deserving students who have been selected for CAYLA. CAYLA, the acronym for the City of Asheville Youth Leadership Academy, was started in 2007 as an internship program that would also help youth share their time and talents in our community, support them in their quest for college, and reward them with a generous scholarship. This past year, the CAYLA program expanded to include students attending Buncombe County high schools in addition to Asheville High and SILSA. She then welcomed the CAYLA seniors who will be making a brief presentation to City Council this evening and who are representing the 40 students selected for the program this year.

Isabel Arrendondo, Devin Boston, Jasmine Riddle, Rayanna Inniss and Kaitlyn Srey spoke about their experiences with the CAYLA program and thanked Council for supporting this program.

Mayor Manheimer then recognized all CAYLA students and recognized the hard work and dedication of Founding Director of the City of Asheville Youth Leadership Academy Erika Germer.

B. PRESENTATION OF THE FISCAL YEAR 2018-19 OPERATING BUDGET

Chief Financial Officer Barbara Whitehorn explained (1) the total budget is $124.2 million (2.9% increase); (2) the property tax rate is 42.89 cents (no change); (3) the Fund Balance use is $471,000; and (4) the unassigned Fund Balance as a percent of proposed budget is 16.81%.

Funded programs and initiatives from the Blue Ribbon Task Force include (1) funding a Human Relations Commission to address issues of equity, diversity and inclusion; (2) funding an Equity Office for development of the Equity Office with three additional staff; (3) funding to hire an

additional Transit Planner in the Transportation Department; and (4) funding for three electric and two diesel buses.

Fee changes regarding structure and use of parking revenues include (1) in-and-out in an hour free; (2) all parking over 1 hour pays first hour ($800,000 allocated to transit); (3) monthly rates increased by $10; and (4) daily maximum increased to $12 ($100,000 allocated to transit).

Mayor Manheimer said that the public hearing on the budget will be held on May 22, 2018, and the final adoption will be held on June 19, 2018.

ORDINANCE NO. 4668 - ORDINANCE ADOPTING CHANGES TO PARKING GARAGE FEES FOR FISCAL YEAR 2018-19

Director of Finance Barbara Whitehorn said that this is the consideration of an ordinance adopting changes to parking garage fees for Fiscal Year 2018-19.

At the April 10th and April 24th Budget Worksessions, staff discussed with City Council proposals for changing fees in the City's four parking garages. As part of the April 24th Worksession, City Council endorsed staff bringing forward for adoption the following changes:

Increase monthly rates in garages: Depending on the garage, monthly rates range from $40 (discounted rate) to $140. Currently, there are 950+ monthly account holders generating about $750,000 annually. Raising the monthly rates by $10 would generate an increase of $100,000 annually.

Increase the daily maximum: Based on the current annual transient transactions that exceed the $10 daily maximum in the four parking garages, staff estimates that raising the daily maximum to $12 would generate an increase of $60,000 annually.

Revise first hour free: Patrons who stay in City garages for less than 1 hour would continue to receive that hour of parking for free. However, if a patron's stay exceeds 1 hour, they would pay for that first hour and all subsequent time at the hourly rates (up to the daily maximum of $12). Based on the current annual transient transactions occurring in the four parking garages, staff estimates that revising the first hour free policy would generate an increase of $800,000 annually.

A full summary of the proposed adjustments to parking garage fees was provided to Council. All of the proposed fee adjustments would be effective July 1, 2018.

Pros:

- Provides opportunity to recover the cost of services from those that directly utilize or benefit from the service where appropriate, reducing the financial burden of city services on taxpayers.
- Provides additional revenue to help balance the FY 2018-19 budget.
- Allows staff to begin communicating fee changes to citizens, customers, and stakeholders so they are aware of changes that will be implemented on July 1.

Con:

- A slight increase in parking costs for Asheville citizens and customers.

The proposed fee adjustments would generate estimated Parking Fund revenue in the amount of $960,000.

City staff recommends City Council adopt an ordinance establishing the attached changes to fees and charges in City parking garages effective July 1, 2018.

Councilman Haynes did not support revising the first hour free at the parking garages.

Councilman Kapoor said that he has heard that downtown businesses are concerned that they are going to suffer from these increases; however, in his view, these increases are important to the budget and since the additional funds will be allocated to our transit system he felt they are justified.

At the request of Vice-Mayor Wisler, it was the consensus of Council for staff to prepare a comprehensive proposal on where parking is metered and where it is not, and, where the locations are not metered (i.e., West Asheville, River Arts District, Biltmore Park, Biltmore Village) a justification on why there are no meters at those locations.

Ms. Karen Ramshaw felt that these fee increases will contribute to the loss of local business downtown.

Ms. Dee Williams felt Council should come up with a more sustainable approach and a more long-range view of parking in order to support the small local businesses downtown.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Smith moved for the adoption of Ordinance No. 4668. This motion was seconded by Vice-Mayor Wisler and carried on a 5-1 vote, with Councilman Haynes voting "no".

ORDINANCE BOOK NO. 32 – PAGE 58

C. BOND PROCESS AND FINANCIAL UPDATE

Parks Program Manager Pete Wall reviewed the bond capital projects process, from project prioritization, project planning, site planning and design, construction and operations.

Project planning is the process of deciding high level project concepts through staff interaction and engagement with community stakeholders. Planning details (1) this process typically takes months to years depending on project complexity, community buy in and agreement about project vision; and (2) products of this effort include project concepts, initial budgets, community input, and identification of project challenges.

Current examples:

- Memorial Stadium - $4,075,000 - Planning construction start in Summer of 2020
- Dr. Wesley Grant Center - $4,650,000 - Planned construction start in Summer of 2020
- Parks Land Acquisition - $2,000,000 - On-going - Anticipated to be completed by 2022
- Road Resurfacing Phase 3 - $5,610,000 - Planned for 2019

Total value of projects currently in planning phase - $28,449,000.

Site planning and design is the process of developing scope concepts into refined buildable project details. Identification and resolution of specific site challenges including constructability and right-of-way acquisition. Site planning and design details (1) with a well defined scope and depending on project complexity, this process can take several months to a

year. (Large complex projects may exceed a year.); (2) products of this effort include refined budgets, bid documents, acquisition of easements, and construction agreements.

Current examples:
- Sport Courts - $1,015,000 - Project completion Fall 2018
- Tempie Avery/Montford Complex - $1,700,000 - Completion Winter 2018
- Hill Street Sidewalk - $468,000 - Completion Fall 2018
- Airport Road Sidewalk - $572,500 - Completion Spring 2019

Total value of projects currently in design phase - $12,433,000

Construction is the process of building projects that meet the planning and design expectations of the community. Construction details (1) projects in the phase of work are typically completed in one construction season (April to November) but can take multiple years depending on the project complexity; (2) products of this effort include new or refurbished infrastructure; and (3) this phase has the most direct impact to citizens. Especially businesses and residents near the project area.

Current examples:
- Martin Luther King Jr. Road - $2,909,620 - Complete May 2018
- Phase 1 Resurfacing - $2,753,380 - Complete Summer 2018
- Bus Shelters - $500,000 - Ongoing until money is spent
- Traffic Calming - $400,000 - Ongoing until money is spent

Total value of projects currently in construction phase - $7,578,000

D. CITY MANAGER RECRUITMENT PROCESS

Interim Assistant City Manager Peggy Rowe said that we are finalizing the contract with the Executive Search Firm Springsted / Waters for the purpose of conducting a national search for the next Asheville City Manager. As you might recall we conducted a Request for Proposal that opened on March 1, 2018, and closed on April 2, 2018. There were nine (9) responses. A team of employees made up of representatives from Human Resources, City Manager's Office (CMO), City Equity and Inclusion Office, and once City Council member using an objective process, selected Springsted/Waters to conduct the search.

A committee made up of a cross functional group of employees is launching a portal for a survey so that residents may provide input into the profile for our next City Manager. Additionally, this same team lead by the Communications and Public Engagement Department (CAPE) along with HR, CMO, and others, have announced dates for community meetings where residents may have input as well. The information gathered from these meetings along with the survey will inform the profile for the new City Manager prior to beginning the recruitment.

There will be several opportunities for community input in addition to those listed above. There will be focus groups with community stakeholders as well as focus groups with some employees. There will be a committee made up of residents and employees who will reduce a number of finalists to a smaller number for additional consideration. There will be a panel formed that will interview candidates. This interview panel will be made up of employees and key residents.

As you have requested we have proposed a process that allows many opportunities for residents to express the competencies they value in the new manager. Some opportunities inform the profile, some provide input into the candidates who are brought further into the process, while others interview candidates and recommend finalists to Council for selection.

There were two public meetings on May 10 at the Skyland Fire Department; and another downtown meeting will be held on May 19 at the Public Works Building. Child care and interpretive services will be available. Public input will also be taken through an online survey May 10-27 at Open City Hall Asheville. Physical copies will be available at recreation and community centers. Comments can also be left at 259-5900. Additional community meetings will be added as needed.

E. LEGISLATION

Mayor Manheimer said that after the incident involving Mr. Johnnie Rush, one of the goals that Council had on their list was a request to the legislature for a set of legislation that would strengthen our tools to implement change that better reflects the goals of our community. Later on the agenda is an item to dissolve the Citizens-Police Advisory Committee (CPAC). Now the City is underway with the creation of Human Relations Commission, noting that we have received 33 application for that Commission. Coupled with that, one legislative item is requesting the legislature to enact a local bill to have a Citizen Review Committee that better reflects what the community and Council wants - a Committee to actually have power and not just make recommendations. The legislation includes the power of the Citizen Review Committee to make binding decisions, to have subpoena power, to look at personnel records, to be able to view body-cam footage with a confidentiality agreement, etc. This will apply only to Asheville but it is modeled after House Bill 165 introduced last session. House Bill 165 is dead, but it is a bill that would have applied statewide. She contacted one of the sponsors of House Bill 165 and he suggested that Asheville ask for a local bill that uses the same concept. Because we have a Civil Service Board, the creation of a Citizen Review Committee that has the power to make binding and appealable decisions, does not work. Coupled with the draft bill to establish of a Citizen Review Committee is the repeal of the Civil Service Board.

Another legislative request is an exception that would apply to Asheville for the body-cam state law, which does not allow city councils or a citizen review committee to review body-cam footage. This would create an exception for City Council and a Citizen Review Committee to be able to see that body-cam footage if a confidentiality agreement is signed. If this passes, the state law that allows city councils to petition the courts to have that body-cam footage provided to the public (which we have done once before) would still be a tool.

The other legislative request is a bill that asks that the City of Asheville be allowed to disclose limited personnel information. Currently if someone files a complaint against someone in the Asheville Police Department because of the personnel laws the results of your complaint may not be disclosed to the complainant. This bill, modeled after Greensboro, would allow a complainant to actually hear the results of their complaint.

After a brief discussion, it was the consensus of Council to forward these legislative requests to the Governance Committee, which will meet on May 22, 2018, noting that the bill drafting deadline is May 25. In addition, discussion of these legislative requests will be placed on the Council's May 22 agenda as well.

IV. PUBLIC HEARINGS: None

V. UNFINISHED BUSINESS:

A. REVIEW OF ASHEVILLE POLICE DEPARTMENT OPEN DATA

Assistant to the City Manager Jaime Matthews said that the City Council adopted the Open Data Policy in October of 2015, which was drafted in collaboration with Code for Asheville.

Since that time we have provided dozens of data sets including info on transportation, capital projects,employee salary data, and Asheville Police Department (APD) Crime Data on the City's Open Data Portal.

At the April 24 meeting of City Council, Code for Asheville's Petition for Police Accountability for Data Transparency was presented. Council members asked that staff review the feasibility of implementing the open data requests and provide a timeline.

This following is an overview of their request for (1) data sets - use of force; emergency call data; crime reports; citation and arrest data; citizen complaints; traffic stop reports; and demographic information of APD officers; (2) policies and reports - APD Policy Manual; internal reports; internal audits of body worn cameras; and (3) additional actions - Blue Ribbon Committee; NAACP and SCSJ Policy reforms; Anti-Retaliation Policy; Police data initiative; and recordings of committee meetings.

The additional actions have either already been addressed or involve policies and procedures that will need further guidance from Council.

Over the last two weeks, the Information Technology (IT) Department, the City Manager's Office, APD, and Legal have reviewed the Open Data requests and developed action items and next steps.

She thanked Patrick Conant leading petition and for his thoughtful recommendations. She looked forward to working collaboratively as our open data program grows.

She said that various definitions of open data exist. Generally, open data is a set of "granular" information (i.e., incidents rather than aggregations or summaries); in a downloadable, digital format; available online at no cost; machine-readable and analyzable (i.e., no PDF, image, or other locked files); nonproprietary and without restriction; and released by the original information source in a timely manner.

The goals for the APD open data are that they (1) be consistent with the Open Data Policy; (2) provide ample safeguards for the privacy of both officers and citizens and for the integrity of criminal investigations; and (3) increase trust between the City and the community that it serves.

Regarding short-term action items, the following data sets will go up after some technical procedures are worked out: (1) Crime Reports including data back to 2005 with disclaimer - this request has been met as of today; (2) Traffic Stop Data - data that is currently reported to the state; (3) Demographics information on all City employees - review with Human Resources Department and Equity Office; and (4) APD manuals, policies and forms that are public record. We are hoping the others will be in the next few months. This includes the request for APD manuals, policies and forms that are a public record. The Traffic Stop Data, Demographics and the APD manuals and forms will be made available online as soon as some technical glitches are worked out.

As we address the short term actior items, we will need further review which will include engagement with stakeholders on the following additional data requests: (1) additional traffic stop data; (2) citation and arrest data; (3) emergency call data; (4) citizen complaints; and (5) use of force.

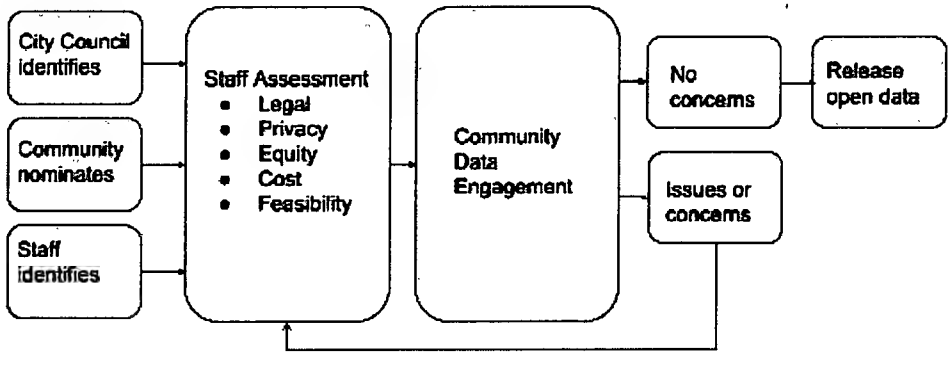
As staff we started this conversation, and would like more voices at the table as we work through questions and concerns.

Business and Public Technology Manager of the IT Department Scott Barnwell said that IT Services has been working on an improved data governance process for all City open data, one that explicitly includes engagement with the public around the purpose and use of open data. The release of the datasets requested by Code for Asheville present an opportunity to flesh out the engagement portion of that process.

The release of open data begins with identifying datasets of value to the community. To date, the City of Asheville has used the following three criteria to identify potential datasets to be released as open data:

1. Pragmatics: Does publishing a dataset as open data save staff time? For example, if a dataset is regularly requested as a public records request, automating the availability of that information through the open data portal eliminates the need for ongoing manual responses to public records requests.
2. Policy: What does our governing board want prioritized as open data?
3. Participation: What does the community want to prioritize as open data? Currently, the City of Asheville's open data portal has a link to "Nominate" data to be released as open data.

Once a dataset of interest has been identified, staff evaluates the release for technical feasibility, legal and privacy considerations, and alignment with best practices. This is the point at which we identified the need for an enhanced open data release process earlier this year that allows the community to weigh in.



In this process, data is only released after successfully passing through both staff assessment and community engagement. He noted that he has gotten feedback from Mr. Conant on how to improve the flowchart draft process for open data.

Next steps include (1) a collaborative process will be conducted through engagement with key stakeholders; (2) the process will include monthly meetings as well as opportunity for online participation; (3) staff is currently starting this process to set up our first engagement meeting for the datasets above; (4) staff will use this specific opportunity to test and refine the open data process, that can be used in the future when reviewing all open datasets; and (5) staff will give quarterly updates on progress to the Public Safety Committee until all items have been addressed.

Councilman Haynes hoped for a quicker timeline on the five additional action items - (1) additional traffic stop data; (2) citation and arrest data; (3) emergency call data; (4) citizen complaints; and (5) use of force.

Mr. Barnwell said that the technical part on the five additional action items is relatively easy for most of these, and IT is working with the Criminal Justice Information System to get the data ready to be published. The question is really with the APD and their concerns.

Councilman Young agreed with Councilman Haynes on the need to move quickly as quickly as possible to provide the five additional action items.

Vice-Mayor Wisler noted that it's not only transparency about what the APD is doing, but also making sure that our citizens are protected.

It was the consensus of Council to have staff report back to Council on June 19 with an update on each of the five additional action items, to include, but not limited to: what exactly is being requested; do we collect that data now or not; do we collect the data in a format that is easy to release or not; and if we have the data, what is the barrier to producing that information to the public, and if there is a barrier what is the alternative solution. Council is supportive of releasing the five additional data sets.

Mr. Patrick Conant provided Council with an update on their signatures and endorsements for the Code for Asheville's Petition. As of now, they have 1,108 signatures and 30 endorsements. He agreed that protecting the privacy of everyone but his proposal set a clear process to do that. He was frustrated that there are concerns around privacy because it is not that hard to handle it. The Petition was presented to put forward a tangible solution that can bring together many individuals and groups in the City. He believed the process is a starting point. He is doing everything he can to move the process forward, but felt the APD is not ready to move forward with data transparency. He asked for (1) a commitment of Council to release all of the data sets requested, (2) to revise the Open Data Policy to make it clear that if something is a public record it should be released as a data set; (3) a timeline of 30 days to hear a response on any data set request in the future; and (4) at least one Council member attend the stakeholder meetings.

With respect, Interim City Manager Ball addressed some of the concerns and noted that we don't have the ability to have people assigned to do this the full 40 hours of their workweek. From the date this came forward at the Public Safety Committee staff has been committed to try to get to this point. Also, Police Chief Hooper is committed to providing this as well. We have to do this responsibly. We are committed to work with Code for Asheville and to build trust and to get to the point we want to. City staff should not be viewed as trying to be obstructists in this process because they are not. We want to be at the table and get to the point where everyone is working together. We are working on this responsibly and reasonably to protect all of our citizens. There is no agenda other than to do that. We too want transparency. Again, we do have the APD on board. Whear from Council this is a priority and as this is a higher agenda, it is at the expense of other things getting done.

Councilwoman Smith felt that we are in a crisis concerning our public safety. People don't feel safe because the public trust in the APD officers is eroding daily.

Councilman Haynes, Chair of the Public Safety Committee, said that he would be happy to attend the stakeholder meetings.

VI. NEW BUSINESS:

A. RESOLUTION DISSOLVING THE CITIZENS-POLICE ADVISORY COMMITTEE

Deputy City Clerk Sarah Terwilliger said that this is the consideration of a resolution dissolving the Citizens-Police Advisory Committee.

The Citizen's Police Advisory Committee ("CPAC") was established by Resolution No. 91-67 on April 23, 1991, with the following duties and responsibilities: 1) to serve as liaison between the police and community over concerns; 2) to mediate problems or conflicts; 3) to serve as an advocate for programs, ideas, and methods to improve the relationship between police and the community; 4) to serve such other functions as falls within the province of the committee; and 5) to disseminate information to the community and the government officials of Asheville.

Throughout the years, CPAC has brought to light significant community concerns about systematic racism. In May of 2017 City Council created an ad hoc volunteer Blue Ribbon Committee ("BRC") which was charged with making recommendations for a new Human Relations Commission and reviewing the current scope of CPAC. Council froze appointments and reappointments to CPAC at that time. Of the nine voting seats on CPAC there are currently three vacant seats and two seats that have been expired for over a year.

On February 13, 2018, the BRC presented their recommendations to Council and on April 10, 2018, Council adopted Ordinance 4663 establishing the Human Relations Commission of Asheville (HRCA). The purpose of the Human Relations Commission of Asheville (HRCA) is to promote and improve human relations and achieve equity among all citizens in the City. Recognizing equity challenges are multi-faceted, the HRCA is charged with: 1) providing a forum where residents can raise and bring to the HRCA's attention to issues and complaints related to human relations; 2) promoting and improving human relations; and 3) advancing equity in public safety. Given this, the newly created HRCA is well positioned to take a comprehensive approach to affect positive change in equity and public safety in the City.

Regarding community relations, the Asheville Police Department ("APD") has established and is committed to continuing to grow relationships with a diverse group of organizations through more direct community engagement. APD Officers regularly attend neighborhood meetings to share information and listen to community concerns. A strong partnership with the City's neighborhood community engagement manager maximizes these effects.

In addition to current practices, a new community liaison program will provide community members direct access to the police chief and deputy chiefs through their quarterly attendance at neighborhood meetings. The APD will also continue to host community events and partner with community groups. All City-sponsored meetings with opportunities to engage with APD officers will all be posted on the City-wide calendar as well as shared through social media and neighborhood networks.

The Boards and Commissions Committee reviewed this action at their January 9, 2018, and April 10, 2018, meetings and it was recommended this move forward to Council.

Pros:

- More opportunities for direct communication between the Asheville Police Department and the community
- A more comprehensive approach to promoting and improving human relations
- A more comprehensive approach to improving equity in public safety

Con:

- Current CPAC members will be removed from their position, but they will be able to apply for a seat on the Human Relations Commission

Staff recommends City Council adopt a resolution to dissolve CPAC.

Councilman Young moved to dissolve CPAC. This motion was seconded by Councilman Haynes.

Councilwoman Smith felt Council should delay dissolving CPAC. She felt we believe now that the Human Relations Commission of Asheville (HRCA) is going to take up these community concerns but personally she felt that is a bad idea. She felt CPAC should stay in place to be a intermediary committee to hear public safety concerns. If we overload the HRCA with a lot of public safety issues and put the burden on them to resolve and mediate those issues, then the other scope of their work will be missing. The possible Citizen Review Committee might take the place of CPAC, but we have to wait to see the results. She felt that the role of CPAC should be redefined since it was established in 1991. She also felt that the HRCA should have two individuals from CPAC serve in a non-voting capacity.

Councilman Kapoor viewed the dissolution of CPAC as a transition until we get the HRCA up and running. He would not be opposed to dissolving CPAC, but felt it might be better to keep it active until the HRCA is firmly established.

Mayor Manheimer noted that many of the members of CPAC have resigned and we will need to begin the process of advertising for volunteers to fill those seats.

Councilman Young felt that once the HRCA gets established then he felt they will be able to take on a lot more. He was not opposed to keeping CPAC in a transition period until the HRCA gets firmly established.

The following individuals spoke in support of not dissolving CPAC at this time (as it is a forum for the public to express concerns about the nature of policing in our community) and suggested it remain at least until the HRCA is established:

Carol Rogoff Hallstrom
Mike Beech
Sabrah n'haRaven
Ashley Cooper
Carmen Ramos-Kennedy
Rondell Lance
Patrick Conant
Luke Fernbach
Dee Williams
Kim Roney

Mayor Manheimer said that the vision would be that eventually a Citizen Review Committee would be a subcommittee of the HRCA, but that decision would be left up to the HRCA.

Councilman Young withdrew his motion and Councilman Hayes withdrew his second.

It was the consensus of Council that the Boards & Commissions Committee finetune the scope of CPAC during the transitional period until the HRCA is established, and that the City Clerk's Office begin to advertise for the vacant seats.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Jesse Michel, Mr. Luke Fernbach, Ms. Ashley Cooper and Mr. Patrick Conant spoke in support for Code for Asheville's petition for data transparency.

Mr. Stephen Pinsky hoped that City Council would consider providing resources to the Asheville Museum of Science.

Ms. Tiffany De'Bellott provided City Council with the Asheville City Schools Foundation After-School Update.

Ms. Becca Nestler and Mr. Steven Beltram, owner of Balsam Gardens, which is a 34-acre certified organic vegetable farm in Asheville, said that one of the challenges that we face is a heavy deer population that could devastate our crops. They reached out to Back Yard Bow Pro, which is a local charity, that helps land owners manage deer and donate the meat to organizations that feed the less advantaged in our community. In order to harvest the meat and donate it to charity we need to get a depredation permit from the NC Wildlife Commission. However, they could not issue one because there is a city ordinance banning the shooting of arrows in the city. There is an exemption in the ordinance for the protection of property. He understood that the City of Woodfin has the same ordinance and the city staff was able to give NC Wildlife Commission permission to issue a permit to a farm in that municipality. He asked for Council to direct City staff to prepare an ordinance amendment. They felt strongly that amending this ordinance to permit bona fide farms to sustainably harvest deer with bows to protect crops and feed less advantaged members of our community would be in accordance with the city Food Action Plan. It was the consensus of Council to have the Public Safety review the request, along with other options, i.e., fencing.

Mr. Jonathan Wainscott felt that the City has not been a good steward of their assets since the City's lease with the Asheville Tourists expired on December 31, 2016. He urged the City to renew the lease at a reasonable rate.

Mr. Rondell Lance, President of the Fraternal Order of Police, spoke in support of the APD officers, noting that they are doing their best to serve and protect the community.

Mr. Craig Loveland, APD officer, said that there is a crisis in public safety and that is that 2.2 officers a month leave the APD due to being overworked and not having the resources they need. He hoped that Council and the public understand that the actions of a few are not what the rest of the officers are doing. He hoped that Council get to a point where they can be proud of the APD again.

Mr. Michael Napeliyano, owner and operator or 27 Biltmore Avenue, asked for more APD officers to work the area from Pack Square down to 27 Biltmore Avenue in order to help with the problems associated with the homeless population camping out in front of his business and people on drugs that frequent that area. Mayor Manheimer said that Interim City Manager Ball is working on an idea (derived from a program in Fort Collins, Colorado) where the City helps fund a non-profit that trains people who can respond to calls from business owners who are dealing with the homeless and help them find resources that would better suit them.

Rev. Amy Cantrell urged Council to eliminate $1.2 Million increase to the Asheville Police Department.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:32 p.m.

Magdalen Bowleson
CITY CLERK

Esther E. Manheimer
MAYOR

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Tuesday – May 22, 2018- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Interim City Manager Cathy Ball; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING JUNE 4-10, 2018, AS "VEGAN CHALLENGE WEEK"

Councilman Haynes read the proclamation proclaiming June 4-10, 2018, as "Vegan Challenge Week" in the City of Asheville. He challenged Council to participate in the Vegan Challenge or at least look at doing so. He then presented the proclamation to Chef Jason Sellars, Head Chef and Owner of Plant Restaurant; and Paul Berry, Executive Director of Brother Wolf Animal Rescue, who briefed City Council on some activities taking place.

B. VOLUNTEER OF THE YEAR AWARD

On behalf of City Council, Councilman Kapoor, along with Mr. Phil Lenowitz, Chair of the Neighborhood Advisory Committee, was pleased to present Ms. Renee' White with the 2018 Volunteer of the Year Award. Ms. White has resided in the East End / Valley Street Neighborhood all her life. She has been president since of the association since its inception in 2010. She is widely respected by the neighborhood members. They note that she is a "strong and proactive leader." As the neighborhood demographics continue to change, Renee' has lead the process of old and new families being warmly welcomed into the process of re-engaging the community. She currently leads the executive committee of the neighborhood in developing plans for the use of the Isaac Coleman Grant and is part of the Steering Committee for the Community Land Trust initiative.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MAY 15, 2018

B. RESOLUTION NO. 18-102 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY ADDITIONAL SQUARE FOOTAGE OF SANITARY SEWER EASEMENT AT 345 MONTFORD AVENUE TO THE METROPOLITAN SEWERAGE DISTRICT

Summary: The consideration of a resolution authorizing the City Manager to convey additional square footage of a sanitary sewer easement to the Metropolitan Sewerage District of Buncombe County (MSD) for a sewer line that runs underneath the tennis courts in Montford Park. The original easement was approved in January of 2018.

The City of Asheville owns the 4.28 acre park at the corner of Cumberland Avenue and Montford Park Place. There is currently an eight (8) inch vitreous clay sewer line that runs underneath the two tennis courts and connects with another sewer line at Cumberland Avenue to serve that neighborhood. The sewer line is scheduled for rehabilitation because of its material and condition. MSD would prefer that the sewer line be moved out from under the tennis courts, but the location is limited due to the existing connections to a nearby line, a retaining wall, and the challenging topography on either side of the tennis courts. MSD claims a prescriptive easement over the existing sewer line because there is no recorded easement. MSD plans to rehabilitate a deteriorating line and establish a permanent easement for the sewer line at the same time.

Within City property, MSD's plans call for replacing roughly 405 linear feet of eight (8) inch clay pipe with an eight (8) inch high-density plastic pipe. MSD planned to use underground pipe bursting technology that will eliminate the customary surface digging with pipe replacement. Ductile iron was discovered when additional testing was done and MSD must use cured-in-place pipe lining technology instead. Bore pits will have to be excavated and equipment lowered into the holes. This method should reduce or eliminate any potential damage to the existing tennis courts. Both tennis courts will be closed during construction to ensure public safety.

The final survey plat that was furnished to the City of Asheville in April included replacement of an additional existing segment that connects the sewer line to Montford Avenue. The entire public line that crosses this parcel will be rehabilitated during the project. The square footage of permanent easement being requested increased from 8,100 square feet to 11,464 square feet and no longer includes a temporary easement.

MSD does not compensate property owners when rehabilitating an existing line. It should also be noted that because sewer infrastructure rehabilitation serves a public purpose, MSD does not compensate other units of government for any easement granted.

Pete Wall, representing Capital Projects, the Real Estate Coordinator, and Mark Halstead representing Parks and Recreation met with MSD staff to discuss the project. The City has plans to renovate the park and resurface the tennis courts in connection with the capital improvement bond program and will coordinate these improvements with MSD's project. MSD now plans to perform construction in June of 2018 with the City's renovation of the park to follow. Upon review of the final plans, City staff recommends approval of the easement.

Pros:

- Granting of the easement will allow MSD to rehabilitate a sewer line that is in poor condition and needs maintenance.
- MSD's use of cure-in-place pipe lining technology will reduce the impact of construction and shorten its duration.
- MSD is willing to accommodate the City's bond improvement schedule.

Con:

- Future sewer maintenance activities may have an impact on the use of the court. Although these will be minimal, the possibility remains.

No monetary consideration is involved in this conveyance.

Staff recommends City Council adopt a resolution authorizing the City Manager to convey an approximately 11,464 square foot permanent easement to MSD for a sewer line across the City park at 345 Montford Avenue.

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C. RESOLUTION NO. 18-103 - RESOLUTION AUTHORIZING EXECUTION OF AN INSTALLMENT FINANCING CONTRACT FOR FISCAL YEAR 2018 CAPITAL IMPROVEMENT PROGRAM VEHICLES AND OTHER EQUIPMENT

Summary: The consideration of a resolution authorizing execution of an installment financing contract for Fiscal Year (FY) 2018 Capital Improvement Program (CIP) Vehicles and Other Equipment in an amount not to exceed $6,250,000.

Appropriations for FY 2018 include $6,250,000 for various vehicles, computer equipment and fire department equipment with the capital expenditures financed through debt proceeds, as authorized by N. C. Gen. Stat. sec. 160A-20.

On April 11, 2018, the City distributed a Request for Proposal ("RFP") seeking competitive bids for the financing to selected financing partners willing to take a UCC filing for the security of the financing. Six proposals were received, the most favorable of which was submitted by HomeTrust Bank (the "Bank") at an interest rate of 2.65% per annum for a term of 48 months (computer equipment) and 2.65% per annum for a term of 59 months (vehicles).

The proposed resolution authorizes an installment financing contract between the City of Asheville and the Bank for the purchase of the vehicles and computer equipment and it authorizes the City Manager, City Attorney, Finance Director and City Clerk to execute and deliver any and all necessary documents including anyone serving in an interim capacity, or their respective designees (each a "Designated Representative").

The contract will place a security interest in the vehicles and computer equipment in favor of the Bank in order to secure the City's obligation under the contract. Pursuant to a previously adopted reimbursement resolution, proceeds from this financing contract will allow the City to reimburse itself for the cost of the vehicles and computer equipment which have already been procured.

Pros:

- Provides funding of capital expenditures at a very favorable effective interest rate.
- Financing capital purchases spreads the cost of acquisition over several years of the useful life of the asset.
- Reimbursing this capital purchase with the proceeds of the financing, as opposed to paying for the purchase by using the City's available cash balances, increases currently available funds through restoration of the fund balance.
- The financing conforms to the approved Financing Plan for capital expenditures.

Con:

- Financing the purchase increases nominally the lifetime cost of the acquisition due to the payment of interest and closing costs on the amount financed.

The annual debt service payments for this financing range between approximately $1.4 million in the first year (interest and principal repayment) and approximately $1.1 million in the fifth year. Funds are included in the City's FY 2018-19 proposed debt service budget to cover this cost, and the debt service payments are included in the City's multi-year capital improvements debt model.

City staff recommends that City Council adopt the resolution authorizing the City Manager to execute an installment purchase contract and closing process with Regions Capital Advantage, Inc. for the acquisition of the vehicles and computer equipment.

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D. RESOLUTION NO. 18-104 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A PARTNERSHIP AGREEMENT WITH THE MAYOR'S COMMITTEE FOR VETERANS AFFAIRS FOR THE ASHEVILLE-BUNCOMBE COUNTY MEMORIAL DAY CEREMONY ANNUALLY THROUGH 2021 CELEBRATION

Summary: The consideration of a partnership agreement with the Mayor's Committee for Veterans Affairs for production of the Asheville-Buncombe County Memorial Day Ceremony annually through year 2021.

The Mayor's Committee for Veterans Affairs works through the special events office at Community & Economic Development to coordinate support services and secure permitting for the Asheville-Buncombe Memorial Day Ceremony conducted in partnership with the City of Asheville. The City has historically reserved public space, permitted, and provided standard resources to support the Ceremony at no charge. The Parks & Recreation department has additionally assisted with the setup of equipment resources loaned to the Committee.

The Mayor's Committee for Veterans Affairs is prepared to produce the 2018 Asheville-Buncombe Memorial Day Ceremony in partnership with the City, and City staff is prepared to provide the same level of service as it has in prior years. This collaborative effort has been managed through an annual agreement authorized by the City Manager, however when proposing to establish a multi-year agreement through 2021, the Legal Department recommended the agreement be accompanied by a formal resolution by City Council.

The Planning & Economic Development Committee reviewed this request at its April 9, 2018, meeting and recommends support of establishing a multi-year agreement with the Mayor's Committee for Veterans Affairs for production of the Asheville-Buncombe County Memorial Day Ceremony.

Pros:

- Allows the City to leverage resources to execute an efficient, cost-effective production
- Provides for a suitable and respectful Memorial Day ceremony in Asheville
- Promotes active involvement and participation with community members

Cons:

- Use of infrastructure and equipment provided to organizers and lost revenue from application processing, permits, and property use fees, and labor costs for City support personnel.

The value of City fees and charges at standard rates is estimated at $1,100, not accounting for the value of equipment loaned and staff time for setup by Parks & Recreation.

Staff recommends that City Council concur with the Planning & Economic Development Committee recommendation to authorize the City Manager to sign a four-year partnership agreement between the City of Asheville and the Mayor's Committee for Veterans Affairs for production of the Asheville Buncombe Memorial Day Ceremony through calendar year 2021.

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E. RESOLUTION NO. 18-105 - RESOLUTION AUTHORIZING THE CITY MANAGER TO THE FEDERAL TRANSIT ADMINISTRATION LOW OR NO

EMISSION VEHICLE PROGRAM AND IF AWARDED, ENTER INTO APPROPRIATE AGREEMENTS

Summary: The consideration of a resolution authorizing the City Manager to apply to the 2018 Federal Transit Administration's (FTA) Low or No Emission Vehicle Program in order to purchase five electric buses and related charging equipment and if successful, to accept the grant and sign all the appropriate agreements to receive the funds.

The FTA has opened a competitive opportunity for $84 million for the purchase or lease of zero-emission and low-emission transit buses as well as acquisition, construction, and leasing of required supporting facilities. The FTA will reimburse up to 85 percent of the cost of the vehicles and 90% of the cost of infrastructure. Transportation Department staff proposes to collaborate with Proterra, which satisfies the requirement for competitive procurement under 49 U.S.C. 5325(a). Last year, Asheville was the only city in North Carolina to receive funding from this program. (We are on schedule to receive five electric buses later this year.)

In the next three years, the Transit Master Plan calls for nine replacement and six expansion vehicles or a total of 15 buses, which is two more than are reflected in the proposed draft 2018-2019 Capital Improvement Program. Recent funding from the Surface Transportation Block Grant (STBG) has secured the federal funding portion for 10 buses. In order to meet the transit fleet's 2019-2021 needs, Staff recommends applying for five electric buses and charging equipment for a total cost of $4,300,000; the federal portion would total $3,340,000. The local match of $960,000 would be required for FY 2020.

The Finance Committee is reviewing this item on May 22, 2018, and if anything other than a unanimous recommendation is received, the details will be expressed at the City Council meeting later that same day.

Pros:

- Provides the capital needed to roll out the Transit Master Plan recommendations
- Contributes to the city's carbon reduction and climate mitigation goals
- Decreases dependence on liquid fossil fuels by about 10,000 gallons per bus per year
- Reduces energy consumption by 80% due to efficient electric motors
- Reduces harmful local emissions by over 1,000 pounds per bus per year

Con:

- Commits the city to funding an increased local match for FY 2020

If awarded, the CIP would be increased in FY 2020 to provide a competitive local match of $960,000 (22% of the total project); the CIP would subsequently be decreased in FY 2021 by approximately $145,000. (Although we expect to recover 10% of the total project cost from the NCDOT Urban Match program, or $430,000, to be conservative we are not budgeting for this repayment.) Yearly operational costs would be reduced by approximately $85,000 ($17,000 per bus) due to reduced fueling expenses.

Staff recommends that City Council approve a resolution authorizing the City Manager to apply to the 2018 Federal Transit Administration's Low or No Emission Vehicle Program in order to purchase five electric buses and related charging equipment and if successful, to accept the grant and sign all the appropriate agreements to receive the funds.

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F. RESOLUTION NO. 18-106 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A COMBINATION SIDEWALK AND STORMWATER

EASEMENT FROM FHN MCCORMICK PLACE LLC FOR MAINTENANCE OF PUBLIC IMPROVEMENTS

Summary: The consideration of a resolution authorizing the City Manager to accept a sidewalk and stormwater easement from the developer of McCormick Place to allow for City maintenance of public improvements after installation.

A project is planned to build 17 townhomes near downtown Asheville adjacent to the McCormick Field baseball stadium. Charlotte-based FHN McCormick Place, LLC (FHN) is the developer and owner of the approximately one-half acre lot (PIN # 9648-47-6864). The project was approved with conditions by the City's Technical Review Committee in September 2017. City staff have been working with the developer's engineers to ensure that the infrastructure improvements that are planned for the project comply with the City's Stormwater Ordinance and sidewalk regulations.

In order to ensure both compliance and continued maintenance of infrastructure improvements, FHN will convey a combination sidewalk and stormwater easement to the City. The developer will construct a sidewalk along McCormick Place to City specifications and, upon satisfactory completion, the sidewalk will be turned over to the City for maintenance. Also, stormwater improvements will be installed in certain areas beneath the sidewalk, connecting to existing stormwater infrastructure in the street. 3,145 square feet of permanent sidewalk and stormwater easement will be granted to the City.

Pros:

- This project facilitates infill residential development in a downtown area location.
- Infrastructure improvements will be constructed at no cost to the City.

Con:

- City resources will be needed to maintain new sidewalk and stormwater infrastructure.

No cost for construction; to be included in maintenance program in future years.

Staff recommends City Council accept 3,145 square feet of sidewalk and stormwater easement from FHN McCormick Place to allow access for City maintenance.

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G. RESOLUTION NO. 18-107 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE FISCAL YEAR 2017 AND FISCAL YEAR 2018 JOB ACCESS AND REVERSE COMMUTE GRANT TO PARTIALLY FUND ROUTE 170 TO BLACK MOUNTAIN, AND IF AWARDED, ENTER INTO APPROPRIATE AGREEMENTS

Summary: The consideration of a resolution authorizing the City Manager to apply for a Fiscal Year (FY) 2017 and FY 2018 Job Access and Reverse Commute (JARC) Federal Grant to partially fund Route 170 to Black Mountain, and, if the application is successful, to accept the grant and sign all the appropriate agreements with the French Broad River Metropolitan Planning Organization (FBRMPO), State, and/or Federal agencies to receive the funds.

JARC is a Federal Transit Administration (FTA) grant program that is targeted at providing job access in urbanized and suburbanized areas. The 'job access' component aims to support development and maintenance of transportation services that transport low-income individuals to and from jobs and activities. The 'reverse commute' refers to a public transportation

project designed to transport residents of urbanized areas to suburban employment opportunities.

JARC is funded through a 10% allocation of FTA 5307 funds that are administered by the FBRMPO. The FBRMPO posted the call for projects in February, 2018. A total of $344,857 is available for projects in the FBRMPO region. The FY 2017/2018 JARC funds would support transit operations in FY 2018-19.

The City of Asheville has used this funding source in past years to fund Route 170 to Black Mountain. Staff recommends an application that would pay for 50% of the cost of Route 170 service for FY 2019, which totals $137,783 in grant funding.

The Finance Committee reviewed this action on April 23, 2018, and unanimously endorsed it to move forward to City Council for review and approval.

Pros:

- This funding will help maintain existing transit services essential to many residents.
- This funding will help offset operating costs.

Con:

- The City is responsible to provide the 50% local match.

The local match of $137,783 is included in the proposed FY 2018-19 operating budget.

Staff recommends that City Council approve a resolution authorizing the City Manager to apply for a FY 2017 and FY 2018 Job Access and Reverse Commute (JARC) Federal Grant to partially fund Route 170 to Black Mountain, and, if the application is successful, to accept the grant and sign all the appropriate agreements with the FBRMPO, State, and/or Federal agencies to receive the funds.

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H. RESOLUTION NO. 18-108 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION FOR SECTION 5310 FUNDS, AND IF AWARDED, ENTER INTO APPROPRIATE AGREEMENTS

Summary: The consideration of a resolution authorizing the City Manager to apply to the French Broad River Metropolitan Planning Organization (FBRMPO) for Section 5310 Funds, and if the application is successful, to accept the grants and sign all the appropriate agreements with the FBRMPO, State, and/or Federal agencies to receive the funds.

The FBRMPO has opened a call for projects to use FTA Section 5310 Funds, which are used to provide enhanced mobility to seniors and individuals with disabilities with an application deadline of March 29, 2018. The FBRMPO expects to have approximately $329,452 available from the FY 2017 FTA apportionment and the funds are expected to be distributed via this competitive call for projects.

Staff is pursuing funding in the amount of $187,500 to help offset the annual cost of paratransit service. The project is ready to move forward as funding becomes available.

The Finance Committee reviewed this action on April 23, 2018, and unanimously endorsed it to move forward to City Council for review and approval.

Pros:

- Enables the use of Federal funds to help provide needed assistance.
- Enables the City to offset part of the annual operating cost to provide transit service.

Con:

- City would be responsible for the 20% local match of $37,500.

The local match of $37,500 is included in the proposed FY 2018-19 operating budget.

City staff recommends that City Council approve a resolution authorizing the City Manager to submit a grant application to the French Broad River Metropolitan Planning Organization (FBRMPO) for Section 5310 Funds, and if the application is successful, to accept the grants and sign all the appropriate agreements with the FBRMPO, State, and/or Federal agencies to receive the funds.

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I. **RESOLUTION NO. 18-109 - RESOLUTION ALLOWING FOR THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE ABA BEER WEEK KICK-OFF PARTY**

RESOLUTION NO. 18-110 - RESOLUTION ALLOWING FOR THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY FESTIVAL

RESOLUTION NO. 18-111 - RESOLUTION ALLOWING FOR THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT XPAND FEST

RESOLUTION NO. 18-112 - RESOLUTION ALLOWING FOR THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE HALF MARATHON & 10K

RESOLUTION NO. 18-113 - RESOLUTION ALLOWING FOR THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE BETTER DADS FESTIVAL

RESOLUTION NO. 18-114 - RESOLUTION ALLOWING FOR THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE INGLES INDEPENDENT DAY CELEBRATION

RESOLUTION NO. 18-115 - RESOLUTION ALLOWING FOR THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE VEGFEST

Summary: The consideration of a resolution authorizing the Interim City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the ABA Beer Week Kick Off Party, Beer City Festival, Xpand Fest,

Asheville Half Marathon & 10K, Better Dads Festival, Ingles Independence Day Celebration, and Asheville VegFest.

- Friends of the WNC Nature Center has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the ABA Beer Week Kick Off Party allow for consumption at this event.

  The ABA Beer Week Kick Off Party will be held on Friday, May 25, 2018 from 5:00 p.m. to 8:00 p.m. within the boundaries of the WNC Nature Center as per the area limits referenced on the accompanying site map.

- Asheville Brewers Alliance has requested through the City of Asheville Community & Economic Development Department that City Council allow them to serve beer and/or unfortified wine at the Beer City Festival and allow for consumption at this event.

  The Beer City Festival will be held on Saturday, June 2, 2018 from 12:00 p.m. to 5:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

- Zenbivia Academy of Art & Science has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Xpand Fest and allow for consumption at the event.

  Xpand Fest will be held on Saturday, June 9, 2018 from 12:00 p.m. to 10:00 p.m. within the boundaries of Coxe and Buxton Avenues as per the area limits referenced on the accompanying site map.

- House of Iron has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Asheville Half Marathon & 10K and allow for consumption at the event.

  The Asheville Half Marathon & 10K will be held on Saturday, June 9, 2018 from 7:00 a.m. to 12:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

- ManKind Project USA has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Better Dads Festival and allow for consumption at the event.

  The Better Dads Festival will be held on Saturday, June 16, 2018 from 1:00 p.m. to 9:30 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

- Asheville Downtown Association has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Ingles Independence Day Celebration and allow for consumption at this event.

  The Ingles Independence Day Celebration will be held on Wednesday, July 4, 2018 from 2:00 p.m. to 10:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

- Asheville Vegan Society has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at Asheville VegFest and allow for consumption at the event.

  Asheville VegFest will be held on Sunday, September 2, 2018 from 10:00 a.m. to 6:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for Friends of the WNC Nature Center, Asheville Brewers Alliance, Zenbivia Academy of Art & Science, House of Iron, ManKind Project USA, Asheville Downtown Association, and the Asheville Vegan Society

Con:

- Potential for public safety issues

Staff recommends City Council adopt a resolution authorizing the Interim City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the ABA Beer Week Kick Off Party, Beer City Festival, Xpand Fest, Asheville Half Marathon & 10K, Better Dads Festival, Ingles Independence Day Celebration, and Asheville VegFest.

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J. RESOLUTION NO. 18-116 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH B. ALLEN CONSTRUCTION INC. FOR THE ASHEVILLE PARKS PLAYGROUNDS IMPROVEMENTS BOND PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a contract with B. Allen Construction, Inc., to provide construction services for Asheville Parks Playgrounds Improvements Bond Project for an amount of $695,500 and further authorizing the execution of any contract amendments up to 5% ($34,775) above of the contract price, which may arise during execution of said project.

The primary goal of the project is addressing maintenance backlog for playgrounds while building for the future. Playground projects have been prioritized focusing on underserved areas of the city. Each project will address the needs of diverse park users to better reflect changing neighborhoods and their long-term recreation requirements. The playgrounds will be designed to reflect their individual neighborhood setting, utilize ideas and trends from some of the best playgrounds in the country, and create unique play experience for all users. Playground upgrades may include playground equipment, rubber fall zone surface, landscaping, park shelters, shade structures, open play areas, accessible pedestrian circulation systems, and other Park & Recreation park standard furnishings.

Herb Watts Park, Lakewood Park, West Asheville Park and Magnolia Park playgrounds were designed and bid as part of this project. The City issued an Advertisement for Bids for construction on April 2, 2018, pursuant to NCGS 143-129. Zero bids were received on the bid due date of April 23, 2018. As of the re-advertised bid opening date on May 4, 2018, the City received

one bid, making B. Allen Construction, Inc., located in Candler, North Carolina the lowest, responsive, responsible bidder with a base bid plus alternates of $935,000.00. As this exceeded the available funding, the City negotiated a base bid plus alternates for all work at Herb Watts Park, Lakewood Park and West Asheville Park in the amount of $695,500 to bring the contract within the available budget. These playground projects were prioritized for reconstruction based upon their current condition and to provide an equitable distribution of playground projects. Magnolia Park will be considered as future funding becomes available.

The tentative project timeline for construction is the Summer of 2018-Summer of 2019.

Pro:

- Improves the safety and functionality of the City's playgrounds for park users by replacing and improving existing playgrounds.

Con:

- The proposed playgrounds and portions of the adjacent parks will be closed during renovations primarily in Fall 2018 and secondarily into Spring 2019. Any closure will be advertised and coordinated with general park users, Parks & Recreation programming and neighborhood representatives.

The General Obligation (GO) Bond included $1,015,000 in funding for the Playground Improvements Project.

Staff recommends City Council authorize the City Manager to execute a contract with B. Allen Construction, Inc., to provide construction services for Asheville Playground Improvements Bond Project Bond Project for an amount of $695,500, and further authorizing the execution of any contract amendments up to 5% ($34,775) above of the contract price, which may arise during execution of said project.

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K. RESOLUTION NO. 18-117 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PATTON CONSTRUCTION GROUP INC. FOR ASHEVILLE PARKS TEMPIE AVERY MONTFORD CENTER IMPROVEMENTS BOND PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a contract with Patton Construction Group, Inc., to provide construction services for Asheville Parks Tempie Avery Montford Center Improvements Bond Project for an amount of $1,171,000, and further authorizing the execution of any contract amendments up to 5% ($58,550) above of the contract price, which may arise during execution of said project.

The primary goal of the project is to address outdated amenities at the facility through replacement and expansion of its current facilities. This project will improve the appearance, usefulness and safety of the facility. Amenities include but are limited to: facility improvements, playground, benches and seating areas, outdoor classroom, signage, trash receptacles, drinking fountain, bike racks, landscaping, ADA accessible improvements, parking area, lighting, plaza, and trail and sidewalks.

The Tempie Avery Montford Center Improvements project was prioritized with a focus on updating aging infrastructure of the existing recreation facilities and to provide new programming elements. These improvements will address the needs of diverse park users through replacement of existing assets in parks to better reflect changing neighborhoods and their long-term recreation requirements.

Asheville Park, Tempie Avery Montford Center was designed and bid as part of this project. The City issued an Advertisement for Bids for construction on March 23, 2018, pursuant to NCGS 143-129. Zero bids were received on the bid due date of April 26, 2018. As of the re-advertised bid opening date on April 4, 2018, the City received two bids, one from Patton Construction Group, Inc., and the second from Tennoca Construction Company, Inc. The low bid was Patton Construction Group, with a base bid of $1,171,000.

The tentative project timeline for construction is Fall 2018 - Summer 2019.

Pros:

- Improves the appearance, connectivity, safety and functionality of the Tempie Avery Montford Complex for park users by replacing and improving existing facilities.
- Maximizes the use of current facility by designing for multiple, simultaneous uses, flexible spaces, and appropriate support spaces.

Con:

- The existing park complex will be partially closed during renovations. Any closure will be advertised and coordinated with general park users, Parks & Recreation programming and neighborhood representatives

The General Obligation (GO) Bond included $1,752,911 in funding for the Parks Tempie Avery Montford Center Improvements Project.

Staff recommends City Council authorize the City Manager to execute a contract with Patton Construction Group, Inc.,to provide construction services for Asheville Parks Tempie Avery Montford Center Improvements Bond Project for an amount of $1,171,000, and further authorizing the execution of any contract amendments up to 5% ($58,550) above of the contract price, which may arise during execution of said project.

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L. RESOLUTION NO. 18-118 - RESOLUTION PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF $23,000,000 GENERAL OBLIGATION BOND ANTICIPATION NOTE

Summary: The consideration of a resolution directing the Interim City Manager and Chief Financial Officer to pursue debt financing for capital projects with a draw program that includes the issuance of interim, variable rate General Obligation Bonds (GOs) in an amount not to exceed $23,000,000. The interim GOs will provide construction financing for projects which, upon completion, will be permanently financed through longer-term, fixed rate GOs.

The City has reimbursement resolutions for Council approved capital projects authorized as part of the Fiscal Year (FY) 2018 and FY 2019 Budgets. This GO draw program will reimburse the City for costs incurred to date, and over the next 12 months, for those projects and allow the City to complete many of the projects.

Projects include (1) Road and Sidewalk Improvement, Phase 2; (2) Onteora Boulevard Sidewalk; (3) Hill Street Sidewalk; (4) Jake Rusher Park; (5) Montford Park Complex; and (6) Ballfield Improvements.

As a next step in the process, staff is seeking City Council's approval to complete the GO financing with Bank of America, as the purchaser of the GOs, which provided the lowest cost financing for the draw program interim financing.

The resolution also authorizes the Interim City Manager and Chief Financial Officer to proceed with the GO financing and execute and deliver the necessary documents to complete the financing.

Pro:

- Allows the City to move forward with the Capital Improvement Program and Draw Program financing.

Con:

- None noted.

The initial draw on the GO facility for costs incurred to date is $6,800,000. At current variable rates associated with this facility (roughly 1.85%), the annualized interest expense on the initial draw is $125 thousand. As further draws are made on the facility, the interest expense will increase accordingly. Funds are included in the City's FY 2018-2019 proposed debt service budget to cover these costs. They are also included in the City's multi-year capital improvements debt model.

Staff recommends that City Council approve the resolution as it is proposed.

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M. RESOLUTION NO. 18-119 - RESOLUTION SETTING A PUBLIC HEARING ON JUNE 19, 2018, FOR A LAND USE INCENTIVE GRANT FOR SWEETGRASS APARTMENTS, MADISON CAPITAL GROUP

Summary: The consideration of a resolution setting a public hearing on June 19, 2018, to consider a Land Use Incentive Grant Application for Sweetgrass Apartments, by Madison Capital Group (Developer).

The Housing and Community Development Committee reviewed and recommended a Land Use Incentive Grant for Sweetgrass Apartments, in it's April 17, 2018 meeting and a revised report on May 8, 2018. Madison Capital Group, represented by Hobie Orton, is developing a 11.9 acre site in South Asheville, located at 39 Bradley Branch Road, Asheville NC. The project will consist of 255 residential rental apartments, of which 10% (26) will be made affordable for 15 years per LUIG agreement. The site is within 0.25 miles of transit, 0.25 miles to amenities, and with access to businesses along the Airport Road corridor. The developer estimates a total development cost of $38,000,000 and an estimated tax value of $50,300,000 post completion.

The project, as presented to staff, appears to meet the following Eligibility Requirements,

- The proposed development consists of three or more dwelling units for rent;
- At least 10% of the units will meet the affordability standards set by the City of Asheville for households earning 80% or less of the Area Median Income.
- The affordable units will be affordable to and leased to income-eligible households for at least 15 years.
- The proposed development must be located inside the city limits.
- The proposed development must be located to provide residents convenient access to jobs, schools and services

Scoring

Affordable Rental Housing - The proposed project will provide twenty-six (26) units

affordable to households at 80% or less of median income; 10% of total units. Under this category, the project qualifies and received a recommendation of 20 points.

Long term affordability - The proposed project will be committed to serving households at the designated rental rates for the minimum period of fifteen (15) years. This qualifies and received 0 points.

Superior locational efficiency - The proposed project is within .5 miles of public amenity in Aldi's grocery (5 points). The applicant has also made a case for multiple job centers within 1 mile to the site (i.e. Asheville Regional Airport, Progress Energy, Park Ridge Hospital, Sierra Nevada Brewery, Linamar and other manufacturing facilities - 5 points), and proximity to existing bus-stop (within 0.25 miles) served by a 90 minute bus line (10 points). The existing policy defines "Employment Centers" as Downtown, Mission Hospital, and Biltmore Town Square and projects must be located within 1 mile of these centers. The applicant has a made a case for proximity to job centers/resources within 1 mile and ½ mile from the project site. No specifics on number of jobs have been provided. The policy requirements for transit points are bus stops within 0.25 mile to the project (which this project qualifies) and with a 30 minute bus service (which the project does not have). Currently the City has 1 bus line with a 30 minute service (N3). The currently policy does permit the applicant to make a case for these points that fall outside of the policy definitions. The project qualifies for 5 points in this category (per policy), the applicant requests 20 points, and HCD Committee recommends 15 points.

Brownfield Development - The proposed project will receive the North Carolina Brownfield Redevelopment grant, and the applicant has asked to extend the Land Use Incentive Grant by 1 year in order to take advantage of both grants. This does not qualify the project for points, but the applicant requests 10 points and HCD Committee recommends 5 points.

Per current policy, staff has scored the project with 25 points, which qualifies the project for two-and-a-half years (2.5) of the Land Use Incentive Grant. The applicant requests 50 points for the transit stop (10 pts.), proximity to jobs (5 pts.), and brownfield development (10 pts.), which is a 5 year Land Use Incentive Grant. The HCD Committee recommends 40 points for this project, which is a 4 year Land Use Incentive Grant.

The current estimated assessment value for this property is $1,200,000. The developer's estimate of improvement value is $38,000,000 with a completed estimated project taxable value of $50,300,000. The annual estimated city tax post completion, based on the developer's estimate of value, is $215,737, which gives the project and estimated annual and eligible tax value of $210,590. Over a 4 year period, if approved at that level, the total estimated Land Use Incentive Grant would be $842,360, the exact amount to be determined by the length in years, of the grant award, and the actual assessed value of the development upon completion. Based on these estimates, the subsidy per affordable unit would be $32,398. The subsidy amount per affordable unit/year of affordability would be $2,160.

The estimated amount of fees payable for Zoning Permit, Building Permit, Driveway Permit, Grading Permit, Stormwater Plan Review Fee, and Water Service Connection Fee is $40,062. The value of each 10% of eligible fee rebates would be $4,006. The exact amount would be determined by the percentage of fee rebate awarded as part of the Land Use Incentive Grant. If approved at the 40 point level, the fee rebate would be approximately $16,024.

The total estimated Land Use Incentive Grant benefit over 4 years is $858,384, which equals $33,015 subsidy per affordable unit, and $2,200 per unit per year of affordability.

The Housing & Community Development Committee requests that City Council consider the Land Use Incentive Grant request as detailed above with a 4 year benefit.

At the request of Councilman Young, Community Development Director Heather Dillashaw gave a brief explanation of the project.

Councilwoman Mayfield explained how the HCD Committee assigned more points than the policy, noting that the policy is due for another update.

Ms. Dillashaw confirmed that it is Council's policy to bring the conditional zoning request at the same time as the land use incentive grant public hearing; however, due to the legal advertisement the public hearing for the land use incentive grant must be set on June 19, 2018.

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N. RESOLUTION NO. 18-120 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING CONTRACT WITH CAROLINA TRACTOR & EQUIPMENT FOR SERVICES RELATED TO THE REPAIR AND MAINTENANCE OF CITY VEHICLES AND EQUIPMENT

Summary: The consideration of a resolution authorizing the City Manager to amend the existing maintenance agreement with Carolina Tractor & Equipment to increase the annual contract value from $200,000 to $300,000.

The Fleet Management Division of the General Services Department maintains over 850 vehicles and pieces of equipment while simultaneously achieving high metrics for vehicle "uptime" or in-service percentage. Fleet is a lean operation with limited facilities, so it may subcontract work to third-party firms as needed. These services may be used to supplement existing staff resources at times of high demand or provide services where Fleet does not have suitable facilities or resources (e.g., paint shop, etc.).

Under a previous procurement, Carolina Tractor & Equipment was selected to provide supplemental services, and Resolution 16-228 authorized the City Manager to enter into a contract with this firm for an initial one-year term with up to four one-year renewals. The annual contract value was noted as $200,000. Due to an increase in workload (including more work due to vehicle accidents and repairs), the Fleet Management Division needs to increase the annual value of this contract to $300,000. The Fleet Manager will continue to oversee the contract to achieve a reasonable balance between self-performance of work and vehicle uptime.

Pros:

- Allows third-party service work to continue as a supplement to in-house staff;
- Provides flexibility in service delivery without significant capital investment in equipment or facilities (e.g., paint shop, etc.) that aren't used on a daily basis; and
- Supports vehicle "uptime" and returning vehicles to service after needed repairs.

Con:

- None identified.

Costs for these services are included in the General Fund fleet allocations for departments requiring vehicle repair and maintenance activities.

Staff recommends City Council adopt a resolution authorizing the City Manager to amend the existing maintenance agreement with Carolina Tractor & Equipment to increase the annual contract value from $200,000 to $300,000.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Young.

CONSENT AGENDA PUBLIC COMMENT ITEM DISCUSSION - CODE FOR ASHEVILLE DATASETS REQUEST

Ms. Kim Roney asked Council to add a resolution to the Consent Agenda to adopt the Open Data Policy recommendations outlined by the Code for Asheville. She felt this is a reasonable request and is in the best interest of the City. This will increase the trust between the City and the community. She then read a portion out of the 27 Views of Asheville by DeWayne Barton.

Mr. Andrew Vasco asked Council to adopt the Open Data Policy recommendations outlined by the Code for Asheville and read a passage from a Kurt Vonnegut book entitled A Man Without a Country.

Councilwoman Smith moved to amend the Consent Agenda to include the addition of a resolution to adopt the Open Data Policy recommendations as presented by the Code for Asheville. This motion was seconded by Councilman Young and carried on a 4-3 vote, with Councilman Kapoor, Councilwoman Mayfield and Vice-Mayor Wisler voting "no."

Mayor Manheimer said that the City of Asheville does have an Open Data Policy that was adopted in 2015. She felt that what is being requested is to release the data sets requested by Code for Asheville. She said that were Council left off on May 15 was out of the 9 data sets requested by the Code for Asheville, four were pushed out and staff has been meeting to try to prepare the remaining five datasets requested.

Interim City Manager Cathy Ball said that there is a meeting this Thursday to include external stakeholders to ask a few follow-up questions. However, we are very comfortable in moving forward the three of the five data sets. We have a way to move the remaining two forward but it will require some parameters around how it is released making sure we don't release data if there is a criminal case against it or if there is an internal investigation around it. We don't want to jeopardize a criminal case. We are moving forward and plan to report back to Council on June 19, 2018. It is the full intent of staff to disclose all of the information while still protecting the rights of officers and citizens involved in some of the instances.

Councilwoman Smith moved to withdraw her motion. She then moved to amend the Consent Agenda to include a motion of Council's support for the release of the data sets as presented by the Code of Asheville. This motion was seconded by Councilman Young.

Interim City Manager Ball said that it is the full intent of staff to disclose all of the information while still protecting the rights of officers and citizens involved in some of the instances.

City Attorney Currin advised Council to adopt the Consent Agenda separately because it is supposed to be routine, non-controversial items and then discuss the motion regarding the Code for Asheville datasets request.

Councilman Young called the question.

At Councilwoman Mayfield's request, Councilwoman Smith moved to withdraw her motion to amend the Consent Agenda to include a motion of Council's support for the release of the data sets as presented by the Code of Asheville.

Councilwoman Mayfield moved to adopt the Consent Agenda without any additions. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

Councilwoman Smith then moved that Council support the release of the data sets as presented by the Code for Asheville except legal and personnel information not be disclosed. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. STATE OF THE AIRPORT

Mr. Lew Bleiweis, Executive Director of the Asheville Greater Regional Airport Authority updated Council on the State of the Airport.

B. REDUCING RACIAL DISPARITIES IN TRAFFIC STOPS

Ian Mance Report - Southern Coalition for Social Justice

Ms. Carmen Ramos-Kennedy, President of the Asheville Chapter of the NAACP, said that in early 2017 the Asheville-Buncombe County NAACP Justice Committee contacted the Southern Coalition for Social Justice about the disturbing traffic stops of African Americans by the Asheville Police Department (APD). Using the latest traffic stop data at the time, he found that in the 15 years of the APD's tracking and reporting data, 24% of stops and 46% of searches involved African American drivers which was significantly higher than any other North Carolina department of its size or larger. Implementing mandatory written consent was recommended, amongst several others. She urged Council to implement a mandatory written consent policy.

Mr. Ian Mance, attorney for the Southern Coalition for Social Justice, provided Council with his PowerPoint presentation he used at the April 24, 2018, Public Safety Committee meeting. He then used the following PowerPoint for his discussion:

From the April 26, 2018, APD Traffic Stop Report:

- **APD CLAIM:** "The racial and ethnic composition of communities do not accurately reflect the racial and ethnic composition of drivers on the roadways."
- **FACT:** During Chief Hooper's tenure, the percentage of white drivers stopped by APD (77.7%) mirrors precisely—*to the tenth of a percent*—Asheville's white residential population, according to the most recent American Community Survey estimate (77.7%).
- **APD CLAIM:** Traffic from tourism skews the racial demographics of the local driving population and it "is impossible to break down the racial demographics of these 28,000 daily tourist [sic] in the City of Asheville."
- **FACT:** A 2016 study published on the Asheville CVB website breaks down the racial demographics of tourists, indicating that as a group, they are *less black* than the local population. There is no good reason to believe the driving population is more black than the residential population and multiple reasons to think the opposite is true.

During Chief Hooper's tenure (7/20/2015—present), whites have accounted for 77.7% persons stopped in traffic stops—the same percentage of the local white population. By contrast, blacks account for 20.9% of those stopped during this period, but just 12.2% of the population.

In Asheville, blacks have been consistently stopped at higher rates since data has been tracked (2002). In recent years, these disparities have grown. In 2017, APD posted its most racially-disparate stop and search numbers ever. Drivers stopped were 70% white, 24% black, and 4% Hispanic. Searches were, for the first time, majority minority (49% white, 46% black, 4% Hispanic).

APD reported stopping more than 50% more black drivers (1,720 v. 1,129) in 2017 than it did in 2016, but just 0.1% more white drivers (5,002 v. 4,996).

We can project the impact of APD prohibiting or deprioritizing equipment and regulatory stops on existing racial stop disparities.

Persons Stopped (7-20-15- Present)	Reg/Eqp Stops (7-20-15 - Present)	All Non-Reg/Eqp Stops (7-20-15 - Present)
77.7% White	70.9% White	80.3% White
20.9% Black	28.0% Black	18.2% Black

Eliminating these high-discretion stop causes, which do not implicate public safety, would shrink the racial disparity (+9%) between the black stop rate and the black population in Asheville by approximately 1/3.

Jack McDevitt, Director of the Institute on Race and Justice at Northeastern University in Boston, says stops for defective equipment promote bad faith. "So, when they get pulled over," he says, "their frustration level is, 'Here we go again. I'm being pulled over for some foolish thing so that they can try to see if there's some other violation they can get me on.'" (NPR, All Things Considered, July 25, 2016)

Comparing traffic stop search rates (national, state, local), (1) United States traffic stop search rate: 3.5% (*Source:* US DOJ, Special Report: Police Behavior during Traffic and Street Stops, 2011); (2) North Carolina traffic stop search rate: 2.4% (*Source:* NC DOJ Traffic Stop Data, 2002-13); and (3) Asheville PD traffic stop search rate: 7.6% (*Source:* Asheville PD Traffic Stop Data, 2002-present).

Showing a chart, over the last decade, other than Greenville Police Department, which conducts less than a third as many searches as Asheville PD, no police department of a city Asheville's size or larger has relied more heavily on consent to conduct traffic stop searches than APD.

The majority of APD's traffic stop searches occurred pursuant to motorists' purported grant of consent. Less than a third of these searches recovered any contraband.

A Written Consent to Search Policy was identified as a law enforcement best practice by President Obama's Task Force on 21st Century Policing, a report Chief Hooper has publicly cited as an important document.

Reasons why a mandatory written consent to search policy is appropriate in Asheville: (1) APD searches black motorists pursuant to reported grants of consent at nearly twice the rate as whites. Although FY 2018 Q3 search numbers were low, in 2017, APD had the highest overall

black search rate for a city of its size or larger in the state; (2) APD's consent searches of black motorists have been *less* productive than those of white motorists; (3) Only 3 times during the present chief's tenure has a consent search during a traffic stop uncovered a weapon and led to an arrest. The type of weapons recovered is unknown. (*Note:* In situations in which police have reason to believe a driver may be armed, they are permitted to conduct a limited search of the vehicle for a weapon, even absent probable cause or consent to search. Michigan v. Long, 463 U.S. 1032 (1983)); (4) Over the last decade, APD has relied more heavily on motorists' consent to conduct its searches than any department in NC its size or greater; and (5) Because of differences in how whites and blacks are socialized to deal with the police, black drivers experience greater pressure to accede to requests to search. A written consent to search policy is more racially equitable.

Benefits of a mandatory written consent to search policy: (1) Racial Equity – The policy helps normalize the experience among drivers and provides a safeguard against discriminatory search practices; (2) Reducing Searches of Innocent Drivers – Comparisons between pre- and post- written consent data in Durham and Fayetteville reveal a significant reduction in the number of innocent drivers—particularly black drivers—subjected to warrantless roadside searches; (3) Safeguard Against Coercion – By advising people in writing of their right to refuse and requiring written authorization, the policy helps ensure that people understand their rights and assures them that those rights will be respected; (4) Improved Community-Police Relations – The written consent policies in Durham and Fayetteville have been cited as turning points in community-police relations, which have improved markedly in each city in recent years; and (5) It Does Not Limit APD's Ability to Make Seizures – Written consent can have the effect of focusing police efforts. Durham police made 84 more seizures in traffic stops the year *after* written consent went into effect than they did the year before.

Councilman Kapoor said that in terms of looking at the greatest factor, and Mr. Mance's argument is that race is the greatest factor in terms of the search numbers, this is an issue of race in terms of the stops. What Councilman Kapoor has heard is that these stops are occurring in certain parts of the City where crime is occurring. So, where crime is occurring, you generally have officers there and if the officers are there they are more likely than not to stop someone in that area. He asked if there is a geographical component in Mr. Mance's analysis and whether any regression analysis has been done to try to isolate those data points.

Mr. Mance said that he has been careful not to make claims about what are in officers heads. He tried to focus on outcomes and regardless of why they are occurring, his position is that it should concern Council that African American drivers are stopped roughly twice, or possibly greater than twice, the rate than we would expect. There is a multitude of factors why we have disparities in searches. He questioned whether or not traffic stops are a meaningful way to get at the larger crime issues. He said that he has not done a regression analysis for Asheville. He said we have done multiple regression analyses for all of the different categories for which the state collects data and race is consistently the biggest predictor of whether or not a search will occur.

In response to Councilman Young, Mr. Mance said there have been a number of municipalities that have passed written consent in the recent several years - Fayetteville in 2013, Durham in 2014, Chapel Hill in 2015, and Raleigh has now made written consent mandatory for vehicle and home searches. In terms of alternatives to written consent, there is written consent that you can only do if you articulate certain factors that make that individual suspicious and worth searching, and then some states don't allow consent searches at all or mandate them. His perspective is that consent searches are not a good use of anyone's time.

Police Chief Tammy Hooper Report

Police Chief Tammy Hooper reviewed the APD's commitment to (1) treat all members of the community with dignity and respect; (2) partner with our community to solve problems through evidence based practices; and (3) be accountable for policing our community in a Constitutional manner. The APD understands that the way they operate in these areas has a direct impact on public trust. Quarterly Traffic Stop Reports dig deeper into data and research than others in the state to better understand how they are policing and where they can improve their practices. These reports are posted on the City's website and available to any member of the public.

Our traffic stop report does talk about why we don't consider racial demographics of a community to be a reliable benchmark for traffic stop numbers. That is not APD's claim, but a claim found in a 2015 study by Dr. Deborah Lamm Weisel of the North Carolina Central University of over two decades of research on traffic stops and race. Her report titled "Racial and Ethnic Disparity in Traffic Stops in North Carolina, 2000-2011: Examining the Evidence" states the following: "These studies and others provided evidence that 'residential census populations [were] **the least reliable of the benchmarks** available' 2008).5 Consequently, the U.S. Department of Justice has stated that 'social scientists now disregard comparisons to the consus for assessing racial bias' in traffic stops.6 Gold (2003) stated that 'no reputable researcher uses general population as a yardstick' as research on biased policing has consistently found such measures 'valueless' (p. 396). And Fridell (2004) concluded that census benchmarking 'is of no scientific value for purposes of trying to measure racial bias in policing and in fact, **has very often resulted in misleading and unsupported findings**' (v.iii)." p.7

In traffic stops, potential variables include, but are not limited to: (1) demographics of drivers on the roadways, including visitors and also the 44,000 commuters that come in and out of the City every day; and (2) officers patrolling more in areas of high crime and violence, thus creating higher levels of stops, ticketing, and/or arrests for populations in those areas.

Using a charter, Police Chief Hooper showed Asheville's crime. In 2018 crime in Asheville is extremely high. We have an issue with guns and violence in our community. Does are the things where officers are expected to address when they have discretionary time to do so. Crime prevention patrols, as well as traffic enforcement, also happen during discretionary time for patrol officers. We also have increasing workload demand. Our calls for service in 2017 were 163,000, up from 156,000 in 2016. Officers have less time for discretionary activities. The number or actual traffic stops in Asheville are much lower than other jurisdictions.

Police Chief Hooper used a chart to show the top 5 violent crime locations, along with their residential demographics, traffic stops, violent Part 1 crimes, and directed police efforts.

Regarding APD regulatory traffic stops, Fayetteville, Chapel Hill, Durham and Greensboro do not prohibit regulatory stops. In 2017, APD officers were directed to issue warnings for minor regulatory and equipment violations whenever feasible, particularly if it's the first time a vehicle is stopped for this reason. The purpose of this is to minimize the financial impact on people who already struggle financially. In 2016, regulatory and defective equipment stops combined accounted for 27.9% of traffic stops - White drivers accounted for 18.5% and African American drivers accounted for 9.1%. She then used two charts which one showed the percentage of warnings as enforcement for equipment and registration; and the other was the percentage of warnings as enforcement action total for all stop reasons.

All consent searches, including the obtaining of consent, must be documented using

body worn cameras to ensure that consent is given voluntarily. She noted that Fayetteville is no longer requiring written consent (she believed as of the beginning of 2018). They now have body cameras and the Chief doesn't believe they need to do written consent. Our purpose of using body camera footage is because you can look at the video and determine whether or not consent was given in a free and voluntary manner and whether the officer did their job in terms of advising people. We also have included additional data fields on our Traffic Stop Report to determine the reasons why they are asking for consent. Consent searches as a percentage of overall searches continues to decline. From 2010-2012, the number of consent searches equaled 59% of all searches. From 2013-2016, the number of consent searches equate to 39% of all searches. In 2017, the number of consent searches equate to 31% of all searches. And, year to date 2018, the number of consent searches equates to 24% of all searches.

She then used a chart of ACS Census Data from 2012-2016 for Asheville, Chapel Hill, Fayetteville, Greensboro and Durham.

Using a chart, she showed from open data policing for traffic stops (percentage by race/ethnic composition) for Asheville, Chapel Hill, Fayetteville, Greensboro and Durham, and chart for those same cities with a search data by race/ethnic composition.

Following the presentation in 2017, APD committed to, and has completed the following: (1) emphasize warnings for regulatory stops; (2) updated and enhanced the Traffic Stop Report form; (3) complete monthly Compliance audits; (4) complete a Quarterly Traffic Stop Report available to the public; and (5) continue to train officers regarding issues and concerns around traffic stop disparities and the need to collect accurate data on 100% of stops.

Additional opportunities for improvement that have been/will be implemented include (1) continue to improve and enhance quarterly reports with citizen input; (2) requirement for supervisory audits of body worn camera video for all consent, noting that any person who is in a body camera video can come and watch it and bring a representative; and (3) continue work with the community on Open Data Initiative.

Councilman Haynes asked when the audits of the body worn camera videos are viewed, how many consent searches have been found to not have been done properly. Police Chief Hooper said that no instances have been found, but those have been random audits. However, we will now look at all videos and have those statistics included in their next quarterly report.

In response to Councilman Young, Police Chief Hooper said that the APD has not adopted a written consent policy because she doesn't see there is a reason to do that. We have body camera video that is a 100% record of what happens during a consent stop. What people are told and what they say. There is no better record than that.

In response to Councilman Young, Police Chief Hooper said that the number of consent searches so far in 2018 is 22 - 11 for white drivers and 11 for African American drivers.

Mayor Manheimer asked if people are informed that they have the right to refuse a requested search. Police Chief Hooper did not know if every person is being told that (not a lawful requirement) but she looks at that as a training issue. It would be preferred that officers advise people that they don't have to give consent.

Mayor Manheimer, along with Councilman Haynes, felt it would be beneficial if the verbal consent included some disclosure to the person that they have the right to refuse.

Councilwoman Mayfield asked if Police Chief Hooper would have any problem in

implementing a departmental policy that when an officer is seeking verbal consent to search their vehicle that they disclose that they have the right to refuse. Police Chief Hooper said that as a training issue she will absolutely encourage officers to do that, but it is not a lawful requirement and putting that in a policy might be something that would potentially be an issue in a court session if the officer did not comply with it.

Councilman Haynes felt it will be very clear if someone has given consent if the consent is written.

Councilwoman Smith said that we need to fill in the gap of mistrust between the community and the police. She didn't understand what would be lost if we have mandatory written consent.

Mayor Manheimer has done a lot of research on consent searches and looked at different ideas other communities have adopted. In Fayetteville, the basis for consent search could not be that someone had a prior criminal record, someone was present in a high crime area, or that someone was acting suspicious. Asheville has two of them but not someone being present in a high crime area. When she asked Police Chief Hooper is she would consider the Fayetteville model that removes some of that criteria for consent search, she replied yes.

Councilwoman Mayfield asked for the a comparison of the number of searches this year compared to the other North Carolina cities that have written consent.

When Councilwoman Mayfield asked that we find in consent searches, Police Chief Hooper said several weapons but mostly drugs - methamphetamine, crack cocaine, and some sort of white powder. That information is not included in our reports, but that is data she will start accumulating.

Councilwoman Mayfield noted that there are different ways to look at data. She would love for us to find a way to get a common understanding of the facts. She is in total support of addressing the community's concerns; however, there are too many different views.

Mayor Manheimer said that in Fayetteville they have prioritized stops that support public safety and de-prioritize low level equipment violations. Police Chief Hooper said that we do not emphasis regulatory stops. As far as defective equipment, sometimes that is a traffic safety issue.

Councilman Haynes felt that a written consent policy should be implemented. He then moved to instruct the City Manager to work with the Police Chief to implement a written consent policy and that it apply to backpacks and personal property associated with the vehicular stop. This motion was seconded by Councilwoman Smith.

At Councilman Young's request for a friendly amendment to the motion, Councilman Hayes withdrew his motion.

Councilman Young felt that it's apparent that a mandatory written consent policy is not something that our Police Chief is willing to implement. And, the only reason he has heard that she is not willing to do that is because there could be a possibility of when the officer gets in court that they may have violated their own APD policy.

Councilman Young said that Council can't tell the Police Chief or the Police Department what to do; however, they can tell the City Attorney, City Clerk and City Manager what to do. With that, he moved to direct the City Manager to implement a written consent policy for vehicular searches and searches of the person or personal property associated with the person. This

motion was seconded by Councilman Haynes.

Councilman Young moved to direct the City Manager to implement a policy that the Asheville Police Department not base a consent search on vehicular stops on a person having a criminal record or suspicious movement or behavior. This motion was seconded by Councilwoman Smith.

Councilman Young moved to direct the City Manager to de-prioritize low level regulatory stops. This motion was seconded by Councilwoman Smith.

Councilman Kapoor said that last week he said that Council was surprised about the vote requested on the legislative agenda. That was not on the agenda and Council agreed it was the right idea to go to a Council committee meeting so we can review it and bring it back to Council. Some of Council supported that because they agreed that Council was receiving information brought up and people didn't have the opportunity to discuss it. He felt the same thing is happening now. These are significant policies and he understand they have been discussed by the community quite a bit, but this is the first time as a Council member that he is discussing them. He felt these are important and they should go back to the Public Safety Committee to be studied, along with all of Council members having the opportunity to study them. There are questions about the data and he would feel more comfortable sitting down with the data and trying to understand it. He did not want to close the door on what is being proposed now, but he didn't feel we are at a point where we have discussed these issues to the degree they should be discussed. He respectfully asked Council to have this go to the Public Safety Committee.

Councilman Young said that this has already been to the Public Safety Committee, and Councilman Hayes said that this is the fourth time he has heard this presentation.

Vice-Mayor Wisler said that this item is listed on the agenda as a presentation and not for a public hearing or vote. If you don't tell people that you are going to vote on it, then we haven't given everyone the opportunity to speak if they wish. We have done four motions tonight that we didn't let the public know that Council was going to vote on them.

Councilman Young said that he hears what Council is saying, but he doesn't agree with what they are saying. But, as a Council member, everyone has a right to make a motion. If a Council member does not support the motion or believes this is not the right time, then they can vote against it.

Mayor Manheimer said that typically as a Council, and as a courtesy, we have informal discussion on whether we will move on something that has come up or move it through a committee process.

Councilman Young called the question (with no public comment).

The motion made by Councilman Young to direct the City Manager to implement a written consent policy for vehicular searches and searches of the person or personal property associated with the person, and seconded by Councilman Haynes, carried on a 5-2 vote, with Councilman Kapoor and Vice-Mayor Wisler voting "no."

The motion made by Councilman Young to direct the City Manager to implement a policy that the Asheville Police Department not base a consent search on vehicular stops on a person having a criminal record or suspicious movement or behavior, and seconded by Councilwoman Smith, carried on a 5-2 vote, with Councilman Kapoor and Vice-Mayor Wisler voting "no."

The motion made by Councilman Young to direct the City Manager to de-prioritize low level regulatory stops, and seconded by Councilwoman Smith, carried on a 5-2 vote, with Councilman Kapoor and Vice-Mayor Wisler voting "no."

C. UPDATE ON EQUITY & TRANSPARENCY ITEMS FROM MARCH 20, 2018, WORKSESSION

Interim City Manager Cathy Ball updated Council on equity and transparency items from the Council's March 20, 2018, worksession. She said that on March 20, 2018, Mayor Manheimer and Council held a special work session for the purpose of reaching consensus regarding direction they would give staff to explore and make changes following the Mr. Johnnie Rush and former Officer Hickman incident that took place in August 2017. The purpose of this memo is to provide an update on the status of these requests.

- The first topic discussed was a third-party review of the Asheville Police Department (APD). Specifics include implementation of any recommendations of the review, to include:

  1. All excessive use of force complaints to be reviewed criminally, immediately. **This change has been implemented.**

  2. Change administrative procedures to ensure Council notification of excessive use of force occurrences and/or complaints, and adopt a plan for notifying the DA and the SBI in all cases. **City Legal and APD are working with DA to determine appropriate process.**

- A third-party will conduct a review around Mr. Johnnie Rush and former Officer Hickman and to give Council a set of recommendations around that incident. **21CP began their work early April and will provide a report to the City Manager's Office upon completion. First site visit was completed May 15-17, with another one planned June 13-14.**

- The next topic discussed was the establishment of the Human Relations Commission of Asheville (HRCA) per the Blue Ribbon Task Force recommendations, to include
  - HRCA or Police Advisory Subcommittee to review all use of force occurrences and excessive use of force complaints;
  - Enhance Equity and Inclusion Department staffing. **The process has begun with positions being developed and funding included in the FY 2019 budget.**

  Advertising for the seats on HRCA is currently underway.
- Council instructed City Attorney Currin to explore whether a staff person from the Equity and Inclusion Department is allowed to review APD body camera footage. **Person in the Equity and Inclusion Department is not allowed to to view body camera videos under NC General Statute 132-1-4A. Council is consider requesting a change in this legislation.**

- It was the consensus of Council that the third-party review of the APD include a review of the APD policy of auditing body cam footage, along with a revisit of the 60-day retention

of body cam footage. **The review currently underway by 21CP will include this APD policy.**

- It was suggested that the City explore how it might fund an outside legal position to advocate for individuals filing complaints against law enforcement. At the time, Mayor Manheimer stated the idea is to fund an attorney, perhaps at a non-profit like Pisgah Legal Services, who could represent people who are bringing complaints against law enforcement - APD and/or Sheriff's Department. Some preliminary discussions with the Chairman of the Buncombe County Commissioners and the Mayor about the possibility of co-funding this position had taken place as of the date of the worksession. **Meetings have taken place to explore this concept. City and County Officials have meet to discuss options. The Interim City Manager will be meeting with a local non-profit along with County staff to evaluate their ability to provide this service.**

- The next topic discussed was review of City of Asheville Personnel Policies and Civil Service Board Rules to allow the city to remove employees who demonstrate terminatable conduct. **The City's Personnel Policies are being reviewed and updated. The policy changes have been reviewed with the Civil Service Board. Staff is finalizing these chances with an implementation date of July 1, 2019. Additionally, where applicable legislative changes are underway for consideration.**

- The next topic discussed was to create an aggressive plan to hire minority officers. As Mayor Manheimer stated during the worksession, work is well underway to do this. **The Equity and Inclusion Office, Human Resources Department and others are continuing to work together on this effort. The Equity and Inclusion Plan includes specific action items.**

- The next topic discussed was to encourage and educate people about the process of bringing complaints against law enforcement along coupled with the use of an unbiased policing hotline. **The forms and other contact information are available on the APD internet homepage currently. CAPE and APD will explore methods to further educate on hotline and other ways to report.**

- The final topic discussed was to support legislative changes, to include (1) Support for HB 165 (citizen review of police complaints); (2) Civil Service Board changes; and (3) Personnel law changes (not just for police, but any employee) to allow complainants to learn the results of their complaint. Council voted to support legislative changes to (1) support HB 165; (2) Civil Service Board changes; and (3) Personnel law changes to allow complainants to learn the results of their complaint. **These considerations are underway. A meeting with legislative delegate has taken place and language has been proposed to take these proposals to the legislature.**

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED ON FOUNDERS DRIVE FROM INSTITUTIONAL DISTRICT TO INSTITUTIONAL EXPANSION DISTRICT/CONDITIONAL ZONE FOR THE

DEVELOPMENT OF ST JDENT HOUSING AND RELATED UNIVERSITY BUILDING(S)

ORDINANCE NO. 4669 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED ON FOUNDERS DRIVE FROM INSTITUTIONAL DISTRICT TO INSTITUTIONAL EXPANSION DISTRICT/CONDITIONAL ZONE FOR THE DEVELOPMENT OF STUDENT HOUSING AND RELATED UNIVERSITY BUILDING(S)

Councilman Kapoor disclosed that he sits on the UNC-Asheville Foundation Board but he does not have any financial gain regarding this issue. When City Attorney Currin asked if he could consider the information fairly and impartially without any consideration to that position, he replied yes.

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to conditionally zone property located on Founders Drive from Institutional District to Institutional Expansion District/Conditional Zone for the development of student housing and related university building(s). This public hearing was advertised on May 11 and 18, 2018.

Ms. Bernstein said that the applicant is requesting review of conceptual plans for the construction of a multi-purpose building on the UNCA campus located on Founders Drive with a conditional zoning request from Institutional (INST) to Institutional Expansion (INST EXP) District. This project is considered a Level III development pursuant to Sections 7-7-8 and 7-8-41 of the UDO.

The specific project area is approximately 0.52 acres of a 5.29 acre area on the UNCA campus, zoned Institutional. The area has frontage on University Heights and Founders Drive.

This application was triggered by the request for the construction of a single building. In 2017, a Level II project for student housing was approved by the City in this same location (17-05552 PZ). Pursuant to section 7-5-9(a)(1)c. of the UDO, the review of this building and the Level II must be considered as one development since the cumulative square footage (102,750 SF) is over the Level III threshold.

The multi-purpose building is approximately 4,591 square feet, 2-stories (36 feet in height). The Level II review approved five buildings for student housing and associated parking, landscaping and open space.

The multi-use building has pedestrian access points from University Heights and interconnecting walkways throughout the area to other buildings. The district requires all sidewalks to have a minimum width of ten feet; see condition below. In the overall proposal, the vehicular access is from Founders Drive and there are approximately 73 parking spaces, both within a surface parking lot as well as along Founders Drive (approved under the Level II permit).

Landscaping is required for this project and includes building impact planting for the multi-purpose building. Parking lot landscaping, retaining wall screening and building impact landscaping for the student housing development were approved during their review in 2017. Open space is required and is satisfied with the active and passive recreational and open spaces throughout the campus.

Cross access throughout buildings and into the campus is integrated into this application, including bike lanes on Founders Drive. Sidewalks provide access down to the Glenn's Creek Greenway. Sidewalk throughout the site vary from five to ten feet in width *(see condition)*.

There are standards relating to fenestration, entrances and building appearance in the Institutional Expansion District; the multi-purpose building complies. These standards were not applicable during the Level II review of the student housing buildings; however they do comply with one exception on ground level fenestration *(see condition)*.

The larger site is zoned Institutional and part of the larger UNCA campus. Due to the cumulative size of the development(s), the proposal is evaluated with the Institutional Expansion zoning district. The use is appropriate and the design compliments the campus.

Conditions - The following conditions related to the Institutional Expansion district accompany this application:

1. Sidewalks and walkways are required to have a minimum width of ten feet; there are multiple walkway connectors throughout the overall project site, ranging in width between five and ten feet.
2. Buildings are required to have a minimum of 40% fenestration on the primary ground-level face; Building C was reviewed during the Level II process when this standard was not applicable and has a ground level fenestration of 38%.

Projects undergoing conditional zoning review are required to hold a neighborhood meeting; the meeting for this project was held on March 15, 2018. The project was approved with conditions by the Technical Review Committee on April 16, 2018. The Planning & Zoning Commission unanimously voted to support this proposal and conditions at their meeting on May 2, 2018. No communication from the public has been received by staff as of the writing of this report.

Level II permit for associated student housing was approved in 2017.

The student housing and multi-purpose building are uses that are appropriate within the zoning district and within the university campus. The design includes multi-modal design elements including abundant pedestrian pathways between buildings and linking to the greater campus and nearby greenway as well as bike lanes along Founders Drive. The use and site layout is well integrated into the existing campus.

This project is aligned with elements in the Comprehensive Plan *(2025 Plan)* that seek to support the University as a part of the community. Goal VIII in the Land Use & Transportation section specifies that the City should enhance its role as the region's education center. Additional goals throughout the *Plan* highlight the need for plan development to include sidewalks, bicycle facilities and greenway connectivity, all of which are supported with this proposal.

The proposal aligns with the 2036 Council vision in the following areas: (1) *Transportation and Accessibility* (multi-modal access opportunities); (2) *A Well-Planned and Livable Community* (multimodal elements and access to greenway and transit); and (3) *A Diverse Community* - UNCA is a public, liberal arts university providing educational opportunities to people of varied backgrounds, races, orientations and abilities, within the greater community.

Considerations:

- Proposal provides for the growth of the university within the current campus area and integrates into the larger area through a variety of multi-modal elements.
- Almost all of the overall project was approved through the Level II review process and complies with the underlying zoning.

- The conditions noted are minor, related to the previously approved application, and do not detract from the ability of the overall project to meet the intent of the expansion district.

Based on policies in the *2025 Plan* and City Council's 2036 Vision Considerations as well as incorporation of standards from the Institutional Expansion District, staff recommends approval of the conditional zoning for the project at UNCA inclusive of the conditions as noted in the B.1 conditions.

The Planning & Zoning Commission reviewed this request at their meeting on May 22, 2018, and voted 6-0 in support of the project .

Mayor Manheimer opened the public hearing at 7:27 p.m., and when no one spoke, she closed the public hearing at 7:27 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to recommend approval of the conditional zoning request for the University of NC Asheville for the project area on Founders Drive and University Heights from Institutional to Institutional Expansion District Conditional Zone (INST EXP CZ), and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in that: (1) The proposal supports the strategies found in the City's comprehensive plan on supporting the region's educational uses; (2) The project provides open space, landscaping and a variety of pedestrian and bike connections to the campus and larger community; and (3) The overall proposal meets the goals and intent of institutional expansion zoning. This motion was seconded by Councilman Young and carried unanimously.

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B. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 39 BRADLEY BRANCH ROAD FROM HIGHWAY BUSINESS DISTRICT TO RESIDENTIAL EXPANSION DISTRICT/CONDITIONAL ZONE FOR THE DEVELOPMENT OF A MULTI-FAMILY RESIDENTIAL COMPLEX

ORDINANCE NO. 4670 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT 39 BRADLEY BRANCH ROAD FROM HIGHWAY BUSINESS DISTRICT TO RESIDENTIAL EXPANSION DISTRICT/CONDITIONAL ZONE FOR THE DEVELOPMENT OF A MULTI-FAMILY RESIDENTIAL COMPLEX

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to conditionally zone property located at 39 Bradley Branch Road from Highway Business District to Residential Expansion District/Conditional Zone for the development of a multi-family residential complex. This public hearing was advertised on May 11 and 18, 2018.

Ms. Bernstein said that the applicant is requesting review of conceptual plans for the construction of a new multi-family residential development located at 39 Bradley Branch Road with a conditional zoning request from Highway Business (HB) to Residential Expansion District Conditional Zone (RES EXP CZ). This project is considered under conditional zoning pursuant to Sections 7-7-8 and 7-8-43 of the UDO.

The project site consists of a single parcel, 11.69 acres in size, with frontage on Bradley

Branch Road. The site is currently zoned Highway Business and is vacant. Adjacent parcels are zoned HB to the west (vacant); Commercial Industrial (CI) to the north (vacant), east (commercial/industrial) and to the south is both CI and HB along Airport Road (variety of commercial uses).

The applicant is proposing to construct a multi-family residential development with eight buildings containing 248 units (27 studio, 90 1-bedroom, 110 2-bedroom, 28 3-bedroom) as well as a one-story clubhouse building. The residential structures are all three-stories or ¾ split configurations with a maximum building height indicated as 57 feet. Ten percent of the units are proposed to be dedicated as affordable as a part of the City's Land Use Incentive Grant program (25 units for 15 years - *see condition related to density).*

Vehicular access to the project is proposed via two separate driveways. The first is a 24 foot wide ingress and egress from Bradley Branch Road and the second is from an existing 50 foot private drive from Airport Road. The plans include a total of 414 surface parking spaces distributed around the site.

The project includes sidewalks connecting the site to both Bradley Branch and Airport Road as well as pedestrian pathways connecting the buildings within the development *(see condition related to sidewalks).* The proposed path to Airport Road includes a shared bicycle facility to meet multimodal standards in the district and the applicant has agreed to fund a transit shelter.

Landscaping is required for this project and includes parking lot and building impact landscaping, tree save area, dumpster screening and retaining wall screening. Retaining walls appear to be to a maximum height of 50 feet and will comply with screening requirements.

According to district standards, 2.9 acres of dedicated open space is needed for this project with at least one common park-like area with a minimum of 0.58 acres. The applicant is proposing open space areas but not all are technically compliant *(see condition related to open space).*

The intent of the district is to provide a wide variety of housing types within a single development; the project proposes eight similar apartment buildings in one general style that are not fully meeting this recommendation.

Due to the number of units proposed, the project is evaluated against the Residential Expansion District. There are a number of standards that are not proposed to be fully met by this proposal and would require Council-supported conditions.

Conditions - The following conditions related to the Residential Expansion district accompany this application:

1. Density - the maximum density for the district is 20 units per acre by-right and 50 units per acre with 20% dedicated affordable units. The density proposed exceeds the by-right maximum at 21.2 units per acre with only 10% affordable included.
2. Sidewalks - 10 feet minimum width for multi-family developments; plans show walkways approximately 5 feet wide within the site and out to Bradley Branch Road.
3. Access and mobility standards
    a. Sidewalk and bike lane to development from Airport Road is proposed across a property owned by others. If agreement from the other property owner cannot be obtained, the proposal would not be able to comply with these standards.
    b. Transit shelter - The applicant has agreed to fund a transit shelter.

4. Open space - 500 SF per unit would be required which is 2.85 acres and at least one common open space with a minimum area totaling 100 SF per residential unit with a park or plaza-type features must be provided. The applicant proposes to technically meet the area required per square footage but much of the dedicated open space is within areas of steep grade that will be disturbed (not compliant by code) and the common space is broken up between two locations rather than a single plaza/park.
5. Design and operational standards - "a wide range of housing types within the development" is the intent of the district; the buildings are all similar in size, mass and look.

Projects undergoing conditional zoning review are required to hold a neighborhood meeting; the meeting for this project was held on January 31, 2018. The project was approved with conditions by the Technical Review Committee on April 16, 2018. The Planning & Zoning Commission recommended approval of this project with a 5-1 vote at their meeting on May 2, 2018.

Staff heard from several surrounding property owners concerned about traffic impact from the number of residential units, especially onto Bradley Branch Road. There were also concerns expressed regarding the brownfields remediation process as this site was an unregulated landfill for many years. Those property owners spoke about the possible impacts to their properties once grading and land disturbance begins. They also has questions regarding stormwater and runoff, both in general as the grade of the adjacent properties is well below the front of this site but even more so, the concerns about runoff from the contaminated site. The applicant noted at the Planning & Zoning Commission meeting that they have applied to be included in the state's brownfields program but do not have any details about the remediation plan at this early time.

In 2017, there was a conditional zoning at 390 Airport Road approved for a lodging use (17-08807 PZ) and a Level II project approved for a self-storage use on Glenn Bridge Road (17-04524 PZ). In 2016, there was a conditional zoning for retail use at 352 Airport Road (16-10138 PZ) and a voluntary annexation and zoning to Highway Business at 421 Airport Road.

The project as proposed should be generally compatible with the surrounding area. The Airport Road commercial corridor provides easy access to shops, restaurants and places of employment that can all be reached by sidewalk and transit (*making the connection to Airport Road a key component of this project).* While the immediately surrounding zoning is all HB and CI (with light industrial uses on Loop Road), just past the corridor to both the north and south is a mix of apartment, townhome and single-family development all within Buncombe County jurisdiction. Along the corridor, while CI zoning restricts residential development, Highway Business does allow for high-density residential uses.

Several elements of this proposal are directly aligned with the *Asheville City Development Plan 2025* including "higher-density residential infill development"; density above the minimum necessary to improve and enhance transit; development on brownfields sites and the proposed inclusion of dedicated affordable housing.

Greater compliance with the Residential Expansion District standards (open space and mix of building types) would improve alignment with the City's goals and elements of the *Plan* regarding environmentally-thoughtful design preserving open areas and minimizing impervious surfaces and improving the character of the residential development.

The proposal aligns with the 2036 Council vision in the following areas: (1) *A Well-Planned and Livable Community* – The project is located near stores, services, and transit (although greater compliance with open space and design standards within the development itself is desired); (2) *Quality Affordable Housing* - The development will provide at least 25 affordable

units; and (3) *Transportation and Accessibility* - The developer is working to provide sidewalk and bike access to Airport Road where there is new sidewalk along the corridor and transit (with an offer to fund a transit shelter as well).

Considerations:

- The project will provide higher density infill residential development in an ideal location off of a commercial corridor and includes 10 percent affordable housing units.
- The development cleans up a brownfield site (unregulated landfill).
- The applicant agrees to fund a transit shelter near the site.
- Greater affordability, a mix of building types, wider sidewalks and open space are all standards that are not met.

Based on policies in the *2025 Plan* and City Council's 2036 Vision Considerations as well as incorporation of standards from the Residential Expansion District, staff recommends approval of the conditional zoning for the project at 39 Bradley Branch Road inclusive of the conditions as noted in the B.1 attachment.

The Planning & Zoning Commission reviewed this request at their meeting on May 22, 2018, and voted 5-1 in support of the project.

Mr. Chris Day, representing Civil Design Concepts, explained the project benefits, noting that this is a commercial corridor and there are lots of jobs in the area. He briefly explained the reasons for the conditions and noted that after their traffic mitigation, it will take Bradley Branch Road up a level of service. He said the development does propose a bike/pedestrian path and they are committed to a transit stop.

Mr. Robert W. Oast Jr., representing the applicant, said that the project complies with the Comprehensive Plan and complies with Council's vision. He urged Council to support the conditional zoning request.

In response to Councilman Kapoor, Ms. Bernstein said that even though they don't know what the stormwater mitigation measures will be regarding stormwater control for the people that live behind the project, but there will be no runoff after the mitigation measures are implemented. Those requirements are strictly monitored by our stormwater/erosion control staff.

In response to Vice-Mayor Wisler, Mr. Hobie Orton, the developer of the project, said that the City's land use incentive grant is very much a part of the project. The brownfields clean-up is very expensive and while we don't know what the state's going to require, we do know that it was an unregulated landfill from the 1950's. The debris is somewhere between 30 and 90 feet below the surface elevation. There is a huge potential liability for that clean-up and the mitigation of it. Without the grant, they might not be here requesting the conditional zoning, and they appreciated the HCD Committee's support.

Mayor Manheimer opened the public hearing at 7:49 p.m. and when no one spoke, she closed the public hearing 7:49 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mayfield moved to approve the conditional zoning request for Sweetgrass Apartments at 39 Bradley Branch Road from Highway Business to Residential Expansion District Conditional Zone (RES EXP CZ), and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in that: (1) The proposal supports the strategies found in the City's comprehensive plan on infill

development, affordable housing and transit-supportive density; (2) The development is located with close access to commercial uses, transit and employment opportunities; and (3) The project will be part of the brownfields redevelopment program. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

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Closed Session

At 7:50 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3); and (3) To establish or to instruct the City's staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the terms of a contract for the acquisition of real property by purchase, option, exchange or lease. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(5). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 8:41 p.m., Councilwoman Mayfield to come out of closed session. This motion was seconded by Councilman Haynes and carried unanimously.

C. PUBLIC HEARING TO CONSIDER THE MODIFICATION OF A PREVIOUSLY APPROVED CONDITIONAL ZONING FOR THE PRINCESS ANNE HOTEL LOCATED AT 301 E. CHESTNUT STREET TO CONVERT THE EXISTING DINING ROOM TO A PUBLIC RESTAURANT

ORDINANCE NO. 4671 - ORDINANCE TO APPROVE A MODIFICATION OF A PREVIOUSLY APPROVED CONDITIONAL ZONING FOR THE PRINCESS ANNE HOTEL LOCATED AT 301 E. CHESTNUT STREET TO CONVERT THE EXISTING DINING ROOM TO A PUBLIC RESTAURANT

Principal Planner Shannon Tuch saic that this is the consideration of an ordinance to consider the modification of a previously approved conditional zoning for the Princess Anne Hotel located at 301 E. Chestnut Street to convert the existing dining room to a public restaurant. This public hearing was advertised on May 11 and 18, 2018.

T Ms. Tuch said that the applicant is requesting a modification to Ordinance No. 3388 to allow the Princess Anne Hotel to increase the number of seats in of the dining room and to convert the dining room to a restaurant that would be open to the public.

The project consists of a single .59 acre corner-lot with frontage on E. Chestnut St. and Furman Ave. in north Asheville off Charlotte St. north. The property currently supports a small, 3-story, 16-room historic inn, originally constructed in 1922. The property also supports a small surface parking lot on the south side of the bui ding. The property is zoned Institutional - Conditional Zone (INST-CZ) and is owned by Harry & Colleen Eden, PIN: 9649-63-6041.

The applicant is seeking to modify the conditions of the previously approved project (Ordinance No. 3388) approved September 12 2006 to allow a 32-seat dining room be expanded to 44 seats, and to use the dining room to support a full-service restaurant that would be open to

the general public 7 days a week. No building and minimal landscape improvements are proposed.

The Inn is easily accessed from both Furman Ave. and Chestnut St. via existing road and sidewalk infrastructure. The surface parking lot is accessed from Furman Ave. An existing 6-foot back-of-curb sidewalk runs the length of both Furman Ave. and E. Chestnut St.

There is an existing 15-space surface parking lot located on the south side of the Inn property. On-street parking is available on both Furman Ave. and E. Chestnut St. and is heavily used by the neighborhood. No additional parking is proposed.

The 2006 plan included street tree, parking lot and building impact landscaping. No changes to the existing landscape are proposed with the exception of the removal of a 48" sycamore (5 tree credits), to be replaced with new trees.

This conditional zoning was approved by the Technical Review Committee (TRC) on March 2, 2018 and requires review by the Planning and Zoning Commission, City Council and Final TRC prior to zoning permits being issued.

The Planning & Zoning Commission reviewed this request at their meeting on May 11, 2018, and voted 7-0 in support of the project . Two citizens spoke providing general support for a neighborhood based restaurant/business but expressed concern over the lack of off-street parking provided to accommodate the new restaurant activity, particularly given the amount of multi-family and other business uses in the area that utilize the majority of on-street parking. One email from a nearby property owner expressing the same position was also received.

The property was successfully rezoned in September of 2006 (Ord. No. 3338) from RM-16 (Residential Multi-family, high density) to INST-CZ (Institutional-Conditional Zone). The purpose of the rezoning was to allow for the re-establishment of a small hotel/inn on the property. The property had historically been developed as an inn in the early 20's but before 2006 had most recently been used as multi-family residential units. The purpose of this amendment is to establish a restaurant on the property.

Conditions - A condition from the original order limited the uses on the property to:

- A 16 room hotel
- Three apartments for staff
- 32 seat dining room to be used primarily for hotel guests but being open to the public Friday & Saturday evenings and for Sunday Brunch.

The only deviation from the original Ordinance is to: 1) expand the number of seats in the dining room from 32 to 44, and 2) open the dining room to become a full-service restaurant open seven days a week for breakfast, lunch and dinner.

The conditional zoning for 301 E. Chestnut was approved on September 12, 2006. Another conditional zoning was approved at 37 Arlington that allowed for a small residentially zoned parcel to be used for off-street parking for a salon (zoned Office) in February 2006; and a recent conditional zoning for the Patton-Parker house was approved in March 2017. While not recent, the subject property is also less than 500-feet from the edge of the Charlotte St. overlay zoning established in 1999.

The subject property is bordered by RS-8 zoning to the east and RM-16 zoning on the other three sides. The purpose of conditional zoning is to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. Conditional zoning affords a degree of certainty in land use decisions not possible when rezoning to a general

use district.

Across E. Chestnut to the north is the Asheville Arms Apartments, a large muti-family apartment development constructed circa. 1967. Smaller multi-family structures and single family surround the property on all other sides. The conditions proposed for the project are intended to help mitigate any land use conflicts or other concerns related to the structure and/or activities on the property.

The *Asheville City Development Plan 2025* highlights the importance of smart growth and more specifically identifies the need for strategies that support historic preservation and infill development/adaptive reuse, while also recognizing the importance of tourism and the service industry in Asheville's economy. However, the plan also states the importance of protecting, preserving and enhancing existing neighborhoods and that this should be as much a part of the development pattern as promoting new construction, or expanding existing businesses.

This proposal most closely aligns with the 2036 Council vision goal of A well-planned and livable community by allowing for the addition of a new service (restaurant) in a manner that is in keeping with the harmony and character of the existing residential neighborhood.

Considerations:

- No building alteration or expansion will be required. The new use will be contained within the existing historic structure.
- The new restaurant use will require a minimum of 15-20 spaces that cannot be provided on-site.
- On-street parking is available but heavily used.

The Planning & Zoning Commission recommended approval by a 6-0 vote while encouraging the applicant to continue to explore options for new or shared parking.

In response to Councilwoman Smith on if the neighborhood was surveyed regarding on-street parking, Ms. Tuch said that the applicant has held their neighborhood meeting. She noted that two individuals spoke at the Planning & Zoning Commission meeting in support of the project but were concerned about the lack of on-street parking. In addition, she received one e-mail regarding the parking.

Ms. Samantha Fan, applicant, said that they have been looking at other options for new or shared parking and they are looking at encouraging their guests to travel with Uber, with the restaurant picking up that expense.

Mayor Manheimer opened the public hearing at 8:51 p.m., and when no one spoke, she closed the public hearing at 8:51 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the amendment to Ordinance No. 3388 to allow a 44-seat restaurant to be added to the property, and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: (1) Protects and preserves the historic structure through adaptive reuse; (2) Supports the service and tourism industries; and (3) Provides a walkable neighborhood service and amenity. This motion was seconded by Councilwoman Mayfield and carried unanimously.

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D. PUBLIC HEARING TO CONSIDER THE FISCAL YEAR 2018-19 OPERATING BUDGET

Chief Financial Officer Barbara Whitehorn said that this is the public hearing to receive public input on the proposed annual operating budget prior to adoption of the annual budget ordinance. This public hearing was advertised on May 11, 2018.

The 2018-19 Proposed Annual Operating Budget was presented to City Council on May 15, 2018. The Proposed Budget presented on that date was balanced with an ad valorem tax rate of $0.4289 per $100 of assessed value, which is unchanged from the current rate. All essential City services are continued in the Proposed Budget. A copy of the Proposed Budget is available for public inspection in the City Clerk's office. The Proposed Budget is also available for viewing on the City's website (www.ashevillenc.gov).

In accordance with the North Carolina Local Government Budget and Fiscal Control Act, a summary of the Proposed Budget along with a notice of the Public Hearing was published on May 11, 2018. Adoption of the Fiscal Year 2018-19 Budget Ordinance is scheduled for June 19, 2018, at the regularly scheduled City Council meeting. The Proposed Budget may be changed by City Council in any way before adoption. It may also be changed by budget amendment after adoption, with the only exception being the ad valorem tax rate, which cannot be changed once the Budget is adopted.

Staff recommends City Council conduct the public hearing on the City of Asheville Fiscal Year 2018-19 Proposed Annual Operating Budget and include public input in its consideration of the Budget.

At the request of Councilwoman Smith, it was the consensus of Council to direct the City Manager to see if an agreement can be negotiated with Buncombe County to reimburse the City for the 7 officers that we staff at the Family Justice Center. The City has a similar arrangement with the schools for our school resources officers.

Councilman Haynes asked for information related to the lease agreement for McCormick Field and whether or not the lease has expired.

Mayor Manheimer opened the public hearing at 8:56 p.m.

Alison Gooding, Rachael Sparks, Stephen Pinsky and Amanda Bryant all spoke about the importance of the Asheville Museum of Science to the community and asked to be included in Council's budget.

When Mayor Manheimer asked if Buncombe County is providing funding for the Asheville Museum of Science, Ms. Gooding replied the County contributes approximately $15,000 for programming but they are in discussions with them for more funding.

Councilman Young said that he will would meet with Ms. Gooding with the Asheville Museum of Science to learn more about the interaction with other groups and organizations.

Scott Mullins, President of the Asheville Firefighters Association, said that the 2.5% pay increase for City employees do not reflect the City's economic growth rate and requested it be raised to 3%. Employees are a tremendous resource and we need to retain our employees. In addition he asked Council to consider increasing the 457 match for firefighters from 4% to 6%, noting that ultimately the agreement was to reach 6% back in 2007.

Regarding the match for firefighters, Councilwoman Mayfield recalled the Finance Committee discussed this last fiscal year asked that staff provide the minutes of that meeting.

Ashley Cooper spoke about accountability in the budget and the need for participatory budgeting.

Elizabeth Schell, downtown business owner, spoke in opposition to any increase to the Asheville Police Department's budget.

Rondell Lance, President of the Fraternal Order of Police, and Diana Loveland, spoke in support of the Asheville Police Department's funding, and how several initiatives that have been put in place in order to build trust with the community.

Patrick Conant said that when the City fleshes out development performance metrics in the budget, the community should be at the table so departments will align with the community's priorities.

Luke Bernbach felt that if the City wants to focus on reducing crime, we need to invest in programs like the City of Asheville's Youth Leadership Academy.

Rev. Amy Cantrell was not opposed to raises for the police officers, but was opposed to the increase in officers at the Asheville Police Department.

Jonathan Wainscott said that the City has let the lease with the Asheville Tourists lapse since December 1, 2012, and felt we do not have proper management of the City's assets.

At 9:47 p.m., Mayor Manheimer closed the public hearing.

Councilman Haynes did not support a decrease in pay of police officers, as he felt our police officers should be paid more than what they get - they are hard working and it's a dangerous job. He was against the additional officers that were proposed last year and again this year. Last year during the budget process he was opposed to the $1.2 Million increase dedicated to the creation of a downtown police unit. Council was told that an additional unit was needed to deal with the drastic increase in crime in the Central Business District, yet in the poll of downtown residents and business owners, an increased police presence didn't make their list of needs. At the same time, Council was shown data revealing an alarming disparity between blacks and whites in traffic stops and searches. From the homeless community, we were hearing constant complaints about the harassment and over-policing, arresting and issuing citations for low level violations. He still does not support the creation of the downtown unit but instead would like to see an end to broken policies that focus law enforcement to work on low level offenses. If we direct employee's efforts away from these low level offenses, it would free up countless man hours, allowing officers to dedicate their time and efforts towards higher level crimes. Eliminating this increase would allow us to begin fare-free transit or some other use that addresses the root problems that lead to crime. He could not support this budget as long as the increase remains.

Mayor Manheimer said that the ordinance to consider adoption of the fiscal Year 2018-19 operating budget will be considered on June 12, 2018.

E. PUBLIC HEARING TO PURSUE DEBT FINANCING FOR CAPITAL PROJECTS WITH A DRAW PROGRAM THAT INCLUDES THE ISSUANCE OF INTERIM LIMITED OBLIGATION BONDS

RESOLUTION NO. 18-121 - RESOLUTION DIRECTING THE INTERIM CITY MANAGER AND CHIEF FINANCIAL OFFICER TO COMPLETE THE LIMITED

OBLIGATION BONDS FINANCING WITH BANK OF AMERICA FOR THE DRAW PROGRAM INTERIM FINANCING

Chief Financial Officer Barbara Whitehorn said that this is the consideration of a resolution directing the Interim City Manager and Chief Financial Officer to pursue debt financing for capital projects with a draw program that includes the issuance of interim, variable rate Limited Obligation Bonds (LOBs) in an amount not to exceed $48,000,000. The interim LOBs will provide construction financing for projects which, upon completion, will be permanently financed through longer-term, fixed rate LOBs and Special Obligation Bonds (SOBs).

The City has reimbursement resolutions for Council approved capital projects authorized as part of the Fiscal Year (FY) 2018 and FY 2019 Budgets. This LOB draw program will reimburse the City for costs incurred to date, and over the next 24 months, for those projects and allow the City to complete many of the projects.

As a next step in the process, staff is seeking City Council's approval to complete the LOB financing with Bank of America, as the purchaser of the LOBs, which provided the lowest cost financing for the draw program interim financing.

Projects include (1) New Leicester Highway Sidewalk; (2) River Arts District Redevelopment; (3) Neighborhood Sidewalk Program; (4) Site Preparation - Clingman/Hilliard; and (5) French Broad River West Greenway Match.

The resolution also authorizes the Interim City Manager and Chief Financial Officer to proceed with the LOB financing and execute and deliver the necessary documents to complete the financing.

Pro:

- Allows the City to move forward with the Capital Improvement Program and Draw Program financing.

Con:

- None noted.

The initial draw on the LOB facility for costs incurred to date is $20,600,000. At current variable rates associated with this facility (roughly 1.87%), the annualized interest expense on the initial draw is $385 thousand. As further draws are made on the facility, the interest expense will increase accordingly. Funds are included in the City's FY 2018-2019 proposed debt service budget to cover these costs. They are also included in the City's multi-year capital improvements debt model.

Staff recommends that City Council approve the resolution as it is proposed.

Mayor Manheimer opened the public hearing at 9:53, and when no one spoke, she closed the public hearing at 9:53 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of Resolution No. 18-121. This motion was seconded by Councilman Kapoor and carried unanimously.

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V. UNFINISHED BUSINESS:

A. CONSIDERATION OF LEGISLATION

Mayor Manheimer said that Council discussed this legislation at their May 15, 2018, meeting and it was then reviewed by the Governance Committee. To recap, this is three pieces of legislation (1) request the legislature to enact a local bill to have a Citizen Review Committee that better reflects what the community and Council wants - a Committee to actually have power and not just make recommendations. The legislation includes the power of the Citizen Review Committee to make binding decisions, to have subpoena power, to look at personnel records, to be able to view body-cam footage with a confidentiality agreement, etc. Coupled with the draft bill to establish of a Citizen Review Committee is the repeal of the Civil Service Board; (2) request an exception that would apply to Asheville for the body-camera state law, which does not allow city councils or a citizen review committee to review body-cam footage. This would create an exception for City Council and a Citizen Review Committee to be able to see that body-cam footage if a confidentiality agreement is signed; and (3) request for a bill that asks that the City of Asheville be allowed to disclose limited personnel information. Currently if someone files a complaint against someone in the Asheville Police Department because of the personnel laws the results of your complaint may not be disclosed to the complainant. This bill, modeled after Greensboro, would allow a complainant to actually hear the results of their complaint. She explained this is a part of the larger issues Council discussed at their March 30, 2018, worksession.

Councilman Kapoor supported two of the three legislation requests and also supported looking a the reform of the Civil Service Board including changing it's scope, putting the burden on the employee, and limiting the employees that are covered; however, he could not support the elimination of the Civil Service Board and replacing it with a Citizen Review Committee that has the power to impose discipline on police officers, including suspension, demotion or termination. City Council does not have the power to impose discipline on City employees, and for good reasons. We are not professionals in these area nor are we qualified to make those decisions. The power to discipline employees should remain with the Police Chief and City Manager through the appeal process.

Councilwoman Mayfield and Vice-Mayor Wisler also supported two of the three legislative requests. Her concern was the repeal of the Civil Service Board and establishing a Citizens Review Committee. We have started making changes to our personnel policies and we don't know that the impact will be on the Civil Service Board after those changes are made. They felt we need to explore options between repealing the Civil Service Board and establishing a Citizens Review Committee, and waiting to see the relationship of the personnel policy changes and the Civil Service Board. They suggested we not move forward with the legislative request to repeal the Civil Service Board.

Councilman Young felt we have not rushed into the legislation to repeal the Civil Service Board. His reservations have been clear about how our police interact with the community and the way the Civil Service Board handles reviews of incidents with the Police Department. It may seem like it's on the fast track, but no one has given it any attention until something large happened (Johnnie Rush incident) in the community. He has always had concerns about the Civil Service Board and how they have some type of autonomy over the Police Chief and overturn the Chief's ability to fire someone. We will be changing our policies internally to give the Police Chief more leeway to do what she needs to do but he didn't think that speaks to any volume of what the Civil Service Board can do in return to that.

Councilman Young moved for City Council to move forward legislation to allow the City of

Asheville to disclose limited personnel information regarding complaints. This motion was seconded by Vice-Mayor Wisler.

Councilman Young moved for City Council to move forward with legislation to amend the body-worn camera legislation to allow the City of Asheville to disclose law enforcement recordings to the Asheville City Council and a Citizen Review Board. This motion was seconded by Councilwoman Mayfield.

Councilman Young moved for City Council to move forward with legislation to authorize the City of Asheville to repeal the Civil Service Act and Establish a Citizen Review Board. This motion was seconded by Councilman Haynes.

Scott Mullins, President of the Asheville Firefighters Association, said that the Civil Service Board was formed in 1953 and it protects employees and the citizens of Asheville. It allows due process and they will fight hard not to repeal the Civil Service Board.

Brandon McGaha, representing Southern States Police Benevolent Association, and Rondell Lance, President of the Fraternal Order of Police, opposed the repeal of the Civil Service Board.

Diana Loveland stated that the policies on the City's website conflict and felt those should be updated. In addition she was opposed to the repeal of the Civil Service Board, along with the legislation to allow City Council to view body camera footage because a confidentiality agreement does not give the Police Department confidence that a leak will not occur.

Rev. Amy Cantrell and Matilda Bliss supported moving forward with all three legislative requests.

Patrick Conant supported a Citizens Review Committee and cautioned Council to choose the right people for the Committee.

In response to Councilman Young, City Attorney Currin said that all employees, except for Department Directors and Assistant Department Directors, have the protection of the Civil Service Board.

The motion made by Councilman Young to move forward legislation to allow the City of Asheville to disclose limited personnel information regarding complaints, and seconded by Vice-Mayor Wisler, carried unanimously.

The motion made by Councilman Young to move forward with legislation to amend the body-worn camera legislation to allow the City of Asheville to disclose law enforcement recordings to the Asheville City Council and a Citizen Review Board, and seconded by Councilwoman Mayfield, carried unanimously.

It was the consensus of Council to have the Finance & Human Resources Committee at an in-depth look at the Civil Service Board and the new personnel policies.

The motion made by Councilman Young to move forward with legislation to authorize the City of Asheville to repeal the Civil Service Act and Establish a Citizen Review Board, and seconded by Councilman Haynes, carried on a 4-3 vote, with Councilman Kapoor, Councilwoman Mayfield and Vice-Mayor Wisler voting "no."

VI. NEW BUSINESS:

A. RESOLUTION NO. 18-122 - RESOLUTION APPROVING THE 2018-19 STRATEGIC PARTNERSHIP FUND GRANTS

Community Development Program Director Heather Dillashaw said that this is the consideration of a resolution approving the recommendations of the Housing & Community Development (HCD) Committee for the 2018-19 Strategic Partnership Fund.

The HCD Committee received applications from 21 eligible organizations for Strategic Partnership Funds for 2018-19 for a total of $393,054. The Committee considered these applications at their meeting on March 23, 2018, and now recommends 19 applications for funding. The recommendations are:

AGENCY	AWARD
Asheville Area Arts Council	$2,500
Asheville Art Museum Association	$7,500
Bountiful Cities	$10,000
Children First	$15,000
Christine Avery Learning Center	$30,000
Council on Aging	$12,500
Green Opportunities	$15,000
Just Economics	$5,000
My Daddy Taught Me That	$20,000
OnTrack Financial	$7,500
One Youth at a Time	$7,500
Pisgah Legal Services	$12,500
Project Lighten Up	$4,500
Project Peace - New Mt. Olive Church	$15,000
Read to Succeed	$12,000
The SPARC Foundation	$10,000
Youth Transformed for Life (YTL)	$25,000
YWCA - Swim Equity	$15,900

YWCA - Getting Ahead	$15,000
TOTAL	**$242,400**

Total recommended funding is $242,400. This amount includes $42,000 un-allocated from 2017-18 Strategic Partnership Funds.

Pros:

- Approval of the Strategic Partnership Fund provides operating support to Asheville-based organizations that are providing direct services for Asheville residents.
- The Strategic Partnership Fund reflects the carefully considered recommendations of the City's Housing & Community Development Committee.

Con:

- Budget constraints continue to curtail the availability of funds; supported organizations will need to find alternate sources of program support. All worthy proposals could not be funded.

Strategic Partnership Funds are funded from the City's general fund. The funding recommendations do not exceed the fiscal limits included in the FY 2018-2019 Budget of $242,400.

The HCD Committee recommends approval of the 2018-19 Strategic Partnership Fund grants as presented.

In response to Vice-Mayor Wisler, Ms. Dillashaw said that the Asheville Art Museum grant is for programming for summer programs.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Mayfield moved for the adoption of Resolution No. 18-122. This motion was seconded by Councilman Young and carried unanimously.

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B. BOARDS/COMMISSIONS

Regarding the Board of Adjustment, the following individual applied for a seat: Ken Sherlin. It was the consensus of the Council to instruct the City Clerk to re-advertise for the two vacant Alternate Board of Adjustment seats.

Regarding the Homeless Initiative Advisory Committee, the following individuals applied for the vacancy: Val Ball, Timothy Moser, Bill Robinson, Michael Carlebach, Roberto L. Hess, Thomas Cash, Tamarie Macon, Donna Ball and Elvia Diaz. It was the consensus of Council to interview Donna Ball and Elvia Diaz.

RESOLUTION NO. 18-123 - RESOLUTION APPOINTING MEMBERS TO THE HUMAN RELATIONS COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Human Relations Commission of Asheville (HRCA).

City Council established a Human Relations Commission on April 10, 2018, to promote and improve human relations and achieve equity among all citizens in the City by carrying out the City's human relations program.

The following individuals who completed both required applications applied for the vacancy: Yvonne Cook-Riley, John B. Christiansen, Anne Greene, Tammy Chandler, Gretchen Gudites, Margaret H. Small, Chris Winebrenner, Michael Carter, Gabrielle Fricke, Tracy Elliott, Rondell Lance, Allison Scott, Davidson Jones, Greta Byrd, Matilda Bliss, Ashley Cooper, Jodi John Pippin, Stephanie Krucher, Patrick Conant, Ingrid Kalwitz, Mychal Bacoate, Sarah Williams, Grant Millin, J. Vann Vogel, Pearl DeBellot, Christine Longoria, Carol Buffum, Tiffany De'Bellott and Delores Venable.

After Council spoke highly of all candidates who applied, and after tallying all votes of City Council, the following individuals were appointed to the Human Relations Commission: Mychal Bacoate, Michael Carter, John Christensen, Patrick Conant, Ashley Cooper, Pearl De'Bellott, Tiffany De'Bellott, Gabrielle Fricke, Anne Greene, Davidson Jones, Christine Longoria, Delores Venable, Sarah Williams and Chris Winebrenner.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Brandon McGaha, with the Southern States Police Benevolent Association, said that that fact that the public was not allowed to speak on the three motions regarding the Police Department matters regarding traffic stops, written consent, etc. is disgusting. He had information about how it increases crime across the board, but obviously City Council doesn't want to hear about that. When it comes to traffic stops, any attempts to obstruct an officer's lawful ability to stop a car will be met with legal action from his Association. There may be instances where an officer is dealing with a situation away from the vehicle and may not have access to the consent forms. He noted that most DWI offenses are made off of equipment violations.

Councilwoman Mayfield was interested in hearing about any litigation in Fayetteville surrounding their policies on written consent.

Sgt. Rick Tullis, with the Southern States Police Benevolent Association and Asheville Police Officer, was disappointed that Council did not allow for public comment on a item not even on the agenda. Public comment was given on every other motion. Police officers need to be heard too. Regarding the traffic stop data, he showed a map (available on the City's website) which represents the Asheville Police Department's crime reporting data, and a map which showed the traffic stop reporting. The maps look identical. Police are not stopping vehicles based on race, etc., they are stopping vehicles based on where the crimes are occurring. Any attempt to take away the officers' ability of one of their most valuable tools will have a devastating impact on violent crime.

Mayor Manheimer said that Council's practice is to allow public comment on every motion - they are not required to at all. Councilman Young called the question and procedurally that cuts off debate and they vote.

Ms. Diana Loveland agreed with Sgt. Tullis that the vehicle stops correlate with the crime rate. Writing a citation is not the officer's first action when someone is pulled over for a regulatory

or equipment violation. They are either given a warning, a written warning, or a citation and if a citation they are told if they get the violation fixed, the citation will be dropped. However, taking that tool away from the officer in a violent crime area who is trying to deter crime will make crimes go up. She suggested a program for those who can't afford to have something fixed on their vehicle that they can apply to have a zero interest payment plan. She asked Council to support their Police Department and invited Council to do a ride-along with an officer.

Mr. Patrick Conant said that the NAACP has asked for the top 10 locations of where African American drivers are stopped. He asked for more data to be released on traffic stops.

Mr. Jonathan Wainscott said that only 7 police officers have been killed since 1906 and there are other occupations that are much dangerous, i.e., construction workers.

Mr. Rondell Lance, President of the Fraternal Order of Police, urged Council to let them be a part of the conversation so everyone works together.

Regarding the Council's actions on written consent and search policy, Councilman Kapoor said that this is an important issue, but this was not on the agenda and not advertised to the public, didn't go through the committee process, staff was not expecting it, he wasn't expecting it, and we did not even take public comment on it before voting. We talk about on Council the importance of transparency and democratic process but we violated every tenant of that tonight. What many of criticise Congress and the North Carolina General Assembly for doing, we just did tonight. He was embarrassed and wanted to apologize for the citizens of Asheville. Regardless of how you feel about the substance of that issue, how this was done tonight will be a black eye on this Council for years to come.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 11:00 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – June 19, 2018- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Interim City Manager Cathy Ball; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

Mayor Manheimer announced ground rules for the meeting and announced that Consent N. 1 will be amended to a motion setting a special meeting to hold a public hearing on July 2, 2018, at 5:00 p.m. to consider an ordinance amending the Water Resources System Maintenance and Capital Fee for Fiscal Year 2018-19.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MAY 22, 2018

B. RESOLUTION NO. 18-124 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MODIFICATION TO AN EXISTING AGREEMENT WITH BUNCOMBE COUNTY FOR THE PURPOSE OF BILLING AND COLLECTING PROPERTY TAXES ON BEHALF OF THE CITY OF ASHEVILLE

Summary: The consideration of a resolution directing the Mayor to execute a modification to an existing Agreement ("Modification Agreement") with Buncombe County for the purpose of billing and collecting property taxes on behalf of the City of Asheville.

In June, 2005, the City and County entered into an Agreement instructing the County to bill and collect property taxes on behalf of the City. In return for the billing and collection services provided, the City agreed to pay the County a fee of 1.5% of the City-related tax amount collected.

However, as property values and resulting property taxes rose over the last several years, so too did the billing and collection fees paid by the City. For fiscal year 2018, property tax billing and collection fees amounted to roughly $895,000 - an increase of approximately 13% over the previous fiscal year.

Following negotiations between the County and the City, both sides have agreed to a proposed Modification Agreement that contains the following key points:

- The Modification Agreement replaces a percentage based fee with a flat rate of $795,000 for the upcoming fiscal year. The flat rate will be paid in 4 equal installments at the beginning of each quarter.

- The County will continue to transfer tax revenue to the City's NCCMT account on a daily basis during the heaviest collection periods (Nov 01 - Jan 15). In lighter collection periods, the County will transfer funds on a weekly basis. Finance does not view this as problematic as it represents only a small loss in time value of money.

- The Modification Agreement is interim in nature and only applicable for the upcoming fiscal year. Finance and the County will continue to negotiate a more permanent agreement and will complete it for Council approval by the end of January, 2019.

Pro:

- Lower property tax billing and collection fees.

Con:

- None noted.

The negotiated flat rate fee of $795,000 represents a savings for the City of $100,000 when compared to the current year's percentage based fee.

Staff recommends that City Council approve the resolution as it is proposed and execute the Modification Agreement.

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C. RESOLUTION NO. 18-125 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FRENCH BROAD PAVING INC. FOR THE FISCAL YEAR 2018 ASPHALT PAVING IMPROVEMENTS - RESURFACING CONTRACT

Summary: The consideration of a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of $1,889,265 plus a contingency of 15% ($283,389) with French Broad Paving, Inc. for the project known as Fiscal Year (FY) 2018 Asphalt Paving Improvements – Resurfacing, City of Asheville Project K1801.

A list of warranted streets was assembled to be addressed by this contract. The project was advertised on April 23, 2018. Bids were opened on May 10, 2018, with the following results:

French Broad Paving, Inc. of Marshall, NC	$1,889,265.00
Harrison Construction Company of Asheville, NC	$2,485,786.25
Rogers Group, Inc. of Nashville, TN	$2,517,049.40

A 15% contingency ($283,389) has been added to allow payment for any unforeseen costs that typically arise during construction and to do additional street resurfacing. The work produced from this contract would fix a number of roads that are in need of repair. This contract is part of our annual Capital Improvement Program funded resurfacing program.

Pros:

- Will repair approximately 4.3 miles of roadways within the Asheville City limits.
- Will improve mobility and safety on city streets.

Con:

- Construction will be disruptive to adjacent residences and businesses.

The total budget for the FY18 Streets Program is $2.8 million. This funding is our annual repaving project and is not bond funded. The total cost of this contract, including contingency, is $2,172,655. The remaining funds in this budget will be used for other paving needs.

City staff recommends City Council adopt the resolution awarding the contract to French Broad Paving, Inc. and authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of $1,889,265 plus a contingency of $283,388.00 (15%) for the contract known as FY18 Asphalt Paving Improvements – Resurfacing, City of Asheville Project K1801.

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D. ORDINANCE NO. 4672 - BUDGET AMENDMENT TO RECEIVE INSURANCE RECOVERY FUNDS RECEIVED FOR HAIL DAMAGE OCCURRING AT THE NORTH FORK WATER TREATMENT PLANT

Summary: The consideration of a budget amendment in the Water Resources Capital Projects Fund in the amount of $146,246.40 from insurance recovery funds received for hail damage occurring at the North Fork Water Treatment Plant.

On May 1, 2016, multiple roofs located at the North Fork Water Treatment Plant sustained considerable hail damage. The City of Asheville (City) filed an insurance claim with the City's property insurance carrier, Berkley Southeast Insurance Group (Berkley) to consider funds to repair/replace the damaged roofs, minus a $25,000 deductible. The City received $121,246.40 from Berkley and deposited them into the City's Property & Liability Fund. The related roof replacement project is complete and City Council authorization is sought to reimburse the Water Resources Capital Projects Fund with the received insurance claim funds.

Pro:

- Payment issuance will result in allocating insurance funds to reimburse the operating department that issued full payment related to the insurance claim.

Con:

- None.

Fiscal impact is $25,000 deductible. Insurance proceeds were received via insurance claim.

Staff recommends City Council authorize insurance funds received and deposited into the City Property & Liability Fund in the amount of $146,246.40 be allocated via budget amendment into the Water Resources Capital Projects Fund to reimburse expended funds for an insurance-related claim.

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E. RESOLUTION NO. 18-126 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MULTI-YEAR AGREEMENT WITH PAYMENTUS FOR THE WATER RESOURCES DEPARTMENT INTERACTIVE VOICE RESPONSE PAYMENT ACCEPTANCE AND ELECTRONIC BILLING AND PAYMENTS SYSTEM

Summary: The consideration of a resolution authorizing the City Manager to execute a multi-year agreement with Paymentus for the Water Resources Department Interactive Voice Response Payment Acceptance and Electronic Billing and Payments system.

On August 9, 2017, the Water Resources Department (WRD) issued a Request for Proposals (RFP) for an Interactive Voice Response Payment Acceptance and Electronic Billing and Payments system for the Customer Services Division. Currently, customers pay their utility bills over the phone, in person, online, or by enrolling in autopay. The WRD needed to update, improve, and add more user-friendly and flexible ways for customers to pay their utility bills.

The scope of the project includes an interactive payment and billing system that would provide a variety of flexible and user friendly options for customers to access and pay utility bills, including: (1) Interactive Voice Response (IVR) system, which would provide outgoing automated calls as well as acceptance of debit/credit card and e-check payments; (2) Pay-by-Text; (3) Online Quick Pay, which would not require the user to register an account; (4) Paperless eBilling; (5) Pay-by-Email; (6) AutoPay; (7) Kiosk; and (8) Mobile via an in-browser mobileWeb or downloadable mobileApp.

In response to the RFP, the WRD received 7 proposals on October 2, 2017. Companies responding were:

1. Paymentus Corporation; Charlotte, NC
2. Invoice Cloud; Braintree, MA
3. Utilli, LLC; Bethesda, MD
4. Value Payment Systems; Nashville, TN
5. Milsoft Utility Solutions; Abilene, TX
6. Vocantas, Inc.; Ottawa, Ontario, Canada
7. eConn Solution and Services, LLC; Nashville, TN

Following a review of the proposals, City Staff selected two companies for interviews and demonstrations - Paymentus and Invoice Cloud. Based on the interviews and demonstrations, Paymentus was selected because their product provides real-time integration with Munis.

Pro:

- This agreement will provide customers with additional interactive methods to pay their utility bills via text, email, and mobile app.

Con:

- The exact annual cost is hard to predict at this point because it is based on the number of credit/debit card and eCheck transactions, which are expected to increase once the text, email, and mobile app capabilities are in place.

The cost for Paymentus includes a: (1) service fee - full pass through of interchange and assessments plus $0.50 per authorization for all Visa, MasterCard and Discover credit/debit card transactions; and (2) $0.75 flat fee for eChecks, after the first 4,000 each month. That equates to approximately $350,000 annually for the first year with a standard inflationary increase each year thereafter. The annual operating costs for the current system are $250,000. The additional $100,000 per year for this system will allow Water Resources to modernize its options for payment and help to greatly improve customer service with a more user-friendly billing system interface. The funding needed for this agreement will be funded from the Bank Fees line item in the Water Resources Operating Fund and will be adjusted for inflation each year like other operating line items.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a three-year agreement with Paymentus starting in Fiscal Year 2018-19 with an option to renew annually for an additional two one-year extensions for the Water Resources Department Interactive Voice Response Payment Acceptance and Electronic Billing and Payments system for an amount not to exceed the City's approved budget for each applicable fiscal year period.

RESOLUTION BOOK NO. 39 - PAGE 449

F. RESOLUTION NO. 18-127 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXERCISE THE THIRD-YEAR OPTION TO RENEW THE CONTRACT WITH MS LEAN LANDSCAPING LLC FOR GROUNDS MAINTENANCE SERVICES IN VARIOUS PARKS, GREENWAYS AND FACILITIES IN THE WEST TWO DISTRICT IN ASHEVILLE

Summary: The consideration of a resolution authorizing the City Manager to exercise the third-year option to renew the contract with MS Lean Landscaping LLC in the amount of $31,740 for grounds maintenance services in various parks, greenways and facilities in the west two district in Asheville in the cumulative amount of $95,220.

The Parks and Recreation Department contracts for ground maintenance services in various parks, greenways and facilities in the City's park system. The City entered into a one-year contract with MS Lean Landscaping LLC in Fiscal Year (FY) 2016-17 in the amount of $31,740 for ground maintenance service in the west two district, and exercised the option to renew for a second one-year contract in FY17-18 with the option to renew for a third year based on contractor performance. By electing to exercise the third year in the amount of $31,740 increases the cumulative amount of the contract to $95,220, an amount which requires City Council consideration and approval.

Pro:
- Supports the efficient delivery of core park maintenance services.

Con:
- None

The $31,740 funding required to support this ground maintenance contract is budgeted in the FY 2018-2019 Parks and Recreation Department operating budget as part of the Parks Maintenance division budget.

Staff recommends City Council to adopt a resolution authorizing the City Manager to exercise the third-year option to renew the contract with MS Lean Landscaping LLCi in the amount of $31,740 for grounds maintenance services in various parks, greenways and facilities in the west two district in Asheville in the cumulative amount of $95,220.

RESOLUTION BOOK NO. 39 - PAGE 450

G. ORDINANCE NO. 4673 - ORDINANCE AMENDING AND REPLACING ORDINANCE NO. 4615 GRANTING A FRANCHISE FOR "HERE TO THERE ADVENTURES" TO OPERATE A PEDAL BICYCLE TAXI SERVICE WITHIN THE CITY OF ASHEVILLE

Summary: The consideration of an ordinance amending and replacing the franchise agreement that was approved for "Here To There Adventures" on October 24, 2017, via Ordinance No. 4615 (second reading).

"Here To There Adventures" was approved to operate in the same service area as Asheville Bike Taxi, LLC which includes the Central Business District, the River Arts District, and the Historic Montford District. In addition, it would be allowed to use SR 3548 (Clingman Avenue) from Clingman Avenue Extension to Hilliard Avenue in order to gain access to the River Arts

District. The N.C. Dept. of Transportation has confirmed that the subject service can use state-maintained streets except for fully-controlled access streets like the interstate system.

The service is prohibited from operating on public streets that have a speed limit of 35 mph or higher. The one exception is the section of Clingman Avenue that provides access to the River Arts District. This section of street has a bicycle climbing lane and the pedal bicycle taxis are required to use it.

The hours of operation would be Monday through Thursday 4:00 pm until 12:00 am with three vehicles operating, Friday 4:00 pm until 3:00 am with three vehicles operating, Saturday 12:00 pm until 3:00 am with one vehicle operating between 12:00 pm and 4:00 pm and three vehicles operating between 4:00 pm and 3:00 am, and Sunday 12:00 pm until 12:00 am with three vehicles operating.

The owner has requested that the operating hours be changed to Monday through Sunday from 8:00 am until 3:00 am with one to three vehicles operating.

In addition, the business owner has changed from Michelle Kelly, 82 Crestfield Avenue, Asheville, NC 28804 to Jude Luc Richard (same mailing address). Michelle Kelly is the administrative member.

The Transportation Department and Police Department have reviewed this request and at this time, there are no concerns. The Police Department would like to reassess the new hours after one year to be sure that no issues were created by the additional hours.

This item was reviewed by the Public Safety Committee on May 21, 2018, and they unanimously recommended that it move forward to City Council for review and approval.

Pros:

- Supports diversified job growth and business development.
- Enhances the visitor experience to downtown Asheville.
- Franchise agreement fees in the amount of $365 per year.

Con:

- Could impact vehicular traffic flow.

There is no fiscal impact for the subject franchise agreement amendment.

Staff recommends that City Council approve an ordinance amending and replacing the franchise agreement that was approved for "Here To There Adventures" on October 24, 2017 via Ordinance # 4615.

ORDINANCE BOK NO. 32 - PAGE 84

H. RESOLUTION NO. 18-128 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE ASHEVILLE DOWNTOWN ASSOCIATION FOR SPACE AT 29 HAYWOOD STREET

Summary: The consideration of a resolution authorizing the City Manager to execute a lease agreement between the City of Asheville (City) and the Asheville Downtown Association (ADA) for an office and storage space located at 29 Haywood Street.

The Asheville Downtown Association is a non-profit organization committed to preserving the vitality of Asheville's downtown area. For several years, ADA has occupied a portion of

City-owned property at 29 Haywood Street for offices and storage space under a verbal agreement. At this time, the City intends to formalize a written lease with ADA. The City's Real Estate Coordinator and the ADA's Executive Director have been working together to negotiate the terms of that lease and to ensure that ADA is complying with the terms of the City's lease guidelines, as adopted in 2017. In addition to the office and storage space, ADA proposes to lease the interior wall of the hallway that connects the Wall Street parking garage to Haywood Street for the purposes of installing and maintaining a placemaking mural.

The proposed lease has a term of five years with one renewal for four additional years. The lease can be terminated by either party with 180 days written notice. The space was valued using local commercial leasing rates for the downtown area of Asheville. The rate applied for office space in this area is $21.57 per square foot. ADA will be occupying 811 square feet, which yields a value of $1,458 per month. This rate was discounted by 20% because the space does not have private restroom facilities and ADA must share facilities with the Asheville Police Department in the adjoining office, thus reducing the monthly office rate to $1,166. ADA also uses 1,500 square feet of storage space that is valued at $5.97 per square feet or $746.00 per month. The total monthly fair market rent would be $1,912 per month or $22,944 a year. The mural wall is not included in the rent calculation.

ADA presented a detailed proposal that documented the in-kind services that they provide for the benefit of the public. ADA demonstrated how the in-kind services aligned with the City Council 2036 Vision and requested that these in-kind services should be deemed as acceptable compensation for the value of the lease over the lease term. The Real Estate Division recommends that City Council authorize the lease without charge to ADA provided that ADA continues to offer community services throughout the term of the lease.

Pros:

- Continued partnership with the Asheville Downtown Association through a lease of City-owned property.
- This lease contains specific insurance requirements to protect the City's liability.
- Provision of civic events and other activities designed to promote downtown as a community gathering space, a destination, and a business support environment.

Con:

- City incurs a portion of the maintenance costs for this City-owned building.

ADA proposes in-kind services in exchange for rental fees. The City will continue to have maintenance responsibilities for the building but provisions of the lease protect the City's interests and limit liability.

City staff recommends City Council adopt a resolution authorizing the City Manager to execute a lease agreement with the ADA for a downtown office in exchange for conducting a wide array of services for the public good throughout the term of the lease.

RESOLUTION BOOK NO. 39 - PAGE 451

I. RESOLUTION NO. 18-129 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE LAND-OF-SKY REGIONAL COUNCIL TO CONDUCT ENERGY AUDITS ON WATER RESOURCES FACILITIES

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with the Land of Sky Regional Council to conduct energy audits on 2 water treatment plants and 3 pump stations.

Waste Reduction Partners, a division of Land of Sky Regional Council ("Land of Sky"), provides energy audits on various governmental facilities across the state at no cost to the municipality using grant funds. Land of Sky, which is a multi-county, local government, planning and development organization, has offered to audit two of the City's water treatment plants (North Fork and Mills River) as well as three pump stations (South Buncombe Pump Station, Enka Lake Pump Station, and Beaverdam Pump Station). These sites were prioritized by staff due to their energy intensity and equipment that potentially needs to be replaced or repaired. The City and Land of Sky desire to enter into an interlocal agreement in order to conduct these energy audits.

Pros:

- Supports Resolution 11-77, reducing the City's municipal carbon footprint
- Service is offered at no cost to the City
- May lead to procedures and projects that reduce Water Resources operating costs

Cons:

- None identified

As noted above, there is no cost to the City. Land of Sky is utilizing grant funds to conduct the audits.

Staff recommends City Council adopt a resolution authorizing the City Manager to enter into an interlocal agreement with Land of Sky to conduct energy audits on select water resource sites.

RESOLUTION BOOK NO. 39 - PAGE 452

J. ORDINANCE NO. 4674 - BUDGET AMENDMENT TO TRANSFER FUNDS FOR THE RESTORATION OF THE TWO TROLLEY HOUSES AND ONE ROCK WALL STRUCTURES AT E.W. GROVE PARK

Summary: The consideration of a technical budget amendment in the amount of $81,700 to transfer funds from Parks and Recreation's deferred maintenance operating budget in the General Fund to the General Capital Projects Fund for the restoration of the two trolley houses and one rock wall structures at E.W. Grove Park.

The Parks and Recreation Department deferred maintenance cost center in the General Fund is used for minor repairs and improvements for parks and recreation facilities. There are items budgeted there in the current fiscal year that relate to larger projects that should be accounted for in the General Capital Projects Fund. These items include $81,700 for historic restoration assessment, construction observation, and restoration construction of the trolley houses and rock wall at E.W. Grove Park.

Staff is requesting City Council to approve a technical budget amendment to establish a budget of $81,700 in the General Capital Projects Fund from the Parks and Recreation Department deferred maintenance budget.

Pro:

- This action will allow each capital project to reflect all the expenditures related to the construction and design of the project.

Con:

- None

The technical budget is to complete the design and construction of the improvements to the trolley houses and rock wall at E.W. Grove Park. The project budget will authorize expenditures up to $81,700. These expenditures have been fully funded through the transfer of funds from the Parks and Recreation Department deferred maintenance operating budget.

City staff recommends City Council approve the technical budget amendment authorizing the Interim City Manager to establish a budget for $81,700 to support the improvements to the trolley houses and rock wall at E.W. Grove Park.

Ms. Suzanne Escovitz spoke in support of this project.

ORDINANCE BOOK NO. 32 - PAGE 90

K. RESOLUTION NO. 18-130 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE THIRD-YEAR OPTION TO RENEW THE CONTRACT WITH LOCUST PROPERTY MANAGEMENT, LLC FOR GROUNDS MAINTENANCE SERVICES IN VARIOUS PARKS, GREENWAYS AND FACILITIES IN THE EAST TWO DISTRICT IN ASHEVILLE

Summary: The consideration of a resolution authorizing the City Manager to exercise the third-year option to renew the contract with Locust Property Management, LLC in the amount of $31,300 for grounds maintenance services in various parks, greenways and facilities in the east two district in Asheville in the cumulative amount of $93,900.

The Parks and Recreation Department contracts for ground maintenance services in various parks, greenways and facilities in the City's park system. The City entered into a one-year contract with Locust Property Management, LLC. in Fiscal Year (FY) 2016-17 in the amount of $31,300 for ground maintenance service in the east two district, and exercised the option to renew for a second one-year contract in FY17-18 with the option to renew for a third year based on contractor performance. By electing to exercise the third year in the amount of $31,300 increases the cumulative amount of the contract to $93,900 an amount which requires City Council consideration and approval.

Pro:
- Supports the efficient delivery of core park maintenance services.

Con:
- None

The $31,300 funding required to support this ground maintenance contract is budgeted in the FY 2018-2019 Parks and Recreation Department operating budget as part of the Parks Maintenance division budget.

Staff recommends City Council to adopt a resolution authorizing the City Manager to exercise the third-year option to renew the contract with Locust Property Management, LLC. in the amount of $31,300 for grounds maintenance services in various parks, greenways and facilities in the east two district in Asheville in the cumulative amount of $93,900.

RESOLUTION BOOK NO. 39 - PAGE 453

L. RESOLUTION NO. 18-131- RESOLUTION SETTING A PUBLIC HEARING ON JULY 24, 2018, FOR AN ECONOMIC INCENTIVE GRANT TO GENERAL ELECTRIC CORPORATION AND UNISON ENGINE COMPONENTS INC.

Summary: The consideration of a resolution authorizing a public hearing to be held on July 24, 2018, to consider an economic development incentive grant for General Electric Corporation and Unison Engine Components, Inc.

City of Asheville has been requested by Asheville-Buncombe EDC for consideration of a performance based incentive grant under the City Economic Development policy to an existing Asheville manufacturing facility, operated by General Electric Corporation ("GE"), and Unison Engine Components, Inc. ("Unison"). The purpose of the City's participation would be to induce GE to make additional investments in the City for expenditures to acquire and install machinery/equipment, make facility improvements which increase the tax value as determined by the Buncombe County Tax Department in the amount of $105,000,000, and create 131 new median wage jobs with benefits. The City of Asheville is considering offering a performance based grant in an amount not to exceed $900,960. North Carolina state law requires a public hearing be held before an incentive grant can be officially awarded.

Pros:

- Performance driven grant that is distributed after job and investment is achieved or mutually agreed performance benchmarks are established;
- Supports job creation and capital investment in Asheville;
- Supports regional and state cooperation in the project.

Con:

- Grant is formulated based on use of a portion of the new incremental increase from property tax revenue generated by the project for a 5 year period.

The project has an overall positive fiscal impact on tax revenues received by the city. Initially (during the grant period), the City will receive 50% of the new incremental property tax revenues, as well as the existing property tax revenues from the project. After the grant period of 5 years, the City will henceforth receive 100% capture of all city taxes.

City staff recommends Council approve a resolution authorizing a public hearing to be held on July 24, 2018, on an economic development incentive grant agreement to support existing industry expansion of GE/Unison.

RESOLUTION BOOK NO. 39 - PAGE 454

M. RESOLUTION NO. 18-132 - RESOLUTION AUTHORIZING AN AMENDMENT TO THE ECONOMIC DEVELOPMENT AND PURCHASE OPTION AGREEMENTS FOR WHITE LABS LOCATED AT 172 AND 174 S. CHARLOTTE STREET

Summary: The consideration of a resolution approving amendments to the economic development agreement and option agreement with White Labs, Inc. regarding 172 & 174 S. Charlotte Street to reflect a new option renewal period and that additional economic development activities may take place at either 172 S. Charlotte, 174 S. Charlotte or a combination of both.

In January 2015, City Council authorized an economic development incentive agreement with White Labs Inc., a world leader in fermentation sciences for the brewing and winemaking industries, for a new Asheville facility. This agreement included a five year lease of a City-owned building at 172 S. Charlotte with an option to purchase at the end of the lease term, and an option to purchase the adjacent City-owned property at 174 S. Charlotte Street. Since that time, White Labs has invested over $8.1 Million in machinery, equipment and facility improvements on

City-owned property at 172 S. Charlotte Street and has created 37 new jobs. White Labs has until 2020 to meet all the requirements of the economic development agreement and both job creation and capital investments are on target or exceeding the City's requirements as stated the economic development agreement.

The option agreement on the adjacent site at 174 S. Charlotte Street has now expired and White Labs has requested that the option be renewed for an additional one-year period for a non-refundable fee of ten thousand dollars ($10,000) applicable to the purchase price. The existing terms of the option state that White Labs has the exclusive option to purchase the adjacent 1.67 acre City-owned parcel for 80% of fair market value if substantial additional improvements and jobs are committed to by White Labs, or for fair market value if no additional economic benefits are committed. In order to qualify for the discounted land price, White Labs must enter into another economic development incentive agreement with at least an additional investment of $8.1 Million in improvements and the creation of at least 65 additional median wage jobs. White Labs is requesting that this term is clarified so that the discounted land price can be invoked if additional jobs and improvements are created at 172 S. Charlotte, 174 S. Charlotte or combination of both. As currently written, the Option requires that such improvements and jobs occur only on the 174 S. Charlotte Street property. If approved, the Option will be extended for an additional year and will expire on May 1, 2019 unless exercised by White Labs.

Pros:

- Supports continued job creation and capital investment in Asheville
- If exercised, the sale of the property will activate an underperforming City asset and convert the asset into a taxable property
- Supports development of an identified economic cluster in the City

Con:

- None noted.

An additional non-refundable option fee of $10,000 will be paid upon execution of the amendment and will benefit the City's General Fund. If the Option is exercised, then the City will receive the fair market value of the property or 80% of fair market value plus economic development impact, which will benefit the General Fund.

City staff recommends Council approve a resolution authorizing an amendment of the economic development agreement and option to purchase between the City and White Labs.

RESOLUTION BOOK NO. 39 - PAGE 455

N. MOTION SETTING A SPECIAL MEETING TO HOLD A PUBLIC HEARING ON JULY 2, 2018, AT 5:00 P.M. IN THE COUNCIL CHAMBER TO CONSIDER AN ORDINANCE AMENDING THE WATER RESOURCES SYSTEM MAINTENANCE AND CAPITAL FEE FOR 2018-19 FISCAL YEAR

RESOLUTION NO. 18-133 - RESOLUTION AUTHORIZING THE CREATION OF A CAPITAL RESERVE FUND FOR WATER DEVELOPMENT FEES

Summary: The consideration of: 1) a motion setting a special meeting to hold a public hearing on July 2, 2018, at 5:00 p.m. in the Council Chamber to consider an ordinance amending the Fiscal Year (FY) 2018-19 fees and charges to adopt the Water Resources Department (WRD) "System Maintenance and Capital Fees" and rename it to "Development Fees" and 2) a resolution authorizing the creation of a capital reserve fund to account for all proceeds received from the Development Fees.

System development fees are one-time charges assessed to new water customers for their use of system capacity and serve as an equitable method by which to recover up-front system capacity costs from those using the capacity. North Carolina General Statute 162A Article 8 ("Article 8") provides for the uniform authority to implement system development fees for public water systems in North Carolina, and was recently passed by the North Carolina General Assembly and signed into law on July 20, 2017.

North Carolina General Statute 162A Article 8 ("Article 8") also provides that all proceeds from these fees be accounted for in a capital reserve fund. Therefore, staff is requesting Council approval of a resolution establishing a capital reserve fund (CRF) to meet this statutory requirement. The City may not expend monies directly out of a CRF. Instead, Council must amend the CRF to withdraw the monies and then amend the budget ordinance or project ordinance to recognize the revenue and authorize its expenditure for specific water projects or debt service payments associated with these projects.

Raftelis Financial Consultants, Inc. (RFC) completed the required analysis for establishing system developments fees and a public hearing will be held on July 2, 2018, to adopt the analysis and fees.

Pro:

- Establishes a Capital Reserve Fund to meet statutory requirements.

Con:

- Failure to comply with the conditions and limitations of NCGS 162A Article 8 – "System Development Fees" will constitute a violation of the State statute.

The proposed fund is estimated to capture new revenue of $100,000. As noted above, this capital reserve fund will be used to pay debt service on past water projects or to pay for current and/or future capital projects.

City staff recommends City Council adopt: 1) a motion setting a special meeting for a public hearing on July 2, 2018, at 5:00 p.m. in the Council Chamber to consider an ordinance amending the Fiscal Year 2018-19 fees and charges to adopt the Water Resources Department "System Maintenance and Capital Fees" and rename it to "Development Fees, and 2) a resolution authorizing the creation of a capital reserve fund to account for all proceeds received from the Development Fees.

RESOLUTION BOOK NO. 39 - PAGE 456

O. RESOLUTION NO. 18-134 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROJECT PARTNERSHIP AGREEMENT WITH THE US ARMY CORPS OF ENGINEERS FOR THE SWANNANOA RIVER FLOOD RISK MANAGEMENT PROJECT

Summary: The consideration of resolution authorizing the City Manager to enter into a Project Partnership Agreement with the US Army Corps of Engineers for the design and construction of the recommended Swannanoa River Watershed Flood Risk Management Project.

The Hurricane Recovery Act of 2005 (Senate Bill 7) allocated funds for planning and implementation of projects to aid in flood damage reduction for North Carolina communities hardest hit by the 2004 hurricane season. The Biltmore Village area of the City of Asheville (within the Swannanoa River Watershed) was named as a recipient of this funding. On May 12, 2009 City Council authorized the City Manager to enter into a Federal Cost Share Agreement,

between the City of Asheville and the US Army Corps of Engineers (Corps) for the evaluation of flood mitigation projects within the Swannanoa Basin.

The goal was to identify potential projects throughout the Swannanoa Basin that would reduce flooding. This process identified 48 potential flood reduction projects. Through the detailed evaluation, which included a thorough analysis of cost of the projects versus the benefit provided through flood reduction, the 48 measures were narrowed down to 7 structural measures which included:

1. Biltmore Bank Cut
2. Sweeten Creek Detention Structure
3. Dry Dam at Warren Wilson
4. Lake Craig Dam Rehabilitation or Replacement
5. Black Mountain Levee/Floodwall
6. Bee Tree Dam Modification
7. I-40 Disposal Area Removal

Through additional analysis of the 7 measures, 6 of the measures did not have a positive benefit/cost ratio which is necessary to continue in the Corps process. The Corps has finalized the Section 205, Flood Risk Management Detailed Project Report and Environmental Assessment in which the Corps recommended one project for implementation. The project selected by the Corps is the removal of the floodplain fill both upstream and downstream of the Biltmore Avenue Bridge.

City Staff, along with the Army Corps of Engineers, met with the Flood Damage Reduction Task Force to provide the recommendations from the Corps. The Flood Damage Reduction Task Force was excited to see a project moving forward.

The total project cost is estimated to be $6.4 million dollars with the cost split being a maximum of 65% coming from the Corps of Engineers and a minimum of 35% from the local partner, which is the City ("Non-Federal Sponsor"). The estimated cost to the City (35% of the project cost) is $2,238,950 which would include the costs to purchase and/or acquire necessary property, any utility relocations and staff time (i.e. "in-kind contribution"). If the cost of acquiring properties, utility relocations, etc are above the Corps appraised value, the City could be responsible for a maximum cost of up to 50%. If the cost to the city increases, City Staff will acquire necessary authority from City Council with details of any increase. The Corps of Engineers has included a contingency per their estimating standards in the cost estimate.

There are two property owners within the project area, who as part of the feasibility stage of the project, City Staff acquired temporary easements; for geotechnical exploration. The property owners are aware of the project. It will be the City's responsibility to acquire the necessary property in order for the project to move forward. The specific property needed will be determined from the detailed design by the Corps of Engineers.

City Staff presented the Project Partnership Agreement to the Finance Committee on May 22, 2018, and received approval to move the project forward to City Council.

City staff is requesting Council to allow the City Manager to enter into a Project Partnership Agreement (PPA) with the Corps of Engineers for this project's continuation. Once the PPA is executed, the Corps will begin design later this summer. Design is anticipated to take approximately 18 months. The Corps will ask the City to acquire the necessary real estate for the project. Construction is anticipated to begin in 2021.

Pros:

- Flood reduction of approximately 0.5 feet during the 100 year flood event will be achieved through the implementation of this project.
- The City will be able to maximize funds available through the partnership with the Corps of Engineers.
- Flood reduction benefits from this project will be ongoing for the area.
- Citizens in the area are asking for flood mitigation projects to be constructed.
- The City will be credited for work in kind from staff time associated with the project.
- The Design of the project will begin later this year.

Cons:

- The City would be responsible for a minimum of 35% of the cost combined for design, rights of way and construction.
- The construction process will begin in 2021.

The City will be responsible for $2,238,950 which will be allocated from the Stormwater Utility Fund's Capital Improvement Program (CIP). The funding allocations will be spread out over multiple fiscal years. The City will be able to utilize approximately $965,000 from funds available from the Hurricane Recovery Act of 2005 through the North Carolina Division of Water Resources.

Staff recommends City Council approve a resolution authorizing the City Manager to enter into the Project Partnership Agreement and execute any modifications to the agreement necessary with the Army Corps of Engineers which will allow the partnership to continue the implementation of the flood mitigation project which will reduce damages from flooding in Biltmore Village.

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P. RESOLUTION NO. 18-135 - RESOLUTION AUTHORIZING THE SOLE SOURCE PURCHASE OF CLARKE POWER SERVICES INC. HYBRID BATTERY PACKS FOR TRANSIT BUSES

Summary: The consideration of a resolution supporting the sole source purchase of hybrid battery packs from Clarke Power Services Inc. to replace needed batteries for midlife service of hybrid vehicles and to comply with the Federal Transit Administration's Bus & Bus Facilities Infrastructure Investment Program and the Urbanized Area Formula Program provisions.

In June 2017, the City's Transportation Department was able to repurpose $200,972 under the Fiscal Year (FY) 2009 Section 5307 Urbanized Area Formula Program to purchase hybrid battery packs. This grant, combined with Federal Transit Administration's (FTA) FY 2018 Section 5339 Bus & Bus Facilities Infrastructure Investment Program that is now intended for transit capital purchases, will allow the City to purchase seven hybrid battery packs. According to ART maintenance staff, Clarke Power Services Inc. is the only provider of batteries that can serve Gillig hybrid buses.

Pros:

- Clarke Power Services Inc. is a leading manufacturers of hybrid battery packs
- This action ensures compliance with FTA's Bus & Bus Facilities Infrastructure Investment Program and the Urbanized Area Formula Program provisions.

Con:

- None

On February 13, 2018, City Council approved a budget amendment for the purchase of hybrid battery packs. The current action is administerial and does not affect the budget.

Staff recommends that City Council adopt a resolution supporting the sole source purchase of hybrid battery packs from Clarke Power Services Inc. to replace needed batteries and to comply with FTA's Bus & Bus Facilities Infrastructure Investment Program and the Urbanized Area Formula Program provisions.

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Q. RESOLUTION NO. 18-136 - RESOLUTION AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN DUKE ENERGY PROGRESS' SMALL BUSINESS ENERGY SAVERS PROGRAM AND TO ENTER INTO A SOLE SOURCE CONTRACT FOR THE PURPOSE AND INSTALLATION OF ENERGY EFFICIENCY LIGHTING IN THE FLEET MAINTENANCE GARAGE AT 173 S. CHARLOTTE STREET

Summary: The consideration of a resolution authorizing the City Manager to participate in Duke Energy Progress' Small Business Energy Saver Program and to enter into sole source provider contract for the purchase and installation of energy efficient lighting in the Fleet Maintenance Garage at 173 S Charlotte Street.

The electric utility Duke Energy Progress' Small Business Energy Saver (SBES) Program pays for energy efficiency upgrades up front, and covers up to 80% of the total project costs.

The Fleet Maintenance garage facility provides an opportunity to utilize the SBES program while yielding an estimated $5,448.83 in annual energy savings. In terms of carbon reductions, the project will yield 46.5 MTCO2e towards our annual 4% carbon reduction goal.

The Office of Sustainability has analyzed the potential costs for the project and determined that the SBES Program is a unique opportunity to leverage significant up front capital funding from Duke Energy Progress. The total cost to the City would be $25,762.56, however, utilizing Duke Energy Progress' utility incentive program, the project offsets the cost by 54%. This cost includes parts, labor and project management. The total cost of the project is $10,694.95 and will be funded from the green revolving funds that are part of the Sustainability FY 2018-19 Budget. While this property has been identified to be redeveloped for affordable housing, it is unlikely that this facility would be demolished prior to the 22 month payback period as a new location for the City's fleet has not yet been identified.

The SBES Program is run through a single authorized contractor, Lime Energy. In order to participate in the SBES Program, the City needs to pursue a single source provider contract with Duke Energy Progress / Lime Energy. See Exhibit A and Exhibit B. This is allowable as per N.C.G.S. 143-129(e)(6) which states that "the governing body of a political subdivision of the state shall approve the purchase of apparatus, supplies, material or equipment without formal bidding when (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration."

These energy efficiency upgrade supports City Council's 2036 Vision through a Clean and Healthy Environment and Smart City; additionally, the scope of work supports Resolution 07-90, establishing energy conservation goals and benchmarks as well as Resolution 11-77, increasing the municipal carbon footprint reduction goal to 4% every year.

Pros:

- Supports Resolution 11-77, reducing the City's municipal carbon footprint
- Leverages a DEP incentive which contributes $13,799.28 to the project cost
- Estimated to reduce operating costs by $5,448.83 annually and energy consumption in one of the City's top 20 most energy intensive buildings
- Payback period is less than 2 years (22 months)
- Will improve work environment for mechanics and technicians in the Fleet Management facility
- LED light installation may be salvaged, or reused, if Fleet is located at a future date

Cons:

- The facility is at the end of its useful life
- This property has been identified for redevelopment of affordable housing.

As noted above the total cost of the project is $10,694.95 with funding utilized from the green savings that are part of the Sustainability budget. Once complete, the upgrade will produce an estimate of $5,448.83 savings of energy costs per year.

Staff recommends City Council adopt a resolution authorizing the City Manager to enter into a sole source contract to purchase and install energy efficiency lighting as part of Duke Energy Progress' Small Business Energy Savers Program.

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R. RESOLUTION NO. 18-137 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A GRANT MODIFICATION AGREEMENT WITH THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY FOR RIVERFRONT DESTINATION DEVELOPMENT GRANT

RESOLUTION NO. 18-138 - RESOLUTION AUTHORIZING THE CITY MANAGER TO TERMINATE THE GRANT AGREEMENT WITH THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY FOR THE RIVERFRONT DESTINATION DEVELOPMENT 2.0 GRANT

Summary: The consideration of two resolutions authorizing the City Manager to sign grant amendments with Buncombe County Tourism Development Authority (BCTDA) for the purposes of consolidating grants and adjusting the scope of the grants to align with the current construction funding.

In February 2015, Council approved Resolution No. 15-30 authorizing the City Manager to sign a BCTDA grant agreement for $1.8 million in grant funds to help construct a portion of the Riverfront Destination Development Projects.

In December, 2016 Council approved Resolution No. 16-266 authorizing the City Manager to sign a separate BCTDA grant agreement for $700,000 for the French Broad River Greenway West as part of the Riverfront Destination Development Project 2.0.

In June, 2017 Council approved Resolution No. 17-137 which stated in part that the scope of the TIGER VI project needs to be modified due to the increase in costs, and as such the scope of the French Broad River Greenway West would be removed from TIGER VI and phased for a later date.

In January, 2018 Council approved Resolution No. 18-22 authorizing the City Manager to accept an additional $4.6 million in grant funds from the BCTDA to complete the Lyman street work for the RADTIP project, which is part of the Riverfront Destination Development.

Modifications of the above referenced BCTDA Grants are necessary in order to bring the scope of the grants into compliance with the Council approved Riverfront Destination Development funded construction projects. In addition, staff is also recommending that the grants be consolidated into a single BCTDA grant for clarity in reporting and future BCTDA invoicing.

Council approval is required to authorize the City Manager to sign these grant modifications. These grant modifications are outlined in two separate resolutions: (1) amendments to the BCTDA Riverfront Destination Development grant which aligns the scope of the grant to the scope of the funded construction projects. It also adds increases the funding of this grant by $4.6 million dollars per Resolution No. 18-22 as well as transfers $700,000 from the BCTDA Riverfront Destination Development 2.0; and (2) termination of the BCTDA Riverfront Destination Development 2.0 grant since the full $700,000 in grant funding was transferred to the BCTDA Riverfront Destination Development grant.

Pros:

- City Council has identified implementation of riverfront redevelopment capital investments as a key strategic goal for the city through the creation of Innovation District designation for the greater River Arts District;
- Modification of these BCTDA grant scopes is required to bring the City into compliance and align the grants with the funded construction projects.
- Consolidation of the multiple grants into a single $7.1 million grant will simplify the tracking, reporting and future invoicing.

Con:

- No cons are identified.

Funding from these identified BCTDA grants total $7.1 million dollars and have already been budgeted and approved by City Council. There is no loss of funding with these grant modifications, and therefore no fiscal impact to the already approved budgets.

City staff recommends City Council authorize the City Manager to sign the grant modifications with BCTDA.

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RESOLUTION NO. 18-138 - RESOLUTION BOOK NO. 39 - PAGE 461

S. RESOLUTION NO. 18-139 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AGREEMENT WITH WEST ASHEVILLE BAPTIST CHURCH FOR A PARKING LOT LOCATED AT REDFERN STREET AND LYNNDALE AVENUE

Summary: The consideration of a resolution authorizing the City Manager to sign a lease agreement with West Asheville Baptist Church that will allow the Adam District of the Asheville Police Department (APD) to use the parking lot owned by the church at the intersection of Redfern Street and Lynndale Avenue as needed to park police vehicles and vehicles owned by police officers working in the district.

West Asheville Baptist Church has been allowing police vehicles to be parked in their overflow parking lot for roughly ten years (Property ID 9628-95-7436). APD has been allowed to use the parking lot free of charge and they have had almost exclusive use of the approximately 20,900 square foot parking lot during that time. Two or three times a year, the church uses the lot

for festivals and special events, and it is not needed for regular Sunday services. The condition of the parking lot has deteriorated over time. It was paved many years ago, but has not been maintained by either APD or West Asheville Baptist Church.

The City would like to continue to utilize this property for APD parking and wishes to enter into a formal lease agreement for this use. The initial lease term will be for five years with one four-year renewal. The Church has asked that the City reimburse them for the repaving of the parking lot as compensation for the lease of the property. This one-time lump sum payment would be in lieu of regularly scheduled rent payments. The Church would be responsible for procuring and contracting the work to be performed by a qualified paving contractor on Church-owned property. The City's reimbursement would be capped at $50,000 and this represents the compensation for the lease. Over the term of the lease, this fee appears to be fair, considering the demand for exclusive, reliable parking in West Asheville. The funds are budgeted by APD for the fiscal year that begins July 1, 2018.

Pros:

- The lump sum payment appears to be cost effective for APD to secure parking services for its personnel.
- APD will continue to be able to use a parking lot that is easily accessible to the district station.

Cons:

- None noted.

The Asheville Police Department will expend up to $50,000 in lease compensation out of its General Fund budget allocation for Fiscal Year 2018-19.

Staff recommends City Council adopt a resolution authorizing the City Manager to sign this Lease Agreement to formalize the relationship between APD and the West Asheville Baptist Church to ensure that the parking lot will be available for police usage.

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T. RESOLUTION NO. 18-140 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BIG CRAFTY EVENT

Summary: The consideration of a resolution authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at The Big Crafty.

- Asheville Area Arts Council has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at The Big Crafty and allow for consumption at this event.

  The Big Crafty will be held on Sunday, July 15, 2018 from 12:00 p.m. to 7:30 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for Asheville Area Arts Council

Con:

- Potential for public safety issues

Staff recommends City Council adopt a resolution authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at The Big Crafty.

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Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilman Kapoor moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. UPDATE ON ASHEVILLE POLICE DEPARTMENT OPEN DATA

Assistant to the City Manager Jaime Matthews said that the goals for the Asheville Police Department (APD) Open data is (1) consistent with City Council's Open Data Policy; (2) provide ample safeguards for the privacy of victims, officers, residents and the integrity of criminal investigations; and (3) increase trust between the city and the community that it serves. She then reviewed the APD open data request. Other dataset updates include (1) use of force data and citizen complaint data - APD is working with the vendor that manages the data for release; (2) emergency calls and citation and arrest data - Information Technology Department and APD are working with Buncombe County to release data; and (3) demographics information on all City employees - review with the Human Resources Department and Equity Office.

B. I-26 CONNECTOR UPDATE

Transportation Director Ken Putnam outlined the various interactions since the last update to Council. A public hearing is scheduled for the late fall of 2018. The Record of Decision is planned for the spring of 2019; and the design build process is scheduled for 2020. The consultant is preparing the draft 6-20-18 summary of recommendations. That will be sent to the N.C. Dept. of Transportation (NCDOT) in early July 2018. There have been document commitments between the NCDOT and the City to move forward to design build process. There also has been review of the tunneling option. They are finalizing greenway recommendations and Council will be appointing an Aesthetics Committee, to which only 6 people applied for the Committee. The consultant and the NCDOT will work with the Aesthetics Committee.

Councilwoman Mayfield said that they thought they had an understanding with the NCDOT that the City would complete their negotiations/discussions and all comments would be reflected in the final EIS. However, the NCDOT is planning to issue the final EIS before our negotiations/discussions are complete. We are not finished talking with the NCDOT about their timeline.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING REGARDING THE PROPOSED CONSOLIDATED ACTION PLAN FOR FISCAL YEAR 2018-19, WHICH SETS OUT THE PROPOSED USE OF FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT FUNDS FOR THE COMING FISCAL YEAR

RESOLUTION NO. 18-141 - RESOLUTION AUTHORIZING SUBMISSION OF THE CITY'S CONSOLIDATED ANNUAL ACTION PLAN FOR 2018-19 TO THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT

Community Development Director Heather Dillashaw said that this is the consideration of a public hearing and resolution authorizing the City Manager to submit the 2018-19 Consolidated Action Plan for CDBG & HOME programs to the US Department of Housing and Urban Development and to sign all documents necessary to implement the plan. This public hearing was advertised on June 8 and 15, 2018.

The City will have $1,328,798 in CDBG funds and $1,879,467 in HOME funds available for the fiscal year beginning July 1, 2018. The City's Housing and Community Development Committee has made recommendations for the use of CDBG funds, which must be used in housing or community development programs in Asheville, and the Asheville Regional Housing Consortium has recommended uses for the HOME funds, which must be used for housing programs within the four-county Consortium area (Buncombe, Henderson, Madison, and Transylvania counties).

Allocations are consistent with the Consolidated Strategic Housing & Community Plan for 2015-2019, adopted by City Council April 28, 2015.

Pros:

- Approval of the Action Plan paves the way for the receipts of over $3,200,000 of HUD funding to the City and region, which will be used to create affordable housing and create jobs.
- HUD funding will leverage approximately $45,000,000 of additional funding for these projects.
- Reflects the carefully considered recommendations of the City's Housing & Community Development Committee and the Asheville Regional Housing Consortium.

Con:

- It is not possible to fund all the applications received, and most of those funded will receive less than the amount requested.

The Action Plan is fully funded from federal CDBG & HOME entitlement grants, unused funds from previous completed projects, and estimated program income. Staff costs to administer the program are also fully paid from federal sources. The funded programs will provide new construction and other economic activity in the City and region, creating and sustaining employment. The FY 2018-19 budget associated with the Action Plan is included for adoption in the Annual Budget Ordinance that City Council will also be voting on at its June 19, 2018, meeting.

Staff recommends approval of the resolution authorizing submission of the City's Consolidated Annual Action Plan for 2018-19 to the U. S. Dept. of Housing and Urban Development and authorizing the City Manager to sign all contracts or agreements required for the implementation of the Consolidated Annual Action Plan.

Mayor Manheimer opened the public hearing at 5:30 p.m., and when no one spoke, she closed the public hearing at 5:30 p.m.

Councilwoman Mayfield spoke about the great work these organizations are performing.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Mayfield moved for the adoption of Resolution No. 18-141. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 39 – PAGE 466

B. PUBLIC HEARING TO CONSIDER A LAND USE INCENTIVE GRANT WITH SWEETGRASS APARTMENTS, MADISON CAPITAL GROUP

RESOLUTION NO. 18-142 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH SWEETGRASS APARTMENTS, MADISON CAPITAL GROUP, FOR A LAND USE INCENTIVE GRANT

Community Development Director Heather Dillashaw said that this is the consideration of a resolution approving a Land Use Incentive Grant Application for Sweetgrass Apartments, by Madison Capital Group (Developer).

The Housing and Community Development Committee reviewed and recommended a Land Use Incentive Grant for Sweetgrass Apartments, in it's April 17, 2018, meeting and a revised report on May 8, 2018. Madison Capital Group, represented by Hobie Orton, is developing a 11.9 acre site in South Asheville, located at 39 Bradley Branch Road, Asheville NC. The project will consist of 255 residential rental apartments, of which 10% (26) will be made affordable for 15 years per LUIG agreement. The site is within 0.25 miles of transit, 0.25 miles to amenities, and with access to businesses along the Airport Road corridor. The developer estimates a total development cost of $38,000,000 and an estimated tax value of $50,300,000 post completion.

The project, as presented to staff, appears to meet the following Eligibility Requirements,

- The proposed development consists of three or more dwelling units for rent;
- At least 10% of the units will meet the affordability standards set by the City of Asheville for households earning 80% or less of the Area Median Income.
- The affordable units will be affordable to and leased to income-eligible households for at least 15 years.
- The proposed development must be located inside the city limits.
- The proposed development must be located to provide residents convenient access to jobs, schools and services

Scoring

Affordable Rental Housing - The proposed project will provide twenty-six (26) units affordable to households at 80% or less of median income; 10% of total units. Under this category, the project qualifies and received a recommendation of 20 points.

Long term affordability - The proposed project will be committed to serving households at the designated rental rates for the minimum period of fifteen (15) years. This qualifies and received 0 points.

Superior locational efficiency - The proposed project is within .5 miles of public amenity in Aldi's grocery (5 points). The applicant has also made a case for multiple job centers within 1

mile to the site (i.e. Asheville Regional Airport, Progress Energy, Park Ridge Hospital, Sierra Nevada Brewery, Linamar and other manufacturing facilities - 5 points), and proximity to existing bus-stop (within 0.25 miles) served by a 90 minute bus line (10 points). The existing policy defines "Employment Centers" as Downtown, Mission Hospital, and Biltmore Town Square and projects must be located within 1 mile of these centers. The applicant has a made a case for proximity to job centers/resources within 1 mile and ½ mile from the project site. No specifics on number of jobs have been provided. The policy requirements for transit points are bus stops within 0.25 mile to the project (which this project qualifies) and with a 30 minute bus service (which the project does not have). Currently the City has 1 bus line with a 30 minute service (N3). The currently policy does permit the applicant to make a case for these points that fall outside of the policy definitions. The project qualifies for 5 points in this category (per policy), the applicant requests 20 points, and HCD Committee recommends 15 points.

Brownfield Development - The proposed project will receive the North Carolina Brownfield Redevelopment grant, and the applicant has asked to extend the Land Use Incentive Grant by 1 year in order to take advantage of both grants. This does not qualify the project for points, but the applicant requests 10 points and HCD Committee recommends 5 points.

Per current policy, staff has scored the project with 25 points, which qualifies the project for two-and-a-half years (2.5) of the Land Use Incentive Grant. The applicant requests 50 points for the transit stop (10 pts.), proximity to jobs (5 pts.), and brownfield development (10 pts.), which is a 5 year Land Use Incentive Grant. The HCD Committee recommends 40 points for this project, which is a 4 year Land Use Incentive Grant.

Estimated value of Land Use Incentive: The current estimated assessment value for this property is $1,200,000. The developer's estimate of improvement value is $38,000,000 with a completed estimated project taxable value of $50,300,000. The annual estimated city tax post completion, based on the developer's estimate of value, is $215,737, which gives the project and estimated annual and eligible tax value of $210,590. Over a 4 year period, if approved at that level, the total estimated Land Use Incentive Grant would be $842,360, the exact amount to be determined by the length in years, of the grant award, and the actual assessed value of the development upon completion. Based on these estimates, the subsidy per affordable unit would be $32,398. The subsidy amount per affordable unit/year of affordability would be $2,160.

The estimated amount of fees payable for Zoning Permit, Building Permit, Driveway Permit, Grading Permit, Stormwater Plan Review Fee, and Water Service Connection Fee is $40,062. The value of each 10% of eligible fee rebates would be $4,006. The exact amount would be determined by the percentage of fee rebate awarded as part of the Land Use Incentive Grant. If approved at the 40 point level, the fee rebate would be approximately $16,024.

The total estimated Land Use Incentive Grant benefit over 4 years is $858,384, which equals $33,015 subsidy per affordable unit, and $2,200 per unit per year of affordability.

HCD Committee requests that City Council consider the Land Use Incentive Grant request as detailed above with a 4 year benefit.

Mayor Manheimer opened the public hearing at 5:35 p.m., and when no one spoke, she closed the public hearing at 5:35 p.m.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of Resolution No. 18-142. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 39 – PAGE 467

C. PUBLIC HEARING RELATIVE TO REZONING 339 WEST HAYWOOD STREET AND ADJACENT PARCELS FROM NEIGHBORHOOD BUSINESS DISTRICT TO COMMUNITY BUSINESS I DISTRICT

ORDINANCE NO. 4675 - ORDINANCE TO REZONE 339 WEST HAYWOOD STREET AND ADJACENT PARCELS FROM NEIGHBORHOOD BUSINESS DISTRICT TO COMMUNITY BUSINESS I DISTRICT

Urban Planner Sasha Vrtunski said that this is the consideration of an ordinance to rezone 339 West Haywood Street and adjacent parcels from Neighborhood Business District to Community Business I District. This public hearing was advertised on June 8 and 15, 2018.

The subject property is 1.23 acres and is currently undeveloped. The property has frontage on West Haywood Street and the rear of the property to the north is adjacent to the ROW for I-240 (NCDOT property). The western edge also borders along NCDOT ROW.

On the easternmost parcel, addressed as 339 W. Haywood Street, there is an existing billboard sign which has a viewshed and vegetation easement to the west of the sign. To the east of the billboard, there is also a utility easement. The applicant has estimated that the billboard and easements reduce the developable land to approximately one acre.

The applicant has requested that the zoning be changed from Neighborhood Business (NB) to Community Business I (CBI) for the purpose of developing single family lots and potentially some commercial development. While there has been no specific proposal submitted for the site, this zoning change would give the owners more flexibility for future development, and would increase the allowed density from 12 to 20 units/acre. The applicant has stated that he not looking for an increase in density, but rather the ability to develop single family lots which are not allowed under Neighborhood Business. Neighborhood Business development standards only permit residential uses on the second floor of a commercial building.

The River Arts District Form Code was enacted in November 2017; the form code district is a quarter mile from the subject parcels.

The parcels to the north of the subject parcels are zoned CBI. To the south of these three parcels, one property is zoned NB, two are zoned RM-8 and the Asheville Transit Center property is zoned Institutional. This section of West Haywood Street was separated from the Central Business District with the construction of I-240 and the Patton Avenue ramps.

The purpose of the *Community Business I* (CBI) district is to allow for businesses and services that serve more than one neighborhood. The maximum footprint allowed is 6,000 sf with overall structure size limited to 12,000 sf. *Neighborhood Business* district is in place to allow smaller commercial development that serves a neighborhood and which do not create conflicts for the surrounding residential areas. The maximum footprint allowed is 3,000 sf and the overall structure is limited to 6,000 sf. The current zoning of Neighborhood Business allows for the development of multifamily housing, to be located on upper floors only, but does not allow for the development of single family detached housing. Both districts have height limits of 40 feet, which is the same as the height limit in the nearby residential district.

For reference in the surrounding area, the Boy Scouts building to the north has a footprint of 8,800 sf, which is larger than would be allowed under either zoning district. The building at 306

W. Haywood Street has a footprint of 3,530 square feet, but it has multiple levels and has a total gross floor area of 11,000 square feet. The area with these particular structures is zoned CBI. In general, these surrounding parcels act as a buffer between the residential neighborhood and the highway. The subject site is also in close proximity to an area of Patton Avenue that has the potential to be redeveloped as part of the I-26 Connector project. Community Business I allows for more flexibility for residential and commercial development. If a multifamily structure was to be built in the future it would be limited in scale due to the building size restrictions in place and the need to provide parking. Staff finds that the potential rezoning would generally be compatible with the area.

Rezoning applications are reviewed by the Planning and Zoning Commission with final consideration by City Council.

At the May 2, 2018, Planning and Zoning Commission meeting several residents spoke against the proposed rezoning. They had concerns about larger commercial development, and would rather see single family residences built on the property. The Commission voted 6-0 in favor of the rezoning.

The 2025 Comprehensive Plan recommends "compatible adaptive reuse and infill development" within the city. Future infill development on this parcel will meet this goal. The draft Living Asheville Plan shows this area as an area for potential expansion of the Central Business District (CBD).

The WECAN Neighborhood Plan developed in the early 2000s suggests that this area is suited best for medium density residential development, similar to the "missing middle" that recent ordinance changes seek to enable. Drawings show small/medium apartment buildings along Haywood Road.

This action aligns most closely with the 2036 Council Vision in the area of *A Well-Planned and Livable Community* - The proposed rezoning will enable infill development to occur where no activity has happened under the current Neighborhood Business zoning.

Considerations:

- Development on the site could potentially help buffer the neighborhood further from I-240 and the noise of the highway.
- Rezoning to Community Business I would allow a variety of housing options for the site as well as small scale commercial business.
- Building size and site constraints will likely limit the ultimate density of any housing built on the site.
- The main access serving this site from Downtown, Hilliard Avenue, has ample width and capacity for additional traffic from this location.

The Planning and Zoning Commission reviewed this project on May 2, 2018. The Commission voted 6-0 in favor of the rezoning and recommended Council approval of this rezoning request.

Mr. Scott Carter, applicant, requested the rezoning due to the challenges Neighborhood Business District zoning presents. Community Business I District will offer more flexibility in potential development, including, but not limited to single family homes. He then explained his meetings with the surrounding neighbors. He asked for Council's support.

In response to Councilman Haynes, Mr. Carter said that his vision is single-family homes with a local community business.

City Attorney Currin reminded Council that this is a straight rezoning and any use allowed in the Community Business I District will be allowed.

Mayor Manheimer opened the public hearing at 5:49 p.m.

Ms. Rachel Larsa, Chair of the West End/Clingman Avenue Neighborhood Association, said that there was not a consensus amongst the Association about what they would like at that location, but overall was the potential for 40 units. There are other units slated for their neighborhood and they were concerned with the additional traffic.

Mr. Alan Ditmore felt that the people in that area can walk to work and shop downtown and hopefully that will reduce the amount of traffic in that area.

Mr. Timothy Sadler suggested live/work units.

Mayor Manheimer closed the public hearing at 5:55 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mayfield moved to approve the rezoning request for the parcels located at 399 W. Haywood Street (PINs 9648-09-1093 -2131, and -4109) from Neighborhood Business District to Community Business I District (CBI) and find that the request is reasonable is within the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: (1) the rezoning would allow for a greater variety of housing options; (2) development on the site could potentially help buffer the neighborhood further from I-240 and the noise of the highway; and (3) additional housing or commercial activity in this location, near downtown, is an appropriate use. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

ORDINANCE BOOK NO. 32 - PAGE 92

D. PUBLIC HEARING RELATIVE TO REZONING 99999 KENT STREET FROM NEIGHBORHOOD BUSINESS DISTRICT TO RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT

ORDINANCE NO. 4676 - ORDINANCE TO REZONE 99999 KENT STREET FROM NEIGHBORHOOD BUSINESS DISTRICT TO RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT

Urban Planner Sasha Vrtunski said that this is the consideration of an ordinance to rezone 99999 Kent Street from Neighborhood Business District to RS-8 Residential Single-Family High Density District. This public hearing was advertised on June 8 and 15, 2018.

The subject property is 0.41 acre and is currently undeveloped. The property has frontage on both Kent Street and Shiloh Road. A significant part of the parcel is in the 100- year floodplain and the creek has a 30 foot buffer. The site is currently vacant and has some vegetation on it.

The applicant has requested that the zoning be changed from Neighborhood Business (NB) to Residential Single Family High Density district (RS8) for the purpose of subdividing the parcel and to build houses.

The majority of the zoning surrounding this parcel is RS-8, with the exception of two parcels that are Neighborhood Business. Generally, the character of the neighborhood is single family houses, so additional single family houses or duplexes would fit in with the neighborhood.

Rezoning applications are reviewed by the Planning and Zoning Commission with final consideration by City Council.

At the May 2, 2018, Planning and Zoning Commission meeting, Norma Baynes, representing the Shiloh Community Association spoke in favor of the rezoning. Another resident came to ask questions to fully understand the impact of the rezoning, but did not oppose it. The Commission voted 6-0 in favor of the rezoning.

The 2025 Comprehensive Plan recommends "compatible adaptive reuse and infill development" within the city. Development of single family homes on this parcel will meet this goal.

In the draft Living Asheville plan, this area is identified as a Traditional Neighborhood on the Future Land Use Map.

This action aligns most closely with the 2036 Council Vision in the area of *A Well-Planned and Livable Community* - The proposed rezoning will enable infill development to occur where no activity has happened under the current Neighborhood Business zoning. Existing floodplain and buffer restrictions make a small business development less likely to happen; lower density residential is a more compatible use.

Considerations:

- This rezoning to RS8 would allow residential infill development.
- Future commercial development under the current zoning is unlikely to occur.
- The subject parcel is on an existing transit line, close to the Lynwood Crump Shiloh Recreation Complex and a major grocery store is within one mile.
- Leaders of the Shiloh Neighborhood Association have voiced support to staff for the rezoning.

The Planning and Zoning Commission reviewed this project on May 2, 2018. The Commission voted 6-0 in favor of the rezoning and recommended Council approval of this rezoning request.

Mr. Harry Coleman, property owner, asked for Council's support of the rezoning request.

Manheimer opened the public hearing at 5:58 p.m.

Ms. Norma Baynes, Assistant Liaison for the Shiloh Community Association, said that the association is supportive of this rezoning.

Mayor Manheimer closed the public hearing at 6:00 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the rezoning request for 99999 Kent Street from Neighborhood Business to RS-8 Residential Single Family High Density District and find that the request is reasonable is within the public interest and is consistent with the Comprehensive Plan

and other adopted plans in the following ways: (1) Assigns compatible zoning designations consistent with the surrounding neighborhood; (2) the site is a suitable location for housing development which is needed in the community; and (3) the site is on a transit route and close to community amenities. This motion was seconded by Councilman Kapoor and carried unanimously.

ORDINANCE BOOK NO. 32 – PAGE 95

E. PUBLIC HEARING TO CONSIDER ADOPTION OF LIVING ASHEVILLE: A COMPREHENSIVE PLAN FOR OUR FUTURE AS THE NEW COMPREHENSIVE PLAN DOCUMENT FOR THE CITY OF ASHEVILLE

RESOLUTION NO. 18-143 - RESOLUTION ADOPTING THE LIVING ASHEVILLE: A COMPREHENSIVE PLAN FOR OUR FUTURE AS THE NEW COMPREHENSIVE PLAN DOCUMENT FOR THE CITY OF ASHEVILLE

Ms. Laura Hudson, Chair of the Planning & Zoning Commission, said that this this staff Report will serve as the report from the Planning and Zoning Commission as required by Sec. 7-4-2. (b) (3) of the city's Unified Development Ordinance (UDO) regarding adoption of a new comprehensive plan. The updated and amended comprehensive plan, *Living Asheville: A Comprehensive Plan for our Future (Living Asheville),* will replace the city's current comprehensive plan *Asheville City Development 2025* as the basic policy guide for development in the City of Asheville. This public hearing was advertised on June 8 and 15, 2018.

The purpose of the comprehensive plan is to set forth goals and policies for sustainable growth and development over the next 10-20 year period. The plan includes goals and strategies reflecting the community's vision for the location and form of future development, future land use patterns and other policy guidance, while ensuring sufficient infrastructure, parks and community services.

The interest to update and amend the comprehensive plan is the result of the successful growth and popularity the Asheville community has experienced over the past 16 or so years. There are major issues and needs facing the community that are not adequately addressed within the current Asheville City Development Plan 2025. The city's population has grown by over 20,000 people and visits to the city and county have also increased to over 10 million people per year impacting the need for new facilities, accommodations, housing, jobs and infrastructure. The additional growth has put pressure on downtown and existing neighborhoods and has increased the need for affordable housing and strategies to address low wages and limited employment opportunities experienced by many workers in Asheville.

The Planning and Zoning Commission reviewed this request at their meeting on April 11, 2018, and held a public hearing on June 6, 2018, in which they voted 5-0 to recommend approval of the plan. Therefore, the Planning and Zoning Commission recommends that the Asheville City Council adopts the updated and amended comprehensive plan, *Living Asheville: a Comprehensive Plan for our Future*. During the public hearing portion of the review, three members of the community spoke in favor of the plan and recommended its adoption.

Director of Planning & Urban Development Todd Okolichany said that transportation systems and the natural environment have been strained and may be improved by cooperative regional solutions to make positive changes. More paths to economic opportunity are needed through investments in people and well designed public places, private development and infrastructure to improve affordable housing, diversify the local economy, and enhance transportation connectivity. Climate change adaptation and equity have emerged as important

trends that have been incorporated into the plan's strategies. The amended document is needed to ensure the health, safety and welfare of the city.

Developed over a two year period beginning in the spring of 2015, the comprehensive plan update was led by the city's Planning and Urban Design Department working with the consultant team from Skidmore Owings and Merrill with support from an advisory committee established by the Asheville City Council and a technical team comprised of city staff. *Living Asheville* was drafted, expanded and ultimately finalized through an iterative process of continuous feedback between the consultant team, the city and the public with guidance and input from the advisory and technical committees. Through this process the plan evolved to reflect the voice and vision of the community in both an aspirational and practical way.

The planning process was organized into four phases. The initial phase involved an analysis and assessment of Asheville's existing environment, its role within the region, social and economic conditions and projected growth. This phase also explored Asheville's recent planning efforts and compared Asheville to similar cities across the nation. Later phases shaped the strategy and vision for the plan around a process of extensive community outreach and engagement. A public survey, community workshops, focus groups, outreach at neighborhood and special events and input from relevant boards and commissions helped establish the project's key concepts, goals and priorities. These phases yielded the plan's Assessment and Market, Housing and Economic Strategies reports, which helped to inform the plan's strategies. Highlights of these documents are included in the text of *Living Asheville* and the complete reports are included as appendices to the plan.

The plan is organized into four sections, which include Book 1: Introduction, Book 2: Themes, Book 3: Physical Strategies and Land Use, and Book 4: Implementation. The first section, Book 1: Introduction, provides an overview of existing conditions, including data from the the assessment and economic reports and summarizes the plan process. The second section of the plan, Book 2: Themes, contains 39 goals and numerous strategies as well as synergistic strategies, which are organized around six basic principles. These principles provide substantive direction for establishing best practices in comprehensive planning as outlined by the American Planning Association. They are: 1) Livable Built Environment; 2) Resilient Economy; 3) Harmony with the Natural Environment; 4) Healthy Community; 5) Interwoven Equity; and, 6) Responsible Regionalism. Suggested performance measures are also included in this section. While Interwoven Equity is a stand alone theme of Living Asheville, the planning team worked to weave equity into the entire planning process as well throughout the document and consulted with the city's Equity and Inclusion Manager on this effort.

The third section of the plan, Book 3: Physical Strategies and Land Use, recommends three physical growth strategies and provides a growth scenario analysis. This chapter also contains a Future Land Use Map and physical strategies for the five geographic regions of Asheville. The last section, Book 4: Implementation, begins to outline implementation strategies.

Three concurrent efforts rounded out the planning process and contribute to the distinctiveness of *Living Asheville*. The first was the Neighborhood Plan on a Page Initiative. Asheville neighborhoods were encouraged to submit a short plan which described their neighborhood's character, vision, strengths and challenges. This information helped to inform strategies overall, but also helped to flesh out the physical strategies for the five geographic areas. The city received 33 plans through this effort and will continue to encourage neighborhoods to submit a Plan on a Page. These plans are summarized and included as an appendix to Living Asheville.

The city also worked with UNC Asheville's National Environmental Modeling and Analysis Center on the Climate Resilience Assessment Report. This assessment along with NEMAC's

multi-hazard risk tool, assesses Asheville's vulnerability to floods, landslides, droughts, wildfires and other hazards and provides the groundwork for Asheville to address these climate related threats through the identification of options the city can implement to build resiliency; thus, allowing the city to assume a leadership role in the face of climate change. The full report is included as an appendix to the plan and some of the the Assessment Report's results are summarized by geographic area in Book 3. The prologue and essays written by local Ashevillians complete the document, lending an authentic voice to the comprehensive plan.

Considerations:

- Adoption of *Living Asheville* fulfills Council's goal to revise the comprehensive plan.
- Based on the changes and growth that the community has experienced over the past 15-20 years, the effort the planning team has made to listen and incorporate the many voices of the citizens of Asheville in creating the document, and the acknowledgement that the plan will serve to inform future decision making regarding land use regulations and other city policies, staff recommends adoption of *Living Asheville*.

He then outlined the approach to Plan implementation: (1) enhance webpage for the plan; (2) create an action plan (3) integrate the plan into the City's strategic priority planning cycle; (4) review plan progress; and (5) evaluate and selectively update the plan every 3-5 years.

Mayor Manheimer opened the public hearing at 6:11 p.m.

Mr. Alan Ditmore objected to the Plan because he felt it interferes with his objective of the affordable housing market; and that there should be no density cap anywhere in the City.

In response to Mr. Ken Michalove, Mr. Okolichany said that the City's existing plan is on the website.

Rev. Amy Cantrell said that the Comprehensive Plan has a vision; however, it needs to have resources to be implemented.

Mayor Manheimer closed the public hearing at 6:17 p.m.

Councilman Kapoor thanked staff for their efforts on the new Comprehensive Plan, especially their efforts to reach out to neighborhoods. He also appreciated staff looking into the concerns of the neighborhoods and incorporating strategies to alleviate those concerns in the Plan.

Councilwoman Mayfield also thanked staff for their efforts in creating a plan that will honor and move us forward towards Council's 2036 Vision.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Mayfield moved to adopt the updated and amended comprehensive plan, *Living Asheville: a Comprehensive Plan for our Future,* based upon the oral and written comments presented before and at the hearing and the factors set forth in UDO Section 7-4-2(b)(4) including that: (1) Changes in the community have been identified, which are not adequately addressed in the current comprehensive plan, *Asheville City Development Plan 2025*; (2) The updated and amended plan was developed with community input and reflects the community's vision for the future; (3)The plan will help inform future decision making regarding land use regulations and other city policies; and, (4)The plan amendment will promote the health, safety, and welfare of the City of Asheville. This motion was seconded by Councilman Kapoor and carried unanimously.

RESOLUTION BOOK NO. 39 – PAGE 468

V. UNFINISHED BUSINESS:

A. ORDINANCE NO. 4677 - ORDINANCE ADOPTING THE FISCAL YEAR 2018-19 OPERATING BUDGET

Mayor Manheimer announced that there will be no public comment taken on this matter. The public hearing was held on May 22, 2018.

Director of Finance and Management Services Barbara Whitehorn said that this is the consideration of an ordinance to adopt the Fiscal Year 2018-19 Annual Budget.

The Fiscal 2018-19 Proposed Annual Operating Budget was presented to City Council on May 15, 2018. In accordance with the North Carolina Local Government Budget and Fiscal Control Act, a summary of the Proposed Budget along with a notice of the Public Hearing was published on May 11, 2018. City Council conducted a public hearing on the Proposed Budget on May 22, 2018. The Proposed Budget is balanced with an ad valorem tax rate of $0.4289 per $100 of assessed value, which is unchanged from the current rate. All essential City services are continued in the Proposed Budget.

Changes to the Proposed Operating Budget - Since the Proposed Budget was presented to City Council, there have been some minor adjustments per Council direction that have altered the annual operating budget that is presented tonight for Council adoption.

- **Firefighter 457 Retirement Program.** An increase to the City matching contribution to the fire personnel 457 retirement program from 4% to 6%, effective January 1, 2019 at a cost of $155,480.

- **Upgrade Public Records Position to Full-Time.** In order to continue providing timely responses to public records requests, the Proposed Budget included approximately $25,000 in funding to convert a temporary part-time position to a benefited part-time position in the City Clerk's office. The Budget presented tonight for adoption further expands this position to a full-time benefited position at an additional cost of $13,485.

- **Additional Fund Balance Appropriation.** In order to fund the increase in the firefighter 457 contribution and the upgrade of the public records position, staff has adjusted the appropriation from unassigned fund balance in the General Fund from $471,000 to $639,965. The table below, which was included in the City Manager's Budget Message, is updated to show the impact of this additional fund balance usage.

FY 2017-18 General Fund Revenue Estimate	$119,964,653
FY 2017-18 General Fund Expenditure Estimate	$119,881,687
Revenue Over Expenditure	$82,966
Beginning FY 2017-18 General Fund Unassigned Fund Balance (FB)	$21,271,224
Ending FY 2017-18 General Fund Unassigned FB	$21,354,190

FY 2018-19 FB Usage	($639,965)
Beginning FY 2018-18 General Fund Unassigned FB	$20,714,225
FY 2018-19 Proposed General Fund Budget	$124,394,311
Unassigned Fund Balance As % of Proposed Budget	16.65%

Changes to the Proposed Capital Budget - Since publication of the Proposed Budget Document in May, the City has received official notice that it has been awarded $17,817,040 in transportation grant funding from the French Broad River Metropolitan Planning Organization (MPO) for the projects in the table below.

Project Name	Federal	Local	Total Cost
Johnston Blvd. Sidewalk	$1,880,000	$470,000	$2,350,000
New Haw Creek Sidewalk	$1,900,000	$475,000	$2,375,000
Onteora Rd Sidewalk	$912,000	$228,000	$1,140,000
Town Branch Greenway	$3,420,000	$855,000	$4,275,000
FBR West Greenway	$4,000,000	$1,000,000	$5,000,000
Bus Replacement	$4,069,180	$1,017,295	$5,086,475
Bus Expansion	$1,635,860	$408,965	$2,044,825
TOTAL	**$17,817,040**	**$4,454,260**	**$22,271,300**

The local matches and budgets for all of the projects except Town Branch Greenway and French Broad River (FBR) West Greenway were already included in the five-year Capital Improvement Program (CIP) presented in the Proposed Budget Document. The FY 2018-19 Budget Ordinance includes these two new project budgets in the General Capital Projects Fund, and the Adopted Budget Document will also be updated to reflect funding for these two additional projects.

The FY 2018-19 Budget Ordinance also includes budget authorization of $5.5 million in the General Capital Projects Fund for the purchase and installation of park lighting for sports fields and courts. As discussed with the Finance Committee at its May 25, 2018 meeting, the City will be entering into an installment financing agreement for this purchase and installation with debt service payments funded through the Parks and Recreation Department annual operating budget. Council is taking a separate action at its June 19, 2018 meeting to approve a resolution authorizing the installment financing agreement.

This action complies with the Thriving Local Economy and Smart City focus areas of City Council's Strategic Themes. The budget reflects City Council's ongoing commitment to providing a living wage as an example for other organizations in the area and managing the City to the highest levels of fiscal responsibility and prudence.

Pros:

- Ensures City's compliance with North Carolina General Statutes that require local governments to adopt a balanced budget ordinance by July 1 of each year.

- General Fund budget is balanced with minimal fund balance appropriation for ongoing operating expenses and all essential City services are continued.

Con:

- None.

As noted above, the Proposed FY 2018-19 General Fund budget is balanced with a fund balance appropriation of $639,965, which will result in an estimated unassigned fund balance percentage of 16.65% (above the City policy goal of 15.00%).

Staff requests that Council adopt the FY 2018-19 Annual Budget Ordinance with the changes noted above.

Acting City Manager Ball said that while we have worked hard to put together a budget we have identified several opportunities. As we move into the next budget cycle we have made commitments to be able to move forward with improvements. One of our core values is continuous improvement. We have committed to doing participatory budgeting and we are committed to starting that process earlier and allowing the public to give input on that. We do want more public transparency in the budget process and that includes providing more details early on about the Police budget. We want to identify specific programs within the budget and make sure the public understands what those programs cost so they can make choices about what they want to see in the community. We also want more employee engagement in the budget process. There are several ways the budget process has been improved over the years and there are opportunities and way to put together a budget that allows the public, as well as our employee base, to be able to give input. We are committed to moving forward on that in July. We also want to say that we are interested in starting a strategic process around the potential funding that could come from the sale of the Mission Hospital system to HCA. We would love to work with the community and Buncombe County to be able to decide how we can make a difference in our community in the next 20-30 years with those monies we would receive.

Vice-Mayor Wisler said she has heard that our budget process was not transparent, but looking at the 4 budget worksessions and other Council meetings which the budget was discussed, she felt there was compromise making sure that all Council members and citizen voices were heard.

Councilman Kapoor read the following statement: "I will vote in favor of the budget, although it doesn't include everything that I wanted and includes some things that I think we can do without, it takes steps to address the serious issues that Asheville as a whole is facing. I would have liked to see our City employees receive a 3% increase rather than a 2.5% increase. Additionally, I'm sorry that we're not able to support the Asheville Museum of Science in this year's budget, but hope that we can work with them for the next budget cycle just as we've done with the Art Museum. But I don't expect nor am I going to insist that everything needs to be the way I want it to be for me to vote for it. That brings me to the request for funding additional police officers which I support for several reasons. First, and I mean this with all respect to the Chief and the police officers, while I would prefer we spend this money elsewhere or not spend it at all, the fact is we need more police officers in Asheville to deal with the level of service calls APD receives. Right now, our officers are being pulled from other locations in the City to respond to calls Downtown. The purpose of hiring additional officers is so that APD can create a Downtown district that will not only serve Downtown better, but will also allow police officers to better serve other parts of the City. Second, we are also seeing a continued, significant increase in violent crime - especially gun violence - in certain parts of the City. From January to March of 2018, the number of violent Part I crimes (this is homicide, rape, robbery and aggravated assault) are up 33% over the same time period in 2017 on top of a 28% increase from 2015 to 2017. You may also remember a statistic cited that between 2016 and 2017, the number of traffic stops of African

Americans increased by 595 or 53% while for whites it only went up by 15 or 0.3%. On its face, that's a pretty alarming statistic so I asked the question why. It turns out that four areas of the city which were experiencing significant gun violence during that time represented 72.4% of that increase. For example, in Shiloh, residents were complaining about gun violence and drug activity on Brooklyn Road in 2017 so APD directed resources there and saw an increase in traffic stops. The racial demographics of that district was 34% black and 66% white. The traffic stop demographics over that period in that district were 35% black and 65% white. We see similar racial and traffic stop demographic percentages in the other areas where the traffic stops occurred. In response to complaints and data, APD directed significant resources to these locations and has been able to reduce the gun activity there. This analysis was provided to all of Council and I hope we read it and I hope that the public sees it as well. Finally, increasing the number of officers will allow APD the ability to implement community policing which was one of the six pillars of President Obama's Task Force on 21st Century Policing report. The 21st Century Policing report was written in 2015 by a task force of academics, community leaders, police leaders, and police employee representatives. That report has been referenced by Mr. Mance in his presentation and APD has already implemented many of its recommendations. The community policing philosophy cites the need to use partnerships with the community to address the conditions that cause public safety issues. The report talks about police officers actively building positive relationships with members of the community and notes that it required participation to community organizations, local meetings and public service activities. Anyone who has tried to build community knows that it takes time. Well, how do we expect our officers to be able to do that when they're spending all their time on service calls? Additionally, Pillar 6 of the report talks about Officer Wellness & Safety. If our officers are consistently responding to calls, that is going to lead to burnout and turnover. My goal during my time on Council is to ensure that all Asheville residents go to sleep each night feeling safe, fed, healthy and valued. Approving this budget will not only make our city safer, but it will also go a long way to implementing the recommendations of the 21st Century Policing report and I'm proud to support it."

Councilman Haynes said that he did not support the budget because of the increase funding for additional police officers. He felt our community has greater needs than this. We are trying to build community trust between the police department and the community. Adding police officers is counter-productive. He could support this money going towards fare free transit and increased wages for low level city employees, including police officers. There are many good ideas for using this money. He said that when we talk about how our officers are overworked, part of this problem seems to be that a lot of officers' time is spent dealing with low level offenses. By removing this as a requirement for them will free up resources in order for them to deal with bigger issues of crime. He also said that the Asheville Fire Department/Community EMT Pilot Program will also free up officers from being the first responders.

Councilwoman Mayfield said that there is a recommendation in the Transit Master Plan to try some fare free weekends. The concern is going fare free all at once would overburden the system because we don't have enough buses to deal with that. The last time we did a significant fare free effort sent our buses into maintenance much more frequently than before.

Councilwoman Smith felt that the items the Acting City Manager outlined are items that should be been considered during this budget cycle. She believed that informed budget decisions are made with accurate information about how departments are functioning always remains a question with this Council, as it pertains to procedurally how our police force is doing and how we are approaching situations in the community. With that being the question, she didn't believe any other department would receive any type of expansion in those gray areas. Therefore, she didn't believe that in any city in any situation police expansion has actually reduced crime. But what it has caused is a lot of interactions around low level crimes. The root of it all is policing in general. It's not speaking against the officers as we have the mindset to

provide safety in our community, but the office of policing in America has never really benefited the community at large. So, we are policing poverty and the homeless. We have seen a pie chart that showed how much we are putting into policing and she questioned the Council what their day to day procedures look like, what programs are in place to build trust, etc. She didn't think that is in place and she felt we are actually working backwards.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved for the adoption of Ordinance No. 4677, with the changes to the proposed budget outlined above. This motion was seconded by Councilman Kapoor and carried on a 4-3 vote, with Councilman Haynes, Councilwoman Smith and Councilman Young voting "no".

ORDINANCE BOOK NO. 32 – PAGE 98

Closed Session

At 6:39 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3); and (3) To establish or to instruct the City's staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the terms of a contract for the acquisition of real property by purchase, option, exchange or lease. The statutory authorization is contained in N.C. Gen. Stat. sec. 143-318.11 (a) (5). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 7:25 p.m., Vice-Mayor Wisler to come out of closed session. This motion was seconded by Councilwoman Smith and carried unanimously.

B. ASHEVILLE POLICE DEPARTMENT EQUITY & TRANSPARENCY

During City Council's May 22, 2018, meeting, following a presentation by Ian Mance (an attorney for the Southern Coalition for Social Justice), and a response by Chief Hooper, Councilman Young made the following three motions, which were seconded, and ultimately passed by a vote of 5 to 2:

- A motion to direct the City Manager to implement a written consent policy for the Asheville Police Department ("APD") for vehicular searches and searches of the person or personal property associated with the person.
- A motion to direct the City Manager to implement a policy that APD not base a consent search on vehicular stops on a person having a criminal record or suspicious movement or behavior.
- A motion to direct the City Manager to implement a policy that APD de-prioritize low level regulatory stops.

The manner in which these motions were presented, debated and ultimately passed appeared to potentially violate several of the City Council's Rules of Procedure, including the

requirement that the public be afforded an opportunity to comment prior to any final vote. For that reason, members of the City Council have requested that the City Manager's Office work with the City Attorney's Office to prepare three separate resolutions rescinding those prior actions so that the specific measures may be presented again in the form of written resolutions open to public comment prior to the final vote.

Pros:

- Resolves potential procedural deficiencies with prior Council actions
- Affords an additional opportunity for public input.
- Clearly and precisely memorializes the City Council's position on these policy matters.

Con:

- None

There is no fiscal impact to this recommendation.

City staff recommends City Council consider adoption of three separate resolutions rescinding City Council actions passed during its May 22, 2018 meeting, and memorializing the City Council's support of certain policing policies.

Councilman Kapoor moved to combine the public hearings on the following three topics, with individual votes taken on each resolution. This motion was seconded by Councilwoman Mayfield and carried unanimously.

Mayor Manheimer said that members of Council have been previously furnished with copies of the resolution and they would not be read.

RESOLUTION NO. 18-144 - RESOLUTION RESCINDING PRIOR COUNCIL ACTION AND AFFIRMING SUPPORT FOR POLICIES REQUIRING THAT POLICE PROVIDE INFORMATION AND OBTAIN CONSENT IN WRITING PRIOR TO CONDUCTING CONSENT SEARCHES AS A MEASURE TO BUILD TRUST BETWEEN THE COMMUNITY AND THE POLICE

Resolution is as follows: "WHEREAS, Recommendation 2.10 of the Final Report on 21st Century Policing states that when there is no warrant or probable cause to conduct a search, law enforcement officers should be required to seek consent before a search and explain that a person has the right to refuse consent, and further states that officers should ideally obtain written acknowledgment that they have sought consent to a search in these circumstances; and WHEREAS, Pillar Two: Policy and Oversight of the Final Report on 21st Century Policing emphasizes that if police are to carry out their responsibilities according to established policies, those policies must reflect community values; and WHEREAS, policies implementing those recommendations further the City's goal of building and maintaining trust between the community and police; and WHEREAS, the City Council of the City of Asheville supports a written consent policy for the Asheville Police Department to apply to searches of vehicles or premises so that all individuals are informed of their rights; and WHEREAS, the Asheville Police Department utilizes written consent or warrants when searching homes; NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: The City Council's action, taken during its May 22, 2018, meeting, directing the City Manager to implement a written consent policy for the Asheville Police Department to apply to vehicle searches and searches of persons and their personal property, is hereby rescinded. The City Council now authorizes the City Manager to work with the Asheville Police Department to implement a policy whereby police officers who request consent to search explain that a person has the right to refuse and obtain a

person's written consent prior to a consent search occurring."

RESOLUTION NO. 18-145 - RESOLUTION RESCINDING PRIOR COUNCIL ACTION AND AFFIRMING SUPPORT FOR POLICIES REGARDING REASONS FOR POLICE TO SEEK CONSENT TO CONDUCT SEARCHES AS A MEASURE TO BUILD TRUST BETWEEN THE COMMUNITY AND POLICE

Resolution reads as follows: "WHEREAS, policies directing police officers to not seek consent to search a vehicle, person or personal property associated with a person, where the sole articulable reason for seeking such consent is the person's criminal record or apparent nervousness, furthers the City's goal of building trust between the community and police; and WHEREAS, Pillar Two: Policy and Oversight of the Final Report on 21st Century Policing emphasizes that if police are to carry out their responsibilities according to established policies, those policies must reflect community values; and WHEREAS, communities in North Carolina and across the country have adopted similar policies; and WHEREAS, City Council recognizes the difference between "apparent nervousness" and behaviors indicative of criminal activity; NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: The City Council's action, taken during its May 22, 2018, meeting, directing the City Manager to implement a policy whereby the Asheville Police Department would not base consent searches of a vehicle on the basis that the person involved has a criminal record or because the person displayed suspicious movements or behaviors, is hereby rescinded. The City Council now authorizes the City Manager to work with the Asheville Police Department to ensure that police officers do not seek consent to search a vehicle, person or property associated with a person, where the sole articulable reason for seeking such consent is the person's criminal record or apparent nervousness."

RESOLUTION NO. 18-146 - RESOLUTION RESCINDING PRIOR COUNCIL ACTION AND AFFIRMING SUPPORT FOR POLICIES DE-EMPHASIZING ENFORCEMENT OF MINOR VIOLATIONS OF NORTH CAROLINA MOTOR VEHICLE STATUTES AS A MEASURE TO BUILD TRUST BETWEEN THE COMMUNITY AND POLICE

Resolution is as follows: "WHEREAS, policies de-emphasizing police enforcement of minor violations of North Carolina's motor vehicle statutes, such as expired registrations and improper equipment (hereinafter "regulatory violations"), furthers the City's goal of building trust between the community and police; and WHEREAS, research shows that de-prioritizing regulatory stops reduces the potential for the escalation of force between police and the public; and WHEREAS, Pillar Two: Policy and Oversight of the Final Report on 21st Century Policing emphasizes that if police are to carry out their responsibilities according to established policies, those policies must reflect community values; and WHEREAS, communities in North Carolina and across the country have adopted similar practices; NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: The City Council's action, taken during its May 22, 2018, meeting, directing the City Manager to implement a policy whereby the APD will de-prioritize low-level regulatory vehicle stops, is hereby rescinded. The City Council now authorizes the City Manager to work with the Asheville Police Department to include in a policy the practice of de-emphasizing police enforcement of regulatory and equipment-based violations that do not directly implicate public safety, such as expired registrations and equipment."

Thirty individuals spoke, mostly regarding the written consent resolution, whose comments ranged from wanting Council to reaffirm their motion on May 22, 2018, to opposing any

policy changes, to wordsmithing the resolutions, to supporting the resolutions before Council, with most acknowledging the need for the community and the City to work together to build trust.

Vice-Mayor Wisler acknowledged a lot of passion around these issues and a lot of shared values. She thanked the community for bringing this forward. She felt everyone is interested in creating a more equitable Asheville. She thanked the police department for listening to the community, sharing in those community values, continuing to improve relationships, and recognizing that we need to build trust. She will support the three resolutions because they do reflect Asheville's values. She expects the policies prepared by the police department will reflect our values, 21st Century Policing guidelines and we will be prepared with the safety of officers, civilians and emergency workers as a top priority. And finally she appreciated the fact that City Council recognizes that the actions taken at the May 22 meeting were flawed and appreciated the Council taking actions to remedy that.

Councilman Kapoor read the following statement: "Since our last meeting on May 22nd, in an attempt to better understand these issues and to try to reach a consensus on these resolutions, I've independently reviewed some of the data presented. I've met with the local NAACP and Mr. Mance, and I've met with the leaders of the Police Benevolent Association and the Fraternal Order of Police. Having been able to talk to them around the table, I learned that there's a lot of shared values among the four organizations that I spoke with. The Asheville leaders of the PBA and the FOP expressed to me that they recognize the lack of trust in law enforcement by some, locally and nationally. I learned that neither the PBA nor the FOP have blanket opposition to a written consent policy. In fact, they see the value in some form of written consent policy and also in the other two policies that we re considering. They agreed with recommendations 2.10 in the 21st Century Policing report cited by Mr. Mance that states and I quote 'Law enforcement officers **should** be required to seek consent before a search and **explain that a person has the right to refuse consent** when there is no warrant or probable cause. Furthermore, officers should **ideally** obtain written acknowledgement that they have sought consent in these circumstances.' (emphasis mine). To be clear, I've just outlined ways in which the four groups who have most vocally put themselves forward in this matter are, in fact, aligned and in agreement. The one possible area of disagreement comes from the perspective of law enforcement officers who are doing the daily work of public safety. That point is that not allowing verbal consent to suffice in some situations, such as for the public's and the officer's safety, could seriously jeopardize the safety of people who are counting on the police for assistance. No city with written consent policies that we've been provided, not even Durham, prohibits verbal consent to suffice in some situations. I'll share with you the following example of a possible domestic violence situation: A person calls the police saying they hear their neighbors, a husband and a wife, loudly arguing. An officer is dispatched and arrives at the scene. The officer hears the arguing and knocks on the door. The husband opens the door and the officer sees the husband and the wife who does not appear to have any bruises on her. At that point, the officer doesn't have probably cause and there are no exigent circumstances, so the officer would need consent to enter the home and search the parties. Why would the officer want to enter the home? Because the officer wants to make sure everyone is ok, and the officer may feel it is necessary to search the individuals to see if they have any weapons that could be used to harm others or themselves. Under current policy, the officer can verbally ask 'can I come in to see if everyone is ok' or 'can I just pat you down to make sure there isn't anything on you that might hurt me or you?' If they say yes, that's consent. This allows the officer to get in quickly and make sure that everyone is ok, to deescalate the situation, and to prevent potentially serious bodily harm. Now imagine that same scenario under a mandated written consent policy without any exceptions. the officer shows up, knocks on the door, the husband answers, the wife says please come in, but in order to follow the mandate the officer must have both the husband and wife sign a piece of paper allowing the officer to enter or to pat down the parties to see if there were weapons. If the husband had hit his wife, do you think he'd sign a piece of paper letting an officer come in? I doubt it. In those cases, wouldn't verbal consent recorded by a body camera be enough? What

is there were children in the house? In a situation like this, do we really want the officer's hands to be occupied with paper rather than being free in case they need them? This isn't some far fetched example - it's what police officers deal with on a day to day basis. This is just one example. Under a written consent policy with no exceptions for accepting verbal consent, we unnecessarily put the safety of the public, police officers and other first responders in danger. And furthermore, we can track the data with body cameras so that we know exactly which officers used verbal consent under exactly what situations. The department already has supervisors reviewing body camera footage for every vehicle consent search. As a policy matter, I prefer that our officers obtain written consent, but I know that in real life there will be situations where it is impractical or unnecessarily risky to do so. With respect to the written consent resolution before us tonight, I am voting in favor of it as it leaves the discretion of developing a written consent policy to the chief of police, which is what our charter and ordinances require. Furthermore, this resolution allows the chief to consider circumstances where she, as a nationally recognized law enforcement expert, believes not allowing verbal consent to suffice would put the public or officers at unnecessary risk. A written consent policy allowing for reasonable exceptions that will be tracked and reviewed, will implement the 21st Century Policing report's recommendations, builds trust with the community, and will protect our first responders and the public"

Councilman Haynes said that on May 22, by a vote of 5-2, Council endorsed the motions made by Councilman Young. While some procedural errors may have occurred, the intent was perfectly clear. He asked the City Manager that the wording may have changed from those, that the expectations have not. The policies should reflect the original intent of the motions passed by 5-2 majority.

Councilman Young said that Councilman Kapoor gave an eloquent scenario about domestic violence and police being able to do what they need to do. He called "BS" on that. Georgia vs. Randolph addresses the exact same domestic violence scenario that Councilman Kapoor described, and officers actually can do their job and their functions that they need to in that scenario under the "community caretaker" function. He actually prepared several different statements, depending on how this meeting went. He has a few different ones that go from kumbaya to let's work it out to hell-fire. He won't read any of those. He will address some things that he heard from people in the meeting earlier today and he has actually enlisted some other people to help him with his comments. And, as he gives them, you may know where they come from. Someone mentioned earlier that this was a social experiment for something. We are basically upholding people's right. So if you understand what probable cause is, and what written consent is, that is someone's actual right to tell you no. So he didn't think upholding someone's right to tell you you can do something without my permission is a social experiment. Someone also said we are being taken down the wrong direction. If upholding people's rights is the wrong direction, that's the way he wants to do. We were told that written consent gives police no wiggle room for them to play fishy with your rights. No wiggle room to not tell you have the right to say no. We were told this is a black thing. We were told that Council doesn't understand the manager form of government. We might have problems with Robert's Rules, but not the form of government. To that end, he doesn't think what was done at the last meeting was wrong and he stands by that. We were also told that we want written consent to be used only when it's practical. When someone has the actual right to tell you no, it's always practical. My rights are always practical, it's not when you feel they are practical. But when he feels he wants to exercise his rights, not when you feel he should exercise my rights. There comes a time when we must take a position that is neither safe nor politic nor popular. But we must take it because our conscience tells us it's right. Change doesn't roll in on the wheels of inevitability. But it comes through contentious struggle which is what we see here tonight. And in that contentious struggle we must all be fearless. We must uphold people's rights, not when it is ideal. No. Not when you feel it's okay for me to exercise my right. We must be fearless. Now we know that the overwhelming majority of police officers do an incredibly hard and dangerous job, fairly and professionally. They are deserving of our respect and not our scorn. And when anyone, no

matter how good their intentions may be, paints all police as biased or bigoted, we undermine those officers we depend on for our safety. Yes. As for those that use rhetoric that may suggest adverse action or harm to our police, even if they don't act on it themselves, they not only make the jobs of our police officers even more dangerous, but they do a disservice to the very cause of justice they claim to promote. We also know that centuries of racial discrimination, of slavery and subjugation and Jim Crow - they didn't simply vanish with the end of lawful segregation. They didn't just stop when Dr. King made a speech or the Voting Rights Act or the Civil Rights Act were signed. Race relations have improved dramatically in his lifetime. Those that deny it are dishonoring the struggles that helped achieve that progress. But America, we know that bias remains, whether it be implicit racial bias, explicit racial bias, bias remains. We know it. Whether you are black or white or hispanic or asian american or native american or of middle eastern descent, we have all seen this bigotry in our own lives at some point. We've heard it at times in our own homes. If we are honest. Perhaps we've heard prejudice in our own heads. And felt it in our own hearts. We know that. And while some suffer far more under racism's burden, some feel a far greater extent of discrimination sting. Although most of us we do our best to guard against it and try to teach our children to do better. None of us is entirely innocent. No institution is entirely immune and that includes our police departments. The ultimate measure of a man is not when he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy and that is where we are at here. And those are not his words. There is a former President Barack Obama and Dr. Martin Luther King. That didn't come from Keith Young. So, there is no time in this world while he is alive that his rights as an American citizen can be told to me that, when you decide it's ideal for me to exercise them, that's when you can exercise them. That is not what we are talking about here. If you have probable cause to do whatever you need to do, do it. But if he has his right to say no, he should know that and he should be able to exercise that when he says so - not when you decide. He is going to reaffirm his vote tonight. But more importantly than reaffirming this vote, we must make sure that the intention of this resolution, these resolutions, are what Council wants. And that is not that someone's rights are ideal to when the police want them to exercise it, but when people in the public of our community know when they can exercise their rights and they get the choice. "Ideally" should never appear in any policy when people have the absolute right to exercise their privilege under the constitution. Never. So he will always, from this point forward, if he sees "ideally" in a policy for this, we will be back here again and again and again and again, because ideally exercising my rights is not an option for you to decide. Never.

Councilman Kapoor said that with respect to the "community caretaker" doctrine which Councilman Young noted tonight, in just a short Internet research he found that it is not the case in all states. In fact, the "community caretaker" doctrine in New Jersey, and he doesn't know what it is in North Carolina, and he was not sure if Councilman Young does either, it is not a justification for the warrantless entry and search of a home in the absence of some form of an objectionable reasonable emergency. The situation he described was not one of those cases. Respectfully, he believed there may be cases when Councilman Young is right and may apply, but the point he is simply making is there are situations where it may not, and it is very concerning to him that there may be Council Members who would require such a policy without any exceptions, even in the event that the public or the officer's safety may be in danger, which is not probable cause.

Mayor Manheimer said she did support a do-over of the earlier action that we took in May because there were a lot of questions from people around process, whether the action we took could have been legally challenged or voided in some way. She felt the questions around process undermined the actual intent of these actions and took away from the important underlying action of what we are trying to accomplish here. She felt this is a complicated topic. You can hear a criminal procedure debate happening right here and that is one of the reasons why we are not actually drafting the policy. She wanted to remind the public that Council gets to adopt a resolution regarding where we stand. We do not get the draft the policies of the police department. The police department will have to do that at this point, working with the City

Manager. She has taken the opportunity to read Durham's policy. She has also read Chapel Hill's policies. Those are two other communities that have a written consent policy (as well as Asheville) that gets closer to what we are talking about here. She has taken the opportunity to talk to the Durham Mayor about how this has been working in Durham. Her take-away was that it is complicated. It's not the kind of thing you can draft a policy on the back of a napkin in an afternoon. There needs to be some time and thought put into it. She looks forward to the City Manager working with the chief to do that. She applauded the audience because she felt they managed to handle this topic in a civil manner. Clearly there is great disagreement. She felt saddened by great divides occurring over a topic that she knows if we could sit around a table and talk about we could get closer together on. But she worried that in a public forum like this is if words that are spoken are so damaging that injuries cannot be recovered from. There were a couple of comments she felt got a little close to that bar but overall everyone did a good job of eloquently talking about you feel about this issue and explaining that to us. She did not live through the Civil Rights movement or the repeal of Jim Crow laws, but now we are into the nuanced part of this movement and it's very challenging to understand and it's something we are all learning about. None of us came into this job being an expert in this field by any means. She thanked the audience for working with Council because we are trying to do the best job we can and trying to make sure that Asheville is a safe community, but a fair and equitable community at the same time. She hoped that goal is coming through in the actions of Council.

Regarding the resolution regarding written consent, Vice-Mayor Wisler moved for the adoption of Resolution No. 18-144. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 39 – PAGE 470

Regarding the resolution regarding consent search criteria, Vice-Mayor Wisler moved for the adoption of Resolution No. 18-145. This motion was seconded by Councilwoman Mayfield and carried unanimously

RESOLUTION BOOK NO. 39 – PAGE 471

Regarding the resolution regarding regulatory vehicle stops, Vice-Mayor Wisler moved for the adoption of Resolution No. 18-146. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 39 – PAGE 472

VI. NEW BUSINESS:

A. RESOLUTION NO. 18-147 - RESOLUTION APPROVING GROVE ARCADE ASHEVILLE LLC AS THE NEW SUBLESSEE FOR THE GROVE ARCADE; APPROVING THE NEW SUBLEASE, THE AMENDMENT TO THE LEASE BETWEEN THE CITY AND GROVE ARCADE PUBLIC MARKET FOUNDATION, AND OTHER ASSOCIATED DOCUMENTS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO GIVE EFFECT TO THIS TRANSACTION

Assistant City Attorney Jannice Ashley said that this is the consideration of a resolution approving Grove Arcade Asheville, LLC as the new Sublessee for the Grove Arcade; approving the new Sublease, Amendment to Lease between the City and Grove Arcade Public Market

Foundation, and other associated documents as described herein; and authorizing the City Manager to execute all documents necessary to give effect to this transaction.

This is a request to approve the sale of the sublease rights in the Grove Arcade from the existing Sublessees, Historic Grove Arcade, LLC (an entity affiliate of Duke Energy Progress) and Grove Arcade Restoration, LLC, to a new entity, Grove Arcade Asheville, LLC, a North Carolina Limited Liability Company (whose members consist of Northpond Partners and Dewey Property Advisors).

The City acquired the Grove Arcade from the Federal Government (National Park Service) at no cost in April 1997, subject to the requirement that the property be used for "historic monument purposes", and operated and maintained as a historic property in perpetuity in compliance with National Historic Preservation Guidelines and subject to the terms of the Preservation, Operation, and Rehabilitation Agreement . The City then leased the Grove Arcade to the Grove Arcade Public Market Foundation ("GAPMF" or the "Foundation"), a non-profit with the purpose of restoring and preserving the Grove Arcade, in August 1997. The Lease to GAPMF is for 99 years with an option to renew for an additional 99 years, for the nominal rate of $1/year. The Lease is subject to the terms of a separate Preservation, Operation, and Rehabilitation Agreement ("Preservation Agreement") between the City and GAPMF which was also approved by the federal government. The Lease granted GAPMF the ability to sublease the premises, with such subleases also being subject to the requirements of the Preservation Agreement, and GAPMF granted a sublease to Grove Arcade Restoration, LLC ("GAR") (which manages the 1st floor retail-35 tenants-, and portions of mezzanine and basement) and to Historic Grove Arcade, LLC ("HGA") (which manages the 2nd, 3rd, 4th, and 5th floors-that include 7 offices and 42 residential rental units) in 1999.

Since its initial lease up, the Grove Arcade, which was a dilapidated, bricked-up building when acquired by the City in 1997, has undergone more than $20M in historic preservation renovations and now is a thriving commercial building, with 35 retail tenants on the first floor, and offices and 42 residential rental units on the upper floors. A managing member of both GAR and HGA was Caro Home/Progress Energy (now Duke Energy Progress) that utilized the historic tax credit program to fund a majority of the renovation. The City also contributed to the cost of the renovation (approximately $2.6M) via a COPS (1997C Bonds-Certificate of Participation) Loan. While some of the outstanding balance of the COPS loan was repaid by GAPMF, in 2010, GAPMF experienced cash flow difficulty that prevented them from making the required debt service payments. The City negotiated with GAPMF to write off a portion of the debt, lower payment amounts, and agreed to not require repayment of the remaining loan balance from GAPMF until the Sublease rights to upper floors were sold. The City continued to pay the required debt service on the COPS, and created a receivable to be paid by GAPMF when the sublease rights are sold to the new Sublessee, after closing. The balance due is now approximately $1.2M.

In October of 2016, the Foundation informed the City Manager and the City Attorney's Office of their desire to move forward with a process to transfer the sublease interests in the Grove Arcade, and requested approval by the City Manager of the process to solicit proposals from interested parties. The proposed new Sublease structure was as follows: GAPMF and Duke Energy proposed to consolidate the subleases of HGA and GAR and transfer (i.e. sell the sublease rights) to a single entity that would operate the entire building. The City would continue to own the building, the Foundation would continue to the be the primary tenant under the 1997 Lease and Preservation Agreement, and all of the conditions of these governing documents would continue to apply. The Foundation, HGA and GAR-through a contract with Tessier Associates which currently manages the upper floors of the Grove Arcade-would seek a new Sublessee through a public RFP process.

In May of 2017, a Request for Proposals from interested parties to purchase a long term sublease interest in the Grove Arcade was released by Tessier Associates. The RFP/Invitation Letter was sent to over 500 local, regional and national investors and brokers; if interested, they were asked to submit information on their company and a confidentiality agreement. From inquiries received Tessier and the Selection Committee, made up of members from GAPMF, GAR and HGA ended up with a list of 12 qualified prospects that were then sent a complete information packet and asked to submit a formal proposal. Three (3) complete proposals were received by the cutoff date in July 2017 and each was invited to tour the property and meet with the Selection Committee. In the Fall of 2017, the City was informed, that the Selection Committee had chosen Grove Arcade Asheville, LLC, as the most qualified proposer to become the new Sublessee of the Grove Arcade.

Requests Before City Council:

1. **Review and Approval of new Sublessee-Grove Arcade Asheville, LLC ("GAA")**

   As per the terms of the 1997 Preservation Agreement between the City and the Foundation (Section IV, p. 10), the City Council has the right to review the qualifications of the successful bidder/RFP respondent, Grove Arcade Asheville, LLC, in order to determine whether they should be approved as a new Sublessee. Northpond Partners, a managing member of GAA, has significant experience in the ownership and operation of historic properties in urban settings both in North Carolina and throughout the United States. A summary of Northpond's projects and experience was provided to Council.

2. **Approval of the new Sublease; Approval of an Amendment to the Lease with the Foundation, including approval of updated Leasing Guidelines; Approval of Amendment to Encroachment (Sidewalk) Agreement; and approval of other documents necessary to give effect to this transaction.**

   This proposed sale of sublease rights actually will result in very little change to the existing management structure of the Grove Arcade. The Foundation will remain the primary Lessee of the Grove Arcade and all major terms of the Lease (i.e. lease term, rental rate, Foundation responsibility for all costs of maintenance and repair in accordance with historic preservation standards) will remain in place. As under the current arrangement, the responsibility for performance of these terms is passed through to the Sublessee. The new Sublease is substantially similar to the existing subleases with GAR and HGA. The major terms of the documents necessary for this transaction are as follows:

New Sublease between the Foundation and Grove Arcade Asheville, LLC

- Lease Term- Until 8-14-2096 (remaining 78 years of the initial 99 year term of the original subleases entered in 1997); option to renew for an additional 99 years if the Foundation renews its primary lease for an additional 99 years.
- Rent-$10/year
- Sublessee to assume responsibility for operation and maintenance of the Leased Premise and payment of all utilities, taxes, maintenance and repair. City and Foundation retain the right to inspect any work to ensure it is in accordance with the Preservation Agreement.
- Sublease is expressly subject to and subordinate to the Prime Lease with the Foundation and its use subject to all preservation requirements outlined in governing documents including, the Preservation Agreement, Quit Claim Deed from the Federal Government to the City, Preservation Façade Easement with Preservation North Carolina, Certificate of Appropriateness issued by the Historic Resources Commission, and any applicable

requirements of the National Monument Act, National Historic Preservation Act, and State Historic Preservation Act.

- Sublease is subject to insurance and liability terms approved by the City's Risk Manager.

Amendment to Lease between the City and the Foundation and Modification to the Preservation Agreement

- Approval of Sublease of Grove Arcade Asheville, LLC (Northpond)
- City agrees to be bound by terms of Sublease if Lease with Foundation is involuntarily terminated and to treat GAA as direct lease if, 1) GAA forms a non-profit entity who purposes include the preservation of real or personal properties of historical significance and with the specific purpose of the preservation of the Grove Arcade in accordance with the terms of the Preservation Agreement; 2) the new entity assumes all the same liabilities, responsibilities and rights contained in the Prime Lease with the Foundation; and 3) the City shall have the right to review all documents related to the formation of this new non-profit and the new entity's board shall include a City appointee as a member (as is the case for the current Foundation board).
- City approval of a New Operations and Lease Plan. Original Leasing Policies related to the first floor use as retail/office were adopted on 3-26-97. The Sublessee proposes a new Operations and Leasing Plan which is not as detailed as the original plan, but is similar in many ways. Summary of New Leasing Policy Guidelines is as follows:
    - Criteria for (Sub) Tenant Selection in the new Leasing Plan is substantially the same as those outlined in the original leasing policy-criteria include: Tenant overall contribution to success of the public market; ownership (independent, franchise, national); nature and uniqueness of product mix; how product offered represents and/or reflects on our region; mix with other tenant offerings; competition with existing businesses.
    - The Foundation will still have a limited role in overseeing the leasing guidelines/implementation. The Foundation and GAA will enter into a separate Historic Preservation Management Agreement (reviewed by the city's legal department) which makes clear that the Foundation shall remain the primary lessee with the ultimate responsibility for complying with the preservation requirements. Additionally, the Agreement requires that GAA provide the Foundation with space for its administrative office within the Grove Arcade. Also, the new Leasing Policy will specifically require at least quarterly meetings between the Foundation and GAA to discuss: the leasing plan, merchandising strategy, long term target prospects. The Foundation will also assist in preparing the biennial report that the City sends to the National Park Service ("NPS"), regarding building activities.
    - New Leasing Policy provides that Sublessee shall never sign a lease which will exceed a balance of 50% local and regional and 50% National tenant mix without the majority approval of the Foundation Board.
    - While the new Leasing Policy does specifically contemplate leasing to National Tenants, something which was not specifically mentioned in the original leasing guidelines, it appears to do so in a way that meets the requirements of the Preservation Agreement to

rent principally to locally owned and operated small retail and service businesses. The Merchandising Plan states that they will, "*seek first to find unique local operators to curate the mix and focus primarily on local and/or regional restaurant operators.*"

- Modification of the Preservation Agreement to remove obsolete provisions related to rehabilitation/construction requirements and parking provisions that are no longer necessary since the major rehabilitation project has been completed and the parties agree that such requirements (i.e. provision of additional parking by the City) are no longer being pursued.

Amendment to Sidewalk Encroachment Agreement

- The City and the Foundation entered into an encroachment agreement in August 2002, which allows the placement of tables, chairs, merchandise carts and other furnishings upon the sidewalk rights of way adjoining the Grove Arcade Building. The Agreement makes the Foundation (as Lessee) responsible for the maintenance, repair and renovation of the sidewalks where the encroachment is located. The existing Agreement also allows the City to terminate the encroachment agreement for any reason with 60 days notice. The new Sublessee is requesting to amend the Agreement to delete the City's 60 day termination right.
- The amendment would retain the City's ability to terminate with cause (i.e. if Lessee fails to use the space for the permitted purposes) after providing 60 days notice and an opportunity to cure. Otherwise, the Agreement will remain in place throughout the lease term.

Non-Disturbance and Attornment Agreement

This is an agreement between the City, the Foundation, Grove Arcade Asheville, LLC and UNUM Life Insurance Company (lender for GAA), in which the City confirms the existing Primary Lease terms with the Foundation, represents that neither the City nor the Foundation are in default under the Lease, confirms that the City has not assigned, sold or otherwise encumbered its interest in the Leased premises, and essentially agrees, that in the event of a termination of the Primary Lease, the Sublease rights shall be preserved (as long as the Sublessee is not in default). This type of agreement is a usual requirement of this type of transaction.

At their meeting on May 21, 2018, the Planning and Economic Development Committee recommended approval of the new sublessee, Grove Arcade Asheville, LLC ("GAA") and approval of the new sublease, subject to the conditions that GAA submit a more detailed Business Plan for operation of the Grove Arcade, and that the Foundation be required to meet more frequently (quarterly rather than annually) with the sublessee in regard to the leasing plan and policy. GAA has complied with these requests; and a more detailed Business Plan was provided to City Council on June 5th and the Leasing Plan will be updated to require quarterly meetings.

Pros:

- Grove Arcade Asheville, LLC, the new Sublessee, has demonstrated the necessary qualifications and experience in the operation and preservation of historic buildings to ensure the continued successful operation of the Grove Arcade in accordance with the existing Preservation Plan requirements.

- Upon Sale of the Sublease rights to Grove Arcade Asheville, the City will be repaid the receivable due to it in the amount of approximately $1.2M related to the initial debt issued as part of the COPS 1997C.

Con:

- None Known.

Repayment of receivable due to the City in the amount of $1.2M related to the initial debt issued as part of the COPS 1997C.

Staff recommends that the City Council adopt a resolution approving Grove Arcade Asheville, LLC as the new Sublessee for the Grove Arcade; approving the new Sublease, Amendment to Lease between the City and Grove Arcade Public Market Foundation, and other associated documents as described herein; and authorizing the City Manager to execute all documents necessary to give effect to this transaction.

Mr. Robby Russell, Board Chair of the Grove Arcade Public Market Foundation, said that the Foundation and Duke Progress both agree that the renovation efforts were successful and it's now time to divest this asset to the new caretaker who will also be subject to the existing lease with the City.

Ms. Ruth Summers, Executive Director of the Grove Arcade Public Market Foundation, gave a brief history of the Grove Arcade, which was originally developed in the 1920's. Community benefits for the Grove Arcade include: The Grove Arcade was the prime engine for continuing the economic revitalization and renaissance on the western edge of the downtown; Celebrate the best that Asheville has to offer, from our local entrepreneurial community of businesses; Provide needed community services and public amenities to the citizens of Asheville; Revenue generator of the City and County governments, through sales, business and real estate taxes; Encourage people to come to downtown Asheville in the evening; Saved a historic building from remaining as a desolate and vacant building, once all Federal uses were discontinued; Leases remain in place; The apartments will remain as rental units and not be converted to condominiums thus retaining an active local downtown community; 39 local artists will continue to make a living by participation in the Outdoor Artists Market located on Battery Park Avenue; The conference room will remain available to small businesses and non-profits as a reasonable priced meeting space; and Community events will continue to be offered to the public; free of charge or by ticket as a fundraiser. She explained the current and the proposed structure.

Mr. Sam Aiken, with Northpond Partners, said that on behalf of their company they are excited as this is their 13th investment in North Carolina and their third historic property. They have been working with Eddy Dewey, from Dewey Property Advisors, for the last three years to find the right fit in Asheville. As partners they are excited to continue the great tradition of the Grove Arcade.

Mr. Dewey spoke about his local market knowledge in Asheville.

Mr. Alan Ditmore explained his opposition to this action.

Councilwoman Mayfield thanked those who are retaining and restoring this beautiful building. She hoped the new partners understand the legacy of the Grove Arcade in Asheville.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Young moved for the adoption of Resolution No. 18-147. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 473

B. RESOLUTION NO. 18-148 - RESOLUTION ADOPTING THE EQUITY ACTION PLAN

Ms. Kimberlee Archie, Equity and Inclusion Manager, said that this is the consideration of a resolution adopting the Equity Action Plan by City Council.

DEFINITIONS:

- **Equity** is just and fair inclusion into a society in which all can participate, prosper, and reach their full potential (excerpt from Equity Manifesto)
- **Racial equity** is the condition when racial identity no longer predicts individual or group life outcomes, and outcomes for all groups are improved.
- **Advancing racial equity** employs analysis and strategies at the root cause of inequities and disparities; working to address disparities through changes in policy, practice and procedure. (working draft)
- **Inclusion** is authentic and empowered participation with a true sense of belonging. (working draft)
- **Inclusive engagement** of Asheville's residents is demonstrated through meeting community where they are and working collaboratively to ensure their voices are valued. (working draft)

To advance equity and inclusion within municipal government, the GARE racial equity framework is being employed. The City of Asheville is a member of the Government Alliance for Race and Equity, a national network of government jurisdictions working to achieve racial equity and advance opportunities for all, which has developed a framework based on best practice from government entities who have been working to advance racial equity for a decade or longer. Creating equity tools, such as an equity action plan, is part of one component of the racial equity framework.

Why do we lead with race?

The Equity and Inclusion work in Asheville leads with race because although the founding values of the United States are evident in statements such as "all men are created equal", "with liberty and justice for all", and "government of the people, by the people, for the people shall not perish from the earth", those included and allowed to benefit from these values has changed over time. Who encompasses "all", "all men" or "the people" was exclusionary at the founding of this nation and the legacy remains today.

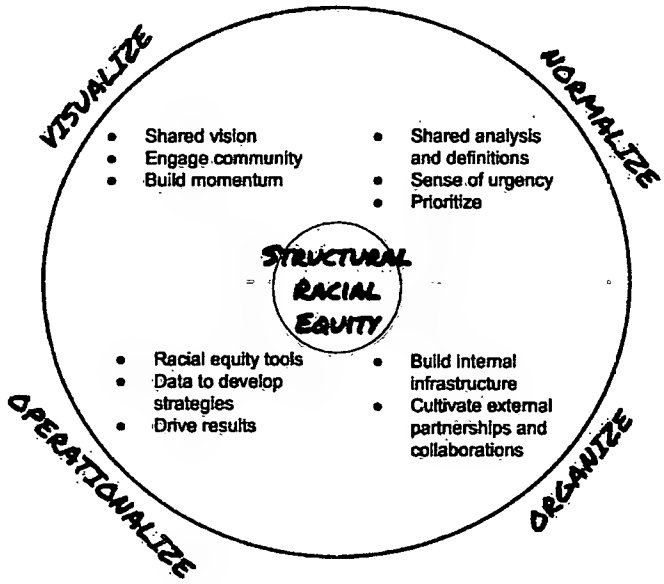
Over the history of this nation, government policy, practice and procedures have evolved from explicitly creating and maintaining racism and race-based oppression through Indian removal, colonization, slavery, Jim Crow laws, Japanese internment, housing discrimination and segregation, employment discrimination and more, to implicit racism and disenfranchisement through "race neutral" policies. Once explicit discrimination became illegal, examples of race-neutral policies, meaning the removal of race-specific language restricting access and opportunity, include redlining practices by the Federal Housing Administration and ongoing collusion with insurance companies, the real estate industry, financial institutions and companies supported government subsidized wealth building for whites that is still evident today as observed in the State of Black Asheville. The Social Security Act of 1935 excluded agricultural and domestic workers from access to benefits. 65% of workers in these industries at that time were African Americans; therefore, by excluding workers in agriculture and domestics, the unintended or intended consequences of who benefitted and was included were racialized.

Although the Civil Rights Act of 1964 and Voting Rights Act of 1965 provided protections and opportunities for those facing discrimination, mainly African Americans, the legacy of discrimination, oppression, and explicit racism was deeply embedded in the fabric of the United States and impacts all facets of life:

- Education
- Jobs
- Wealth
- Health
- Criminal Justice
- Housing
- Income
- Safe Neighborhoods

In Asheville and all over the United States, people of color, especially African Americans are disproportionately and negatively portrayed and show up in data related to these facets of life. We lead with race because we haven't eliminated racism yet. We lead with race because racism has been the most pervasive and hasn't been solved. Successfully dismantling institutional and structural racism will mean other forms of oppression can be dealt with using a similarly focused framework.

Racial Equity Framework - The racial equity framework adopted for use in Asheville has four major components:



The racial equity framework is represented in a circle to communicate the non-linear process of building, developing and acting that occurs simultaneously.

Normalize: Establish racial equity as a key value by developing a shared understanding of key concepts across the entire jurisdiction and create a sense of urgency to make changes. This work includes getting on the same page in our understanding of systemic racism, how it is pervasive and has been maintained for generations by government along with supporting a culture of dialogue, analysis and learning about institutional and systemic racism in a safe environment.

Organize: Build staff and organizational capacity, skills and competencies through training while also building an infrastructure to support the work, like internal organizational change teams and external partnerships with other institutions. Asheville has an Equity Core Team with representatives from all city departments who are adding to their capacity as leaders, organizers and ambassadors while learning to "normalize" racial equity. Additionally, conversations are occurring with other public and private institutions interested in partnering or collaborating to dismantle structural racism in Asheville and Buncombe County.

Operationalize: Put theory into action by implementing new tools for decision-making, measurement, and accountability like a Racial Equity Analysis Tools (equity lens) and developing a Racial Equity Action Plan.

Visualize: Develop a clear and bold vision for racial equity with inclusion by those most impacted by inequities. Inclusive community engagement is a requirement to ensure alignment between the needs and desires of impacted community members and the actions of city government to operate in a racially equitable manner.

The Equity Action Plan was recommended to City Council for adoption by the Finance & Human Resources Committee on April 23, 2018, after presentation by staff.

An equity action plan communicates a theory of change into action to achieve a collective vision of racial equity. This initial equity action plan has been developed with the Equity Core Team and informed by community as well as data about our community. The Equity Action Plan has being vetted with Management Team to ensure agreement; and support of the work described therein has been provided. It supports Vision 2036 and this strategic plan describes the initial direction, goals, capacity and implementation for advancing equity citywide as stated in City Council's strategies, updated February 2018 [*Goal 1: Adopt and implement an equity program driven by a comprehensive strategic plan that will ensure direction, goals, and capacity*]

This Equity Action Plan focuses internally for community level impact. Five areas of action are described in the Plan: advancing workforce equity as an employer, advancing equity and inclusion in community engagement, advancing economic equity in contracting, advancing equity in development without gentrification (economic inclusion), and finally, advancing equity through building our internal capacity. The details of developing measurable outcomes in each area of work are in process; however, the questions we are answering to measure accountability include:

- How much did we do?
- How well did we do it?
- Is anyone better off?

These questions, which are the foundation of the Results Based Accountability framework, a disciplined method for thinking and taking action to achieve meaningful change.

City Council's support, approval and adoption of the Equity Action Plan is necessary for institutional and structural change to occur. Advancing racial equity takes time, funding, skills, effort, will and community expertise to change our policies, the way we do business, our habits and cultures. Through the collaborative efforts of Interdepartmental Action Teams, the Office of Equity & Inclusion, all City Departments, and through community connections (e.g. Human Relations Commission of Asheville) and external partners, this work will be implemented and we will demonstrate accountability to our stakeholders.

Pros:

- Will create a strategic roadmap for coordinated, citywide actions toward advancing racial equity.
- Will engage City employees, from frontline workers to leadership in building capacity to change policies, practices, and procedures for advancing equity and being inclusive.
- Provides a path to including those most impacted by oppression, racism, and discrimination in connecting to city government.
- Transform Asheville into a more equitable and inclusive city government

Con:

- Ongoing costs for staffing and program development

Implementation costs for the Equity Action Plan includes the addition of 3 positions and related operating expenses for a budgeted total increase of approximately $250,000 as outlined in the FY 2018-19 Proposed Budget. Ongoing costs will be higher than this initial amount due to the phased hiring approach planned for FY 2018-19.

Staff recommends City Council adopt a resolution authorizing the City Manager to implement the comprehensive and strategic goals of the Equity Action Plan.

In response to Councilwoman Wisler, Ms. Archie said that she will provide a quarterly update to Council.

Mr. Michael Hayes suggested funds be earmarked to the Equity Action Plan, with perhaps funding from the sale of Mission Hospital system.

Mr. Alan Ditmore felt that City Council is gentrifying on purpose.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Young moved for the adoption of Resolution No. 18-148. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

RESOLUTION BOOK NO. 39 – PAGE 475

C. RESOLUTION NO. 18-149 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A WATER PRODUCTION AND DISTRIBUTION AGREEMENT WITH HENDERSON COUNTY

Deputy City Attorney Kelly Langteau-Ball said that this is the consideration of a resolution authorizing the Mayor to execute a Water Production and Distribution Agreement with Henderson County.

In April of 2017, City staff met with Representative Chuck McGrady and representatives of Henderson County and the City of Hendersonville to discuss issues relating to Asheville and Hendersonville's water systems. The City and Henderson County agreed that previous agreements both parties entered into in 1994 and 1995 regarding water production and distribution were no longer legally effective or binding. Therefore, City staff and Henderson County staff agreed to enter into a new agreement for water production and distribution.

The primary purpose of the new agreement is to: i) memorialize the applicability of the Sullivan Acts and the City's Water Policy to the portion of the Asheville's water system located in Henderson County, including the Cane Creek Area and ii) provide an opportunity for large industrial water users who plan to locate in the Asheville Service Area, which includes the Cane

Creek Service Area, to request funds from the Asheville City Council to assist with the payment of water infrastructure to connect to the City's water system.

The decision as to whether to grant economic incentive funds, and the amount of such funds to be granted, will be within City Council's sole discretion, based upon factors to be determined by the City Council, which could, but would not be required to include the following: the amount of water required; the number of jobs created; and the cost of the infrastructure improvements. In order to request economic incentives, the following minimum requirements must be met: i) the industry must be located in Asheville's Service Area; ii) the industry must have a minimum daily usage of at least 80,000 gallons; and ii) if the industrial user's location is outside of Asheville's corporate limits, the governing jurisdiction must agree to be a party to any economic incentive agreement, and to partner with Asheville in the event such incentives are allowed.

The City agrees that it will amend the Asheville Water Policy with the above-stated economic incentive provision within 90 days of the date of execution of the agreement with Henderson County.

In addition, based on requests by Henderson County, the City agrees to the following: i) a right of first refusal to Henderson County should the City receive an offer to buy the Mills River Plant and/or the portions of the water system located within Henderson County; ii) the approval of Henderson County if the City extends any water lines into the unincorporated areas of the county; and iii) if the City's water system becomes governed by a board other than Asheville by voluntary agreement to which Asheville is a party, then Henderson County shall be a voting member of such board, with voting representation proportional to the number of Henderson County water customers. These provisions are not authorized under the Sullivan Acts and as such, the agreement contains language that these provisions are effective only if the Sullivan Acts are repealed or are not otherwise prohibited by law.

Pros:

- Provides economic development incentives for potential large industrial users.
- Assists with system expansion efforts by leveraging private investments in the water system.

Con:

- Difficult to identify a budget to support an economic incentive program due to uncertainty associated with the frequency and scale of these projects.

Fiscal impact is largely unknown at this time. Due to the uncertainty associated with the frequency and scale of these projects, it is difficult for the Water Enterprise fund to develop a budget that will support this economic incentive program. In the event that this program is used, Water Resources may be required to draw on its cash reserves in order to support the incentive program.

Staff recommends adoption of a resolution authorizing the Mayor to execute a Water Production and Distribution Agreement with Henderson County.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of Resolution No. 18-149. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 481

D. BOARDS & COMMISSIONS

Regarding the I-26 Connector Aesthetics Committee, the following individuals applied for a vacancy: Woodard Farmer, Joe Minicozzi, Michael Adams, Billy Cooper, David Nutter and Michael Zukoski. Because there were not enough applications received, it was the consensus of Council to re-advertise for this Committee.

Councilman Young briefly reported on the Human Relations Commission and that they will be holding a retreat. He suggested they may need a facilitator for that meeting.

RESOLUTION NO. 18-150 - RESOLUTION APPOINTING A MEMBER TO THE AFRICAN AMERICAN HERITAGE COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the African American Heritage Commission.

The term of Marvin Chambers will expire on July 1, 2018.

The following individuals applied for the vacancy: Samantha Singer, Brandon Oliver and Michael Hayes.

It was the consensus of the Boards & Commissions Committee to reappoint Marvin Chambers.

Vice-Mayor Wisler moved to reappoint Marvin Chambers to serve an additional three-year term, term to expire July 1, 2021, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 483

RESOLUTION NO. 18-151 - RESOLUTION APPOINTING A MEMBER TO THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Greater Asheville Regional Airport Authority.

The term of Bob Roberts will expire on June 20, 2018.

The following individuals applied for the vacancy: Frank Wolf, Robert Herlin, Brad Galbraith and Chris Sevcik.

It was the consensus of the Boards & Commissions Committee to appoint Brad Galbraith.

Vice-Mayor Wisler moved to appoint Brad Galbraith to serve a three-year term , term to expire June 30, 2022, or until his successor has been appointed. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 484

RESOLUTION NO. 18-152 - RESOLUTION APPOINTING MEMBERS TO THE

CITIZEN-POLICE ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Citizens-Police Advisory Committee.

The terms of Carol Rogoff Hallstrom (North) and Larry Holt (Central) expired on June 30, 2017 (terms extended until their successors were appointed). In addition, (1) Allen Brailsford (West) resigned from his June 30, 2017, termination date; and (2) Debbie Applewhite (East) resigned from her June 30, 2017, termination date. Also, there is an unexpired term left by Sir Charles Gardner (resident of property owned by the Housing Authority) until June 30, 2019; and an unexpired term of Jayden Gurney (Housing Authority representative) until June 30, 2021.

The following individuals applied for the vacancy: Frank Wolf, Gretchen Gudites, Celeste Fletcher, Frederic Arnold, Jason Martin, Michael Hayes and Karl Katterjohn.

It was the consensus of the Boards & Commissions Committee to (1) reappoint Clifford Joslin (South); (2) appoint Michael Hayes (West); and (3) appoint Karl Katterjohn (East).

Vice-Mayor Wisler moved to (1) reappoint Cliff Johnson (South) to serve a three-year term, term to expire June 30, 2020; (2) appoint Michael Hayes (West) to serve an unexpired term, term to expire June 30, 2021; and (3) appoint Karl Katterjohn (East) to serve an unexpired term, term to expire June 30, 2021. All appointments are until their successors have been appointed. This motion was seconded by Councilwoman Mayfield and carried unanimously.

It was the consensus of Council to re-advertise for the north, central and resident of the Housing Authority seats, along with contacting the Housing Authority for their representative.

RESOLUTION BOOK NO. 39 - PAGE 485

RESOLUTION NO. 18-153 - RESOLUTION APPOINTING A MEMBER TO THE CIVIC CENTER COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Civic Center Commission.

The terms of Joel Storrow, Chris Bubenik and Greg Duff will expire on June 30, 2018. In addition Joe Green has resigned, thus leaving an unexpired term until June 30, 2019.

The following individuals applied for the vacancy: Larry Layton.

It was the consensus of the Boards & Commissions Committee to reappoint Greg Duff.

Vice-Mayor Wisler moved to reappoint Greg Duff to serve an additional three-year term, term to expire June 30, 2021, or until his successor has been appointed. This motion was seconded by Councilman Kapoor and carried unanimously.

It was the consensus of Council to re-advertise for the other vacant seats.

RESOLUTION BOOK NO. 39 - PAGE 486

RESOLUTION NO. 18-154 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ELECTRICAL EXAMINERS

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Board o f Electrical Examiners.

The terms of George Grigg (electrical contractor), Charlie Wheeler (journeyman electrician), David Martin (utility representative), Russell Thacher (licensed engineer) and Kenneth Frisbee (layman) expire on July 1, 2018.

The following individuals applied for the vacancy: None.

It was the consensus of the Boards & Commissions Committee to reappoint Greg Grigg, Charlie Wheeler, David Martin and Russell Thacher.

Vice-Mayor Wisler moved to reappoint George Grigg (electrical contractor), Charlie Wheeler (journeyman electrician), David Martin (utility representative) and Russell Thacher (licensed engineer) to each serve an additional three-year term respectively, terms to expire July 1, 2021, or until their successors have been appointed. This motion was seconded by Councilwoman Mayfield and carried unanimously.

It was the consensus of Council to re-advertise for the layman seat.

RESOLUTION BOOK NO. 39 - PAGE 487

RESOLUTION NO. 18-155 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Asheville-Buncombe Historic Resources Commission.

The terms of William Eakins and Ed Flowers will expire on July 1, 2018.

The following individuals applied for the vacancy: Rick Freeman and Will Hornaday.

It was the consensus of the Boards & Commissions Committee to reappoint William Eakins and Ed Flowers.

Vice-Mayor Wisler moved to reappoint William Eakins and Ed Flowers to each serve a three-year term respectively, terms to expire July 1, 2021, or until their successors have been appointed. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 488

RESOLUTION NO. 18-156 - RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Homeless Initiative Advisory Committee (HIAC).

The term of Jay Lively expired on November 1, 2017.

The following individuals applied for the vacancy: Val Ball, Timothy Moser, Bill Robinson, Michael Carlebach, Roberto L. Hess, Thomas Cash, Tamarie Macon, Donna Ball and Elvia Diaz.

On May 22, 2018, the HIAC recommended City Council appoint Donna Ball. However, it was the consensus of Council to interview Donna Ball and Elvia Diaz.

After speaking highly of both interviewees, Donna Ball received 3 votes, and Elvia Diaz received 4 votes, therefore, Elivia Diaz was appointed to serve a three-year term, term to expire November 1, 2020, or until her successor has been appointed.

RESOLUTION BOOK NO. 39 - PAGE 489

RESOLUTION NO. 18-157 - RESOLUTION APPOINTING MEMBERS TO THE MULTI-MODAL TRANSPORTATION COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Multi-Modal Transportation Commission.

The terms of Kim Roney (representing transit interests), Mary Weber (representing greenway interests) will expire on July 1, 2018. In addition, Billie Lofland (representing bike/ped interests) resigned leaving an unexpired term until July 1, 2018.

The following individuals applied for the vacancy: Helen Hyatt, Han Winogrond, Keaton Edwards, Carson Dellinger, Tina Wexler, Andrew S. Kirby, Ritchie Rozzelle, Dennis Wencel, Pat Katz, Rachelle Sorensen-Cox and Kenneth Armstrong.

It was the consensus of the Boards & Commissions Committee to reappoint Kim Roney and Mary Weber.

Vice-Mayor Wisler moved to (1) reappoint Kim Roney and Mary Weber to each serve a three-year term respectively, terms to expire July 1, 2021; or until their successors have been appointed. This motion was seconded by Councilwoman Mayfield and carried unanimously.

It was the consensus of Council to wait for the Multimodal Transportation Commission's recommendation on the vacancy left by Ms. Lofland.

RESOLUTION BOOK NO. 39 - PAGE 490

RESOLUTION NO. 18-158 - RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Neighborhood Advisory Committee.

The terms of Spencer E. Hardaway (representing 28803 or 28704 zip code), Mike Wasmer (at-large), and Joe Fioccola (representing 28801 zip code) expire on July 1, 2018.

The following individuals applied for the vacancy: Kristin Baldwin, Carter B. Webb and Karl Katterjohn.

It was the consensus of the Boards & Commissions Committee to reappoint Spencer Hardaway, Mike Wasmer and Joe Fioccola.

Vice-Mayor Wisler moved to reappoint Spencer Hardaway (representing 28803 or 28704), Mike Wasmer (at-large) and Joe Fioccola (representing 28801) to each serve a three-year term respectively, terms to expire July 1, 2021, or until their successors have been appointed. This motion was seconded by Councilman Kapoor and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 491

RESOLUTION NO. 18-159 - RESOLUTION APPOINTING A MEMBER TO THE NOISE ORDINANCE APPEALS BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Noise Ordinance Appeals Board.

The terms of Tod Leaven (Regular member) and Robert Glenn (Alternate member) will expire on July 1, 2018.

No one applied for the vacancy.

It was the consensus of the Boards & Commissions Committee to reappoint Tod Leaven (Regular member)

Vice-Mayor Wisler moved to reappoint Tod Leaven (Regular Member) to serve an additional three-year term, term to expire July 1, 2021, or until his successor has been appointed. This motion was seconded by Councilwoman Mayfield and carried unanimously.

It was the consensus of Council to re-advertise for the Alternate member seat.

RESOLUTION BOOK NO. 39 - PAGE 492

RESOLUTION NO. 18-160 - RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ART & CULTURAL COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Public Art & Cultural Commission.

The terms of Ali McGhee, Micah Mackenzie and Constance Richards will expire on June 30, 2018.

The following individuals applied for the vacancy: Allen Roda, Johanna Hagarty, Cate Ryba, Mariana Avila Llorente, Karen Depew, Valeria Watson and Karin Peterson.

It was the consensus of the Boards & Commissions Committee to reappoint Ali McGhee and Constance Richards, and appoint Johanna Hagarty.

Vice-Mayor Wisler moved to (1) reappoint Ali McGhee and Constance Richard to each serve a three-year term respectively, terms to expire July 1, 2021, and (2) appoint Johanna Hagarty to serve a three-year term, term to expire July 1, 2021. All appointments are until their successors have been appointed. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 493

RESOLUTION NO. 18-161 - RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Recreation Board.

The terms of Jeff Luttrell, Robert Pierce, Dean Pistor and Helen Hyatt will expire on June 30, 2018.

The following individuals applied for the vacancy: Ron Nelson, Ken Miller, John Irving and April Suttles.

It was the consensus of the Boards & Commissions Committee to reappoint Jeff Luttrell, Robert Pierce and Helen Hyatt and appoint John Irving and Ron Nelson.

Vice-Mayor Wisler moved to (1) reappoint Jeff Luttrell, Robert Pierce and Helen Hyatt to each serve a three-year term respectively, terms to expire June 30, 2021, (2) appoint John Irving to serve a three-year term, term to expire June 30, 2021; and (3) appoint Ron Nelson to serve an unexpired term until June 30, 2020. All appointment are until their successors have been appointed. This motion was seconded by Councilman Kapoor and carried unanimously.

RESOLUTION BOOK NO. 39 - PAGE 494

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mayor Manheimer announced that the redistricting bill will be heard in Committee at 10:00 a.m. this Thursday in the Senate.

Ms. Sandy Kellam wanted to raise Council's awareness of the lack of security on Asheville City buses.

Mr. Drew Pollack and Mr. Jackson Tierney spoke to Council regarding homestays. Councilwoman Mayfield said that this will be coming before the City Council Planning & Development (PED) Committee to give staff direction and then any Unified Development Ordinance amendment will need to go to the Planning & Zoning Commission and then to City Council for public hearings. When the issue goes to the PED Committee, they will want information on what was the rationale of the change, what are some other options to address the concerns, how many homestay permits are issued, what effect has this had on any of the existing permits, and clarification on the changes made by City Council in January and how it impacts existing permit holders, etc. It was noted that the homestay permitting update will be brought forward to Council in July.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 10:28 p.m.

Magdalen Bourloon
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – July 2, 2018- 5:00 p.m.

Special Meeting

Present: Vice-Mayor Gwen C. Wisler, Presiding; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Interim City Manager Cathy Ball; Deputy City Attorney Kelly Langteau-Ball; and City Clerk Magdalen Burleson

Absent: Mayor Esther E. Manheimer

A. PUBLIC HEARING TO CONSIDER AN ORDINANCE ADOPTING THE WATER RESOURCES DEPARTMENT SYSTEM MAINTENANCE AND CAPITAL FEES ANALYSIS AND AMENDING THE FISCAL YEAR 2018-19 FEES AND CHARGES TO ADOPT THE WATER RESOURCES DEPARTMENT "SYSTEM MAINTENANCE AND CAPITAL FEES" AND RENAME IT TO "DEVELOPMENT FEES"

ORDINANCE NO. 4678 - ORDINANCE ADOPTING THE WATER RESOURCES DEPARTMENT SYSTEM MAINTENANCE AND CAPITAL FEES ANALYSIS AND AMENDING THE FISCAL YEAR 2018-19 FEES AND CHARGES TO ADOPT THE WATER RESOURCES DEPARTMENT "SYSTEM MAINTENANCE AND CAPITAL FEES" AND RENAME IT TO "DEVELOPMENT FEES"

Interim Water Resources Director David Melton said that this is the consideration of an ordinance adopting the Water Resources Department System Maintenance and Capital fees analysis and amending the Fiscal Year (FY) 2018-19 fees and charges to adopt the Water Resources Department (WRD) "System Maintenance and Capital Fees" and rename it to "Development Fees."

System development fees are one-time charges imposed of new development to fund costs of capital improvements necessitated by and attributable to such new development or to recoup costs of existing facilities. North Carolina General Statute 162A Article 8 ("Article 8") provides for the uniform authority to implement system development fees for public water systems in North Carolina, and was recently enacted by the North Carolina General Assembly on July 20, 2017. According to the statute, system development fees must be adopted in accordance with the conditions and limitations of "Article 8", and those fees in effect as of October 1, 2017, must conform to the requirements set forth in the Article no later than July 1, 2018.

Raftelis Financial Consultants, Inc. (RFC) completed the required analysis, which conforms to the conditions set forth in "Article 8." To conform to N.C.G.S. 162A-209,, the analysis must be posted on the City's website for not 'ess than forty-five (45) days and furnish a means to submit written comments prior to considering adoption. The analysis was posted on March 28, 2018, and met the 45-day requirement on May 12, 2018.

Findings from the final analysis completed by RFC reveal that the WRD is charging below the state average for this fee. WRD is proposing to phase-in increases over the next two years as approved by the City's Finance Committee on March 27, 2018.

On April 10, 2018, City Council adopted the City's Fees and Charges for the Fiscal Year (FY) 2018-19. At that time, the WRD System Maintenance and Capital Fee (formerly known as the Development Fee) was posted for public review and could not be adopted until meeting the required 45-day posting period.

North Carolina General Statute 162A Article 8 ("Article 8") also provides that all proceeds from these fees be accounted for in a capital reserve fund. The resolution establishing a capital reserve fund (CRF) to meet this statutory requirement was approved at the June 19, 2018 Council Meeting. The City may not expend monies directly out of a CRF. Instead, Council must amend the CRF to withdraw the monies and then amend the budget ordinance or project ordinance to recognize the revenue and authorize its expenditure for specific water projects or debt service payments associated with these projects.

Pro:

- Provides opportunity to recover the cost of services from those that directly utilize the water system.

Con:

- Failure to comply with the conditions and limitations of NCGS 162A Article 8 – "System Development Fees" will constitute a violation of the State statute.

The proposed fee adjustment would generate estimated revenue of $100,000. As noted above, this revenue will be accounted for in a capital reserve fund and be used to pay costs of capital improvement necessitated by and attributable to such new development of to recoup costs of existing facilities.

City staff recommends City Council adopt an ordinance adopting the Water Resources Department System Maintenance and Capital fees analysis and amending the Fiscal Year (FY) 2018-19 fees and charges to adopt the Water Resources Department (WRD) "System Maintenance and Capital Fees" and rename it to "Development Fees."

Vice-Mayor Wisler opened the public hearing at 5:02 p.m. and when no one spoke, she closed the public hearing at 5:02 p.m.

Vice-Mayor Wisler said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mayfield moved for the adoption of Ordinance No. 4678. This motion was seconded by Councilman Kapoor and carried unanimously.

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Vice-Mayor Wisler adjourned the meeting at 5:03 p.m.

Magdalen Bowlesson
CITY CLERK

Esther Manheimer
MAYOR

Tuesday – July 24, 2018- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Acting City Manager Cathy Ball; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 19, 2018; AND THE SPECIAL MEETING HELD ON JULY 2, 2018

B. RESOLUTION NO. 18-162 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH APPALACHIAN PAVING AND CONCRETE FOR THE FISCAL YEAR 2018-19 UTILITY CUT CONCRETE REPAIR PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of $294,300 plus a contingency of 15% ($44,145) with Appalachian Paving and Concrete for the project known as Fiscal Year (FY) 2018-19 Utility Cut Concrete Repair Contract.

The City of Asheville Public Works-Streets Division Administers the Street Cut Utility Program. This program is an enterprise fund that is supported by the participation and work generated by partner agencies (Duke Energy, PSNC, City of Asheville Water Resources and City of Asheville Stormwater Division). As part of this program both internal and external utilities partner with the Streets Division to make repairs to City owned infrastructure that results from utility improvements and repairs. At times these activities cut concrete infrastructure such as curbs and sidewalk. When this occurs the Utility Cut Program must have a method to address these areas. This contract serves as an instrument to address the unpredictable nature of these cuts in the City infrastructure, and eliminates the possibility City employees being removed from the more routine scheduled maintenance of existing infrastructure. The quantity and location of the concrete repair performed under this contract is dictated by development and repair work performed by the partner utilities. This is the fifth year that a private contractor has performed this service. The contract has the option to renew annually for two, one-year extensions, upon budgetary approval by Council for each fiscal year for the project known as Utility Cut Concrete Repair Contract.

The project was advertised on May 4, 2018. A bid opening was scheduled for May 30, 2018, but we did not receive a sufficient number of bids to open. The contract was readvertised and bids were opened on June 7, 2018, with the following results:

Appalachian Paving and Concrete, Inc. of Asheville, NC $294,300

A 15% contingency ($44,145) has been added to allow payment for any unforeseen costs that typically arise during construction.

Pro:

- Provides for the timely repair on concrete infrastructure that has been damaged by the installation of utilities.

Con:

- Project management and contract administration will consume staff time.

The Street Cut Utility Program is an enterprise fund that is funded by fees paid by the four partners participating in the program. The partners will be billed 100% of the repair cost meaning that the City realizes full cost recovery.

City staff recommends City Council adopt the resolution awarding the contract to Appalachian Paving and Concrete, Inc. and authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of $294,300 plus a contingency of $44,15.00 (15%) with Appalachian Paving and Concrete, Inc. for annual concrete repair work in the Street Cut Utility Fund.

RESOLUTION BOOK NO. 40 - PAGE 1

C. RESOLUTION NO. 18-163 - RESOLUTION AUTHORIZING THE CITY MANAGER EXECUTE A CONTRACT WITH EQUINOX ENVIRONMENTAL CONSULTATION AND DESIGN INC. FOR THE DESIGN SERVICES NECESSARY FOR THE SWANNANOA RIVER GREENWAY ONE, PHASE ONE: PRELIMINARY CORRIDOR DESIGN PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a contract with Equinox Environmental Consultation and Design, Inc. (Equinox) for design services necessary to perform a feasibility analysis for the eventual design of a greenway between Thompson Street and Azalea Park, in the amount of $147,638.10 and to enter into change orders to this contract not to exceed an additional 10% of the original contract amount ($14,763.81), for a total amount of $162,401.91.

This project is to perform a feasibility analysis for the eventual alignment of a greenway between the northwest end of Thompson Street and the recreation facilities at Azalea Park. This work includes but is not limited to data collection, base mapping, landowner identification and preliminary outreach, coordination with the N.C. Dept. of Transportation, preliminary corridor design, cost estimate, and public engagement.

The project was advertised on August 28, 2017, and Equinox was selected from a pool of eight respondents to the City's request for qualifications advertisement. The selection process included a qualifications-based, individual and group review by a committee of City staff. The eight respondents included:

- Atkins North America, Inc. Raleigh, NC
- Equinox Asheville, NC
- Vaughn & Melton Consulting Engineers Asheville, NC
- Stewart, Inc. Charlotte, NC
- McAdams Company Durham, NC
- HensonFoley Design LLC Huntersville, NC
- AECOM Charlotte, NC

- McGill Associates, PA Asheville, NC

Following Equinox' selection, negotiations were held and a final contract amount was agreed upon for Equinox and their subconsultant team.

Pros:

- Contributes to increasing the City's inventory of greenways
- Ensures coordination with NCDOT on needed improvements within an important transportation corridor
- Works towards defining Asheville as a recreation destination

Con:

- Eventual construction will be disruptive to the area.

The total amount of the contract is $147,638.10. Adding in a 10% contingency of $14,763.81 brings the total required budget to $162,401.91. This contract is funded through the General Obligation Bond Program as part of the Transportation and Infrastructure Program.

City staff recommends City Council adopt a resolution awarding the contract to Equinox and authorizing the City Manager to execute the contract for the design services necessary to perform the Swannanoa River Greenway One, Phase One: Preliminary Corridor Design project, in the amount of $147,638.10, and to enter into change orders to this contract not to exceed an additional 10% of the original contract amount or $14,763.81.

RESOLUTION BOOK NO. 40 - PAGE 2

D. RESOLUTION NO. 18-164 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO CO-FUND A REQUEST FOR PROPOSALS FOR RENEWABLE ENERGY PLANNING SERVICES

Summary: The consideration of a resolution authorization the City Manager to enter into an Interlocal Agreement with Buncombe County to co-fund a Request for Proposals (RFP) for Renewable Energy Planning Services to continue the City and County's efforts in accomplishing the Energy Innovation Task Force's goals.

Buncombe County, the City of Asheville and Duke Energy Progress established a collaborative task force known as the Energy Innovation Task Force (EITF) to research and recommend strategies to transition the City and Buncombe County to a Clean Energy Future.

Both the City and County have budgeted funds to support the work of the EITF and to that end, the City and County would like to partner on examining what it would take to transition the City and County to renewable energy in an effort to guide the work of the EITF as it promotes policies and programs to encourage a clean energy future. The RFP is intended to result in a partnership to explore renewable energy development pathways, and the implications of such development. The RFP also seeks information on opportunities and challenges associated with providing communities with renewable energy and to reveal how such arrangements can be used to fulfill the municipal carbon reduction and renewable energy goals of the City and County.

Funding to implement the goals of the EITF was allocated in the Fiscal Year (FY) 2019 City budget from the General Fund in the amount of $205,000.

Pros:

- Supports Resolution 11-77, Establishing a 4% Annual Carbon Reduction Goal
- Supports Resolution 13-228, Supporting a Clean Energy Economy
- Supports Resolution 16-64, Establishing a joint City, County and Utility Energy Innovation Task Force
- Supports Resolution 18-05 adding the EITF recommendations into the Sustainability Management Plan
- Leverages County funding through IAG partnership

Con:

- None foreseen

As part of the FY 2019 budget, $205,000 has been budgeted from the General Fund for the EITF. Of that funding, $50,000 will be allocated to support this partnership with the County and to support the ongoing implementation of the EITF goal to transition the City and County to a clean energy future.

Staff recommends City Council adopt a resolution authorizing the Interim City Manager to enter into an Intergovernmental Agreement with Buncombe County to co-fund an RFP for Renewable Energy Planning Services to continue the City and County's efforts in accomplishing the Energy Innovation Task Force's goals.

RESOLUTION BOOK NO. 40 - PAGE 3

E. ORDINANCE NO. 4679 - BUDGET AMENDMENT ASSOCIATED WITH THE REFUNDING AND DEFEASEMENT COMPONENTS OF THE 2017 LIMITED OBLIGATION AND SPECIAL OBLIGATION BOND FINANCINGS

Summary: The consideration of a technical budget amendment to the Fiscal Year (FY) 2017-18 budget in the General, Stormwater, Parking, and US Cellular Center Funds to budget the $46,491,109 refunding component of the 2017 Limited Obligation Bonds and Special Obligation Bonds.

City Council approved resolutions at its August 22, 2017 meeting authorizing City staff to proceed with the issuance of Limited Obligation (LOBs) and Special Obligation (SOBs) Refunding Bonds. On November 9, 2017, the City closed on the 2017 LOBs and SOBs. These financings replaced the 2016 Installment Financing Contract and also included a partial refunding of Series 2012 LOB's.

The FY 2017-18 budget did not include appropriations reflecting the Series 2012 refunding component or the defeasement of the 2016 Installment Financing Contract. This technical amendment incorporates this appropriation into the budget in order to ensure that none of the City's operating funds exceed their approved annual budgets in the City's Comprehensive Annual Financial Report (CAFR).

Pro:

- Amends the FY 2017-18 budget to reflect the refunding and defeasement components of the 2017 Limited Obligation and Special Obligation Bond Financings in order to ensure statutory budgetary compliance.

Con:

- None.

There is no net fiscal impact from this technical budget amendment. It will simply amend the FY 2017-18 budgets in the General, Stormwater, Parking, and US Cellular Center Funds to

reflect the receipt of refunding proceeds from the bank and the subsequent payment to bondholders to defease the prior debt issuances. The City's external auditors reviewed the accounting entries for this transaction while on site in June, which delayed budget amendment approval until the July meeting.

City staff recommends City Council approve the technical budget amendment to the FY 2017-18 budget in various operating funds to budget the $46,491,109 refunding component of the 2017 Limited Obligation Bonds and Special Obligation Bonds.

ORDINANCE BOOK NO. 32 - PAGE 108

F. ORDINANCE NO. 4680 - BUDGET AMENDMENT FROM THE U.S. DEPT. OF JUSTICE FOR THE 2017 EDWARD BYRNE JUSTICE ASSISTANCE GRANT - LOCAL SOLICITATION

Summary: The consideration of a budget amendment in the Special Revenue Fund from the U.S. Department of Justice for the 2017 Edward Byrne Justice Assistance Grant – Local Solicitation in the amount of $54,574.

During its September 12, 2017, meeting, the City Council authorized the City to apply for and enter into an agreement with the U.S. Department of Justice for the 2017 Edward Byrne Justice Assistance Grant (JAG) in the amount of $54,574. This is a predetermined amount of funds based on the Part 1 Uniform Crime Reporting Crimes. The Asheville Police Department (APD) and Buncombe County Sheriff's Office (BCSO) will be allocated $54,574 based on the award matrix, with the City of Asheville receiving $43,975 and Buncombe County receiving $10,599. The distribution of funds will be approved through a signed Memorandum of Understanding.

The funds will be used to create a task force of police officers to deter and interrupt violent Part I crimes in the City. With the use of JAG funds, the APD will strategically deploy a task force of police officers to work flexible hours who are assigned to interrupt and resolve emerging violent Part I Crimes in the City. The City of Asheville will rely on the JAG program to enable the City to have the flexibility to deploy police officers to take an intensive approach to fighting serious crimes. This approach has been used in the past to reduce auto thefts as well as to combat public housing gun violence, robbery and burglary. The officers will be selected from various patrol groups and with the use of JAG funds, APD will now be able to compensate officers with overtime pay as well as fill their normal patrol assignments.

There will be an expense of $43,975 to pay overtime to police officers for the purpose of combating, intercepting, and resolving emerging violent Part I Crimes. The BCSO will be awarded $10,599 to purchase rifles to train deputies who are not currently assigned rifles. This accounts for the total allocation of $54,574 for this grant.

This is a 100% funded non-local match grant that will enable the APD to allow the City to have the flexibility to deploy police officers and take an intensive approach to fight serious crime. This approach has been used to reduce auto thefts and to combat robbery and burglary. In the past, it has been successful in reducing the number of these types of incidents within the City.

Pros:

- Increasing flexibility to deploy police officers to take an intensive approach to fighting serious crimes.

· To increase surveillance and investigative methods as well as making proactive analysis, among other best practices, as part of their overall crime prevention tasks.

Con:

· Additional burden on budget for future operations associated with the cost of overtime to deploy police officers to combat emerging violent Part I crimes.

There is no local match required.

Staff recommends City Council adopt the budget amendment to accept grant funds through US Office of Justice Programs in the amount of $54,574.

ORDINANCE BOOK NO. 32 - PAGE 110

G. RESOLUTION NO. 18-165 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION FROM CONNECT BUNCOMBE TO BE USED TO FINANCE THE INTERPRETIVE SIGNAGE FOR THE TOWN BRANCH GREENWAY

ORDINANCE NO. 4681 - BUDGET AMENDMENT FOR INTERPRETIVE SIGNAGE FOR THE TOWN BRANCH GREENWAY

Summary: The consideration of a resolution and budget amendment to accept a $5,000 donation from Connect Buncombe for the Town Branch Greenway interpretive signage improvements.

Connect Buncombe is a non-profit organization with a mission of assisting in the implementation of greenways throughout Buncombe County. The donated funds will be used to finalize the interpretive signs for the Town Branch Greenway. The Town Branch Greenway will have an interpretive signage experience that tells the history of the Southside Community of the late 1960-early 1970's before and after Urban Renewal. The research for these signs was conducted during the design and engineering of the greenway but is not finalized. Research lacks two "bookend" signs at the trailheads that will give visitors a description of what they are about to experience. Additionally, the money will be used to refine the graphic layout of the entire signage system for a unified look that is easier to read than the original plans. These changes will be made with public input from the neighborhood.

The Finance Committee will review this action on July 24, 2018, and anything other than a unanimous endorsement will be shared at the City Council meeting.

Pros:

- This project will be 100% funded by grant funds and donations from private entities.
- We will finalize the interpretive signage for Town Branch Greenway with improved graphic arts and additional public input.
- The City of Asheville received a grant to implement the construction of the Town Branch Greenway. The additional funds made through this donation will allow us to do the needed additional signage design work before construction.

Con:

- There are no known negative impacts.

The budget for the Town Branch Greenway was included in the adopted FY 2018-19 General Capital Projects Fund budget. The donation of $5,000 is an additional amount of funding

that will be used to conduct the finishing steps of this signage project. There is no additional fiscal impact to the City.

Staff recommends that City Council approve a resolution and budget amendment authorizing the City Manager to accept a donation of $5,000 from Connect Buncombe to finalize the interpretive signage for the Town Branch Greenway.

RESOLUTION BOOK NO. 40 - PAGE 4
ORDINANCE BOOK NO. 32 - PAGE 112

H. RESOLUTION NO. 18-166 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT THE BUILD TRANSPORTATION DISCRETIONARY GRANT PROGRAM TO ACQUIRE TEN BUSES AND CONDUCT A FEASIBILITY STUDY

Summary: The consideration of a resolution authorizing the City Manager to apply for and accept the BUILD Transportation Discretionary Grant program, if awarded, in order to 1) acquire ten buses and 2) to conduct a transit maintenance facility feasibility study.

This federal program was previously known as the Transportation Investment Generating Economic Recovery, or "TIGER Discretionary Grants," program and is now known as the Better Utilizing Investments to Leverage Development, or "BUILD Transportation Discretionary Grants," program. BUILD funding supports transportation projects, including transportation-related studies and program funds for this round total $1.5 billion.

The Transportation Department has identified transit needs that include five buses for FY 2022 and five buses for FY 2023. The total cost for the ten vehicles is $8,926,385. The 20% local match ($1,785,277) is already planned for in the five year Capital Improvement Program.

In addition, the Transit Master Plan calls for a feasibility study to lay the foundation for a new transit maintenance facility that has met the end of its useful life. $90,000 is needed to procure a professional team to review site requirements, potential locations, possible synergies with other department needs, and so forth. The local match required for this feasibility study totals $18,000 and would need to be approved as an amendment to the FY 2019 budget.

The Finance Committee reviewed this action on June 26, 2018, and they unanimously endorsed it to move forward to City Council for consideration and approval.

Pros:

- Provides funding needed to roll out Transit Master Plan recommendations
- Supports the city's carbon reduction and climate mitigation goals
- Reduces harmful local emissions by over 1,000 pounds per bus per year

Con:

- Local match for the feasibility study has not yet been budgeted

The total BUILD budget would be $9,016,385. The 20% local match totals $1,803,277, with all but $18,000 of it already planned for in out years of the CIP. If this grant is awarded, an $18,000 budget amendment for FY 2019 would need to be approved.

Staff recommends that City Council approve resolution authorizing the City Manager to apply for and accept the BUILD Transportation Discretionary Grant program, if awarded, in order to 1) acquire ten buses and 2) to conduct a transit maintenance facility feasibility study.

I. RESOLUTION NO. 18-167 - RESOLUTION ACCEPTING THE ANNUAL REPETITIVE LOSS AREA ANALYSIS REPORT AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE REPORT FOR THE COMMUNITY RATING SYSTEM PROGRAM

Summary: The consideration of a resolution accepting the annual Repetitive Loss Area Analysis report which identifies actions staff has taken over the past year as a member of the Community Rating System (CRS) Program.

The City of Asheville joined the Community Rating System (CRS) program administered by the Insurance Services Office (ISO) in 2014. As required by the CRS program, a Repetitive Loss Area Analysis (RLAA) was prepared in 2014 by the consultation firm of Brown and Caldwell to supplement the Buncombe County-wide All Hazards Mitigation Plan.

A Repetitive Loss Area (RLA) is defined as an area that contains one or more repetitive loss structures (two or more claims of more than $1,000 that have been paid by the National Flood Insurance Program (NFIP) within any 10-year period since 1978). The RLAA is a mitigation plan developed for those areas with the purpose of reducing damages and increasing awareness from flooding and lowering the cost of claims submitted to the NFIP. The ultimate goal of lowering these costs is to reduce the increase in flood insurance premiums that has been occurring for a number of years.

The Community Rating System (CRS) is a program administered by the Federal Emergency Management Agency (FEMA). It provides lower insurance premiums under the National Flood Insurance Program. The premium reduction is in the form of a CRS Class. A 5 percent reduction is received by policyholders within the City for each class reduction the community obtains. The classes are obtained by actions that are above and beyond the requirements of the National Flood Insurance Program administered by FEMA. The benefits of joining the CRS program has been a reduction of flood insurance premiums paid for by those citizens who have flood insurance. Currently, the citizens of Asheville receive a 10 percent reduction in their flood insurance premiums through participation in the CRS program.

In order to maintain the current status in the CRS program, staff is required to provide to council the annual report of the Flood Mitigation Actions Items that were part of the RLAA report from Brown and Caldwell adopted by Council on December 10, 2013. As highlighted in the report, staff continues to look for ways to reduce flooding and damage from floods through community awareness through the city website and flyers, working with the Army Corps of Engineers on opportunities within the Swannanoa River Basin for flood mitigation opportunities, and working with developers and property owners on ways to protect their properties from flooding.

The City has a goal to continue to be stewards of the environment by looking for opportunities for flood mitigation. The projects provide public awareness of the threats of flooding.

Pros:

- The citizens of Asheville will continue to receive a 10 percent reduction on their flood insurance program.
- Provides higher level of protection through the current flood ordinance
- Promotes public education of the Special Flood Hazard Areas

Con:

- Considerable amount of staff time is necessary to maintain these requirements

There is no additional fiscal impact to continuing the efforts necessary for the CRS program, staff time is currently programmed into the annual operating budget.

Staff requests council to approve a resolution accepting the report prepared by city staff for the flood mitigation action associated with the repetitive loss area analysis report.

RESOLUTION BOOK NO. 40 - PAGE 6

J. RESOLUTION NO. 18-168 - RESOLUTION AUTHORIZING THE CITY MANAGER EXECUTE A CONTRACT WITH ALFRED BENESCH & COMPANY FOR THE MOUNTAINSIDE PARK/MEMORIAL STADIUM UPGRADES/RENOVATIONS

Summary: The consideration of a resolution authorizing the City Manager to execute a contract with Alfred Benesch & Company, to provide design services for Mountainside Park/Memorial Stadium Upgrades/Renovations for an amount not to exceed $220,817.

The primary goal of the project is to address equitable access to park facilities and recreation opportunities in Asheville. The Stormwater Division has also identified improvements needed in this area to address nuisance flooding near the entrance to McCormick Field and street flooding downstream of this area along Short Coxe, Southside, and Coxe Avenues. Upgrades and improvements to Memorial Stadium and Mountainside Park are budgeted within the $17 million Parks & Recreation General Obligation bond package. The design for additional stormwater improvements is budgeted in the Stormwater Capital Fund. Proposed improvements to stadium and park would increase quality recreation opportunities for the entire community including improved parking, athletic facilities, playground, sidewalk and greenway connections, stormwater infrastructure, and restrooms. Facilities will be designed to recognize the park setting as a gateway to the neighborhood, utilize ideas and trends from some of the best recreation and athletic facilities in the country, to create enhanced, inclusive play experience for users of all ages and abilities.

The City of Asheville (City) issued a Request for Qualifications (RFQ) for design services for the Mountainside Park/Memorial Stadium Upgrades/Renovations. In response to the RFQ, the City received eleven (11) Statements of Qualifications to be considered for this project. After thorough review, evaluation & interviews, staff recommended Alfred Benesch & Company, 2359 Perimeter Pointe Parkway, Suite 350, Charlotte, North Carolina as the most qualified to perform the design services for the Mountainside Park/Memorial Stadium Upgrades/Renovations and Stormwater Improvements.

Alfred Benesch & Company has presented a scope of work and fee proposal for professional services associated with the Mountainside Park/Memorial Stadium Upgrades/Renovations project, including preliminary design services and cost estimating. This information will be used to determine the fees associated with final design/engineering documents, bidding administration, and contract administration/reporting during construction.

Tentative Project Timeline:

Preliminary Design Engineering	Summer 2018 - Winter 2018
Final Engineering/Design Services	Winter 2018 - Fall 2019
Permitting	Fall 2019
Request for Construction Bid	Winter 2019
Construction Begin	Spring/Summer 2020
Construction Complete	Summer 2022

Pros:

- Address immediate maintenance needs and critical failures that are otherwise unattached to capital investments
- Focus on underserved areas of the city
- Address the needs of diverse park users through replacement of existing assets in parks to better reflect changing neighborhoods
- Meet the Parks and Recreation goal of increasing accessibility and equity
- Leverages interdepartmental city funding to provide improvements under a single project
- Improve Stormwater quality and control stormwater runoff to provide safe access for the citizens that visit this area.
- Make capital investments through projects achieves a goal of the Stormwater Utility Program.

Con:

- None

Funding for these services are already included in the adopted Capital Improvement Budget through the City's General Obligation (GO) Bond Funding & Stormwater CIP.

Staff recommends City Council adopt the resolution authorizing the City Manager to execute a contract with Alfred Benesch & Company, to provide design services for Mountainside Park/Memorial Stadium Upgrades/Renovations and Stormwater Improvements for an amount not to exceed $220,817, and further authorizing the execution of any change orders to said contract which may arise during execution of said project.

RESOLUTION BOOK NO. 40 - PAGE 11

K. RESOLUTION NO. 18-169 - RESOLUTION AMENDING THE 2018 CITY COUNCIL MEETING SCHEDULE

Summary: Resolution amending the 2018 City Council meeting schedule to add a City Council worksession to review the 2019-20 budget process to include information on different City programs and services on August 28, September 25, October 23, November 13, and December 11, 2018, from 3:00 p.m. - 5:00 p.m. in the 1st Floor North Conference of City Hall.

RESOLUTION BOOK NO. 40 - PAGE 12

L. RESOLUTION NO. 18-170 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SOUTHERN SPECIALITY CIVIL CONSTRUCTORS LLC, FOR THE FISCAL YEAR 2018 RESURFACING - STORMWATER IMPROVEMENTS PIPE REPLACEMENT PROJECT

ORDINANCE NO. 4682 - BUDGET AMENDMENT FOR FISCAL YEAR 2018 RESURFACING - STORMWATER IMPROVEMENTS PIPE REPLACEMENT PROJECT

Summary: The consideration of (1) a resolution authorizing the City Manager to execute a contract with Southern Specialty Civil Constructors, LLC. (Southern Specialty) for construction services necessary to perform the FY18 Resurfacing - Stormwater Improvements Project Pipe Replacement Project in the amount of $1,073,685.05 and to enter into change orders to this contract not to exceed an additional 20% of the original contract amount or $214,737.01 for a total

amount of $1,288,422.06; and (2) a budget amendment in the Stormwater Capital Projects Fund in the amount of $362,923 from Stormwater Fund Balance and savings from completed projects to fully fund the total amount above.

This project is to complete the needed pipe replacement and minor stormwater improvements ahead of our Street Division FY18 Resurfacing Contract. This work includes but is not limited to the installation and replacement of stormwater pipe, stormwater structures, concrete curb and the associated repairs to driveways, sidewalk, and patching of roadway.

Within the scope of the project, Southern Specialty will install approximately 1,508 feet of new storm drainage infrastructure in various locations along Chestnut St, Griffing Blvd, Terrace Rd, The Circle Rd, Virginia Ave, Brownwood Ave, Hanover St, White Ave, Emory Rd, Deaver Park Cir, and Thurland Ave.

The project was posted for bid on June 13, 2018. A non-mandatory pre-bid meeting was held with a small turnout on June 20, 2018. Bids were scheduled to be opened on June 27, 2018; however, only one bid was received. The bid was not opened and was returned to the contractor.

Following the re-bid process, the project was re-advertised for at least 7 days. Bids were received and opened on July 5, 2018; with the following bid result:

Southern Specialty Civil Constructors, LLC of Clemmons, NC $1,073,685.05

Upon careful consideration of the bidder, their bid submittal and their qualifications, the City determined that Southern Specialty Civil Constructors, LLC was the lowest responsive responsible bidder. With Southern Specialty's bid the final contract amount will be $1,073,685.05.

Pros:

- Repair and installation of storm drainage systems ahead of resurfacing prevents future roadway cuts and maintenance issues in these areas.
- Controlling stormwater runoff provides safe access for the citizens that visit this area.
- Making capital investments through projects achieves a goal of the Stormwater Utility Program.

Con:

- Construction will be disruptive to the area for approximately 3 ½ months.

The total amount of the contract is $1,073,685.05. Adding in a 20% contingency of $214,737.01 brings the total required budget to $1,288,422.06. Staff originally identified $925,500 in available budget in the Stormwater Capital Projects Fund to fund this project. However since bids exceeded this original planning estimate, staff is requesting a budget amendment in the amount of $362,923 to fully fund the contract and the contingency. A portion of the needed budget amount ($144,383) will come from savings that have accrued in the Stormwater Capital Projects Fund from projects that came in under budget. The remaining amount ($218,540) will come from available fund balance in the Stormwater Operating Fund that exceeds the 8% fund balance policy target.

City staff recommends City Council adopt a resolution awarding the contract to Southern Specialty and authorizing the City Manager to execute on behalf of the City of Asheville the contract for the construction services necessary to perform the FY18 Resurfacing - Stormwater Improvements Pipe Replacement Project in the amount of $1,073,685.05 and to enter into change orders to this contract not to exceed an additional 20% of the original contract amount or $214,737.01; and a budget amendment in the Stormwater Capital Projects Fund in the amount of

$362,923 from Stormwater Fund Balance and savings from completed projects to fully fund the total amount above.

RESOLUTION BOOK NO. 40 - PAGE 13
ORDINANCE BOOK NO. 32 - PAGE 114

M. **RESOLUTION NO. 18-171 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE LEAF DOWNTOWN AVL**

RESOLUTION NO. 18-172 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ZERO PROSTATE CANCER RUN/WALK

RESOLUTION NO. 18-173 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE LIVING ASHEVILLE ARTS FESTIVAL

RESOLUTION NO. 18-174 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ORANGE PEEL EVENTS PRESENTS

Summary: The consideration of a resolution authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at LEAF Downtown AVL, Zero Prostate Cancer Run/Walk, Living Asheville Arts Festival, and Orange Peel Events Presents.

- LEAF Community Arts has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at LEAF Downtown AVL and allow for consumption at this event.

  LEAF Downtown AVL will be held on Friday, August 3, 2018 from 3:00 p.m. to 10:00 p.m. and Saturday, August 4, 2018 from 9:00 a.m. to 10:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

- ZERO – The End to Prostate Cancer has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at ZERO Prostate Cancer Run/Walk and allow for consumption at this event.

  ZERO Prostate Cancer Run/Walk will be held on Saturday, August 25, 2018 from 7:30 a.m. to 11:00 a.m. within the boundaries of Carrier Park as per the area limits referenced on the accompanying site map.

- Arts 2 People has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at Living Asheville Arts Festival and allow for consumption at this event.

  Living Asheville Arts Festival will be held on Sunday, September 2, 2018 from 11:00 a.m. to 10:00 p.m. within the boundaries of North Lexington Avenue, Hiwassee Street, and Walnut Street as per the area limits referenced on the accompanying site map.

- Asheville Brewers Alliance has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at Orange Peel Events Presents and allow for consumption at this event.

  Orange Peel Events Presents will be held on Friday, September 21, 2018 from 4:30 p.m. to 10:00 p.m. within the boundaries of Memorial Stadium as per the area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for LEAF Community Arts, Zero – The End to Prostate Cancer, Arts 2 People, and Asheville Brewers Alliance

Con:

- Potential for public safety issues

Staff recommends City Council adopt a resolution authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at LEAF Downtown AVL, Zero Prostate Cancer Run/Walk, Living Asheville Arts Festival, and Orange Peel Events Presents.

RESOLUTION NO. 18-171 - RESOLUTION BOOK NO. 40 - PAGE 14
RESOLUTION NO. 18-172 - RESOLUTION BOOK NO. 40 - PAGE 17
RESOLUTION NO. 18-173 - RESOLUTION BOOK NO. 40 - PAGE 20
RESOLUTION NO. 18-174 - RESOLUTION BOOK NO. 40 - PAGE 23

N. ORDINANCE NO. 4683 - ORDINANCE READOPINT THE CITY OF ASHEVILLE WATER RESOURCES DEPARTMENT'S POLICY MANUAL

Summary: The consideration of an ordinance authorizing the re-adoption of the City of Asheville Water Resources Department's Policy Manual.

The Water Resources Department Policy Manual (herein "Manual") was last updated and adopted by City Council on December 13, 2016. The Manual must be periodically revised to align with federal and state regulations and to remain relevant with present business practices. Along with grammatical revisions, the substantive revisions to the Manual include, but are not limited to: revision of the Economic Development Incentives, Affordable Housing, and the Water Shortage Response Plan sections.

Pros:

- Re-adoption of the Manual will ensure that it aligns with federal and state regulations and remains relevant with present business practices.
- Changes provide better document navigation and clearer interpretation.
- Changes align with the Water Design and Construction Manual.

Cons:

- Failure to re-adopt the Manual may cause confusion about interpretation of the policies.
- Failure to re-adopt could cause policies to be noncompliant with federal, state, and local regulations and present business practices.

Staff recommends City Council adopt an ordinance authorizing the re-adoption of the City of Asheville Water Resources Department's Policy Manual.

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O. RESOLUTION NO. 18-175 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH T&K UTILITIES INC. FOR THE FISCAL YEAR 2018 MEDIUM AND LARGE SERVICE RENEWALS PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a construction agreement with T & K Utilities, Inc., for the Water Resources Fiscal Year (FY) 18-19 Medium and Large Service Renewals Project for the bid amount of $500,000 plus a 10% contingency in the amount of $50,000 for a total project budget in the amount of $550,000.

On May 10, 2018, the Water Resources Department (WRD) issued an Advertisement for Bids for the FY 18-19 Medium and Large Service Renewals Project. The scope of work for this project includes, but is not limited to, all labor, materials, equipment, and incidentals required for the demolition and renewal of five large (3" and above) and nine medium (1.5"-2") water customer connections, including vault and meter, with all related appurtenances and materials required in order to complete the work.

In response to the Advertisement for Bids, the department received one bid on June 19, 2018, and rebid the project due to the legal requirement that three bids must be received for formal construction projects. In response to the rebid, the WRD received one bid on June 28, 2018. The company responding was T & K Utilities, Inc., of Asheville, NC.

Following a review of the bids by City Staff and the project engineers, Cavanaugh and Associates, P.A., T & K Utilities, Inc., was selected as the lowest responsible, responsive bidder for the bid amount of $540,000. The WRD and project engineers negotiated the bid price with T & K to stay within the project budget of $500,000 as allowed by NCGS §143-129(b). A contingency amount of $50,000 has been added for a total project budget in the amount of $550,000.

Pros:

- This project will replace existing substandard and failing large and medium water meters and vaults with new metering infrastructure designed and constructed in accordance with the City of Asheville standards.
- This project is aligned with the City and the WRD goal of continued investment and improvement of the City's property and infrastructure through Capital Improvement Projects, in order to provide a high quality of life.

Con:

- This is not a required project to effectively operate the water system.

The funding needed for the construction agreement is currently allocated within the Meter/Vault Repair project in the Water Resources Capital Improvement Projects fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a construction agreement with T & K Utilities, Inc., for the Water Resources FY 18-19 Medium and Large Service Renewals Project for the bid amount of $500,000 plus a 10% contingency in the amount of $50,000 for a total project budget in the amount of $550,000.

RESOLUTION BOOK NO. 40 - PAGE 26

P. RESOLUTION NO. 18-176 - RESOLUTION AUTHORIZING THE CITY MANAGER TO OBTAIN PROPERTY INSURANCE FOR FISCAL YEAR 2019

Summary: The consideration of a resolution authorizing the City Manager to purchase property insurance for Fiscal Year 2019 (FY19).

The City of Asheville (City) purchases property insurance via the City's insurance broker of record to cover replacement costs for City buildings and highly valued vehicles/equipment and actual cash value for low-valued vehicles/equipment. The proposed policy is unique and desirable as it includes replacement cost for vehicles/equipment valued over $250,000, such as fire apparatus, buses, and sanitation vehicles and also includes cyber, flood, and pollution liability coverage. Should loss arise, property deductibles are as follows:

Asset	Deductible
buildings/contents	$25,000
vehicles/equipment valued above $250,000	$100,000
vehicles/equipment valued up to $250,000	$10,000
boiler/machinery/cyber/flood/pollution	Varies

Pro:

- Property insurance is sound financial risk management for City assets.

Con:

- None.

The FY19 property insurance premium is $272,447.03. The premium cost was included in the approved FY19 budget within the City's Property & Liability Fund with the intent to purchase property insurance.

Staff recommends City Council adopt a resolution authorizing the City Manager to purchase FY19 property insurance in the amount $272,447.03.

RESOLUTION BOOK NO. 40 - PAGE 27

Q. RESOLUTION NO. 18-177 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS TO MAKE REPAIRS TO COMMUNITY RECREATIONAL FACILITIES DAMAGED DURING THE MAY 30, 2018, FLOOD EVENT

ORDINANCE NO. 4684 - BUDGET AMENDMENT TO REPAIR PARKS & RECREATION FACILITIES DAMAGED BY RECENT FLOODING

Summary: The consideration of a resolution authorizing the City Manager to enter into contracts not to exceed $1,205,000 to make repairs to community recreational facilities due to damage occurring during the May 30, 2018, flood event and to approve the associated budget amendment.

After any type of flood event City staff works with environmental consultants and the appropriate regulatory agency to make sure there is no Imminent hazard pursuant to the regulations associated with the continued use of recreational facilities by the public in order to protect the City and its assets.

Following the flooding event on May 30, 2018, damage evaluations were conducted throughout the Parks and Recreation facilities along the two primary flood areas: Swannanoa River and French Broad River corridors. The facilities that receive the heaviest flood damage within these corridors were Azalea Park, Carrier Park, French Broad River Park and Municipal Golf Course.

Remediation necessary for these facilities has been identified as the following:

Azalea Park	
Turf Clean-Up and Repair (Soccer Complex)	$875,000
Professional Services, Management and Administration Compliance to ensure Turf Warranty	$28,000
Playground Repair/Replacement	$102,000
Infrastructure Repair and Replacement of Furnishings *(*Furnishings are support items damage or washed away during the flood event)* *(i.e. bleachers, goals, trash and recycling cans, benches, scoreboards)*	$65,000
Carrier Park	
Comprehensive Assessment of Utilities Infrastructure Sub-Surface Damage	$35,000
French Broad River Park	
Infrastructure Repair and Riverbank Restoration	$65,000
Asheville Municipal Golf Course	
Repair of Restroom Building	$35,000
Comprehensive Analysis/Assessment Stormwater System	

Contracts will be bid in accordance with the state statutes and the City's contracting policy

This action will go to the Finance & Human Resources Committee on July 24, 2018, and if there is anything other than unanimous support to move forward to the full Council, that it will be noted at the meeting.

Pro:

- This action provides for the restoration and repair of important recreational facilities.

Con:

- This action has a fiscal impact to the unassigned general fund balance.

The $1,205,000 needed for this repair project will be appropriated from unassigned general fund fund balance. Staff is currently estimating that unassigned general fund balance at June 30, 2018, including fund balance appropriated with adoption of the Fiscal Year 2018-19 budget will be $20.71 million or 16.65% of the adopted budget.

The additional fund balance appropriation for this project will lower that estimate to $19.51 million, which will equate to 15.53% of the revised budget. Staff is anticipating that FEMA funds will be secured in order to fully or partially reimburse this fund balance usage. If that occurs, staff will return to City Council to amend the budget at a later date.

Staff recommends that City Council adopt a (1) resolution authorizing the City Manager to enter into contracts not to exceed $1,205,000 for necessary repairs due to damage caused by the May 30, 2018, flood event; and (2) budget amendment in the amount of $1,205,000 to fully fund those repairs.

RESOLUTION BOOK NO. 40 - PAGE 28
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R. RESOLUTION NO. 18-178 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND AN AGREEMENT WITH PARK RIDGE HEALTH TO PROVIDE ANNUAL PHYSICAL EXAMINATIONS FOR FIREFIGHTERS IN FISCAL YEAR 2018-18

Summary: The consideration of a resolution authorizing the City Manager to the terms of the current agreement with Park Ridge Health to provide annual physical examinations for firefighters in FY 2018 – 2019 in the amount of $77,125.

This agreement allows firefighters to receive required annual physical examinations in accordance with standards set forth by the National Fire Protection Association. The previous agreement, executed and amended in FY 2017 – 2018, allows for 275 physical examinations to be performed by Park Ridge Health for a total of $77,125 and ended on June 30, 2018. The new agreement is a renewal that extends the contract of 275 physical examinations and 130 x-rays. for one year from August 1, 2018 to July 31, 2019. The new agreement amount will be $77,125.

Prior to entering the original contract with Park Ridge Health, similar organizations were solicited to provide estimates of their services. SiteMed, which held the contract previously, did not provide the organizational efficiency needed to examine 275 firefighters throughout the course of the year. The costs of Mission Hospital's services were prohibitive. Thus, the services and costs of Park Ridge Health best fit the mission of Asheville Fire Department's desire to provide its firefighters with the best care to meet and exceed health standards while controlling costs. A review of the costs, operational efficiencies, and satisfaction of the firefighters with the services, factored into making the determination to renew the agreement with Park Ridge Health.

This will be heard at the July 24th Finance Committee meeting. If there is not a unanimous vote this will be brought to the attention of Council at July 24th Council meeting.

Pros:

- Meets best practices for the industry by complying with consensus standards of NFPA 1582 that will reduce risks and provide for the health, safety, and effectiveness of firefighters
- Allows for the continued medical monitoring and testing of firefighters to ensure they are fit for the challenges of emergency response
- Allows the City to begin the practice of providing initial baseline x-rays and subsequently repeated every five years to help control preventable risks to the City's firefighters

Cons:

- None Identified

All funds for the physicals and x-rays have been assigned in the adopted FY 2018 - 2019. budget, thus there are no additional impacts.

Staff recommends City Council approve the resolution authorizing the City Manager to amend the terms of the contract with Park Ridge Health to provide annual physical examinations for firefighters in FY 2018 – 2019 in the amount of $77,125.

RESOLUTION BOOK NO. 40 - PAGE 29

S. RESOLUTION NO. 18-179 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL SERVICES CONTRACT WITH TYLER TECHNOLOGIES FOR MAINTENANCE AND SUPPORT TO THE CITY OF ASHEVILLE'S MUNIS ENTERPRISE SYSTEM

Summary: The consideration of a resolution authorizing the City Manager to execute a general service agreement with Tyler Technologies for (5) five fiscal years with the understanding that funding is project specific and subject to the annual appropriation of funds.

The City of Asheville Information Technology Services is seeking to extend our current maintenance agreement for the estimated amount of $180,000.00 for FY 2018/2019 plus a maximum of 5% escalation in subsequent years for the maximum of (5) five fiscal years

Pros:

- City has been using Tyler/Munis since January of 2010 and staff is familiar with its strengths, limitations, and support process.

- Allows for updates to the Tyler/Munis system, which enables new features and improved underlying technologies; upgrade licensing is included with support & ongoing fixes.

Con:

None noted. This maintenance will support core city financial and other key functions.

The finding needed for this agreement is currently allocated within the IT Services Business and Public Technology division's maintenance budget.

City staff recommends City Council approval of a resolution authorizing the City Manager to execute a general service agreement with Tyler Technologies for the estimated amount of $180,000.000 for FY 2018/2019 plus a maximum of 5% escalation in subsequent years for the maximum of (5) five fiscal years with the understanding that funding is project specific and subject to the annual appropriation of funds.

RESOLUTION BOOK NO. 40 - PAGE 30

T. RESOLUTION NO. 18-180 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE A STORMWATER EASEMENT FROM OWNER OF PROPERTY ON ELIZABETH PLACE FOR STORMWATER IMPROVEMENTS THAT WILL SERVE A SECTION OF THE REED CREEK GREENWAY

Summary: The consideration of a resolution authorizing the City Manager to acquire a stormwater easement from the owners of property on Elizabeth Place for stormwater improvements that will serve a section of the Reed Creek Greenway between Broadway and Elizabeth Place.

The Transportation Bond funding allowed for the completion of neighborhood greenway connectors including the last remaining section of the Reed Creek Greenway. A private development project is planned at Broadway and Chestnut Streets to build a mixed use development that will include both retail and residential components. The Reed Creek Greenway will border the development along the back of the project and adjacent to Reed Creek.

The developers and the City intend to partner on the design and construction of the Reed Creek Greenway between Broadway and Elizabeth in order to build out that section of the greenway in the very near future. As part of the greenway design, there is a need to channel the stormwater from that section of the greenway into Reed Creek which in turn requires an easement from a neighboring property owner on Elizabeth Street. The City needs the easement in order to maintain the stormwater drainage across the greenway. The property owners of PIN # 9649-23-6247 at 63 Elizabeth Place have agreed to convey an easement on their property for this purpose.

In order to ensure both compliance with stormwater regulations and continued maintenance of infrastructure improvements, Blanch and Wayne Smith will convey a 150 square foot stormwater easement to the City. The City will construct the greenway and the drainage improvements to City specifications. City staff have negotiated a purchase price of $3,000 in return for the easement.

Pro:

- This easement facilitates another section of the Reed Creek Greenway.

Con:

- City resources will be needed to install and maintain stormwater infrastructure.

The City has budgeted the money to pay for the greenway easement in the amount of $3,000 within the Transportation Bond funds.

Staff recommends authorizing the City Manager to acquire a stormwater easement from Blanch and Wayne Smith at 63 Elizabeth Place for stormwater improvements that will serve a section of the Reed Creek Greenway between Broadway and Elizabeth Place.

RESOLUTION BOOK NO. 40 - PAGE 31

U. ORDINANCE NO. 4685 - FIRST READING OF AN ORDINANCE GRANTING A FRANCHISE AGREEMENT TO TUK IT, LLC, FOR THE OPERATION OF AN ELECTRIC VEHICLE SHUTTLE SERVICE WITHIN THE CITY OF ASHEVILLE

Summary: The consideration of an ordinance granting a franchise agreement for the operation of an electric vehicle shuttle service within the City of Asheville.

Staff has been working with an individual that is interested in starting an electric vehicle shuttle service within the City of Asheville under the business name of Tuk It, LLC that would operate in the Central Business District, Biltmore Village, the River Arts District, and the Historic Montford District. The shuttle service can only use public streets that have a speed limit of 35 mph or lower. Service stops may not exceed three minutes on any public right-of-way, except as necessary to embark and debark passengers, or with the written permission of the City Traffic Engineer. All service stops shall be made in a way to minimize any possible disruption to the flow of vehicular traffic. Loading/unloading zones may be used for service stops but actual travel lanes should not be used.

The shuttle service will provide various tours throughout the service area for individuals, groups, and special events. They will also provide transportation services for participating hotels and businesses for their guests in an effort to minimize traditional vehicle travel within the service area. The hours of operation are Monday through Wednesday 10:00 am until 9:00 pm and Thursday through Sunday 10:00 am until midnight. Typically, each vehicle will provide one tour on Mondays and Tuesdays, two tours on Wednesdays, three tours on Thursday, and four tours on Fridays, Saturdays, and Sundays.

A total of three fully electric vehicles will be available with a maximum capacity of six passengers plus the driver per vehicle. The vehicles are manufactured in the United States and they are US DOT compliant and street legal. The vehicles are registered and "tagged" by the North Carolina Division of Motor Vehicles.

The business owner understands and acknowledges that he/she will comply with all applicable Federal, State, and local laws in the operation of its business including, but not limited to, the City of Asheville open container ordinance, and the State of North Carolina Alcoholic Beverage Control (ABC) laws. In addition, the business owner understands and acknowledges that third-party advertising is not allowed on the outside of the vehicles.

The Asheville Police Department and the Transportation Department have reviewed all of the information that has been provided by the owner and we believe that the shuttle service will not have a negative impact on efficient traffic flow or safety.

Approval of a franchise agreement requires action by City Council at two official meetings with the first meeting on July 24, 2018, and the second meeting on August 28, 2018.

The Public Safety Committee reviewed this franchise agreement on July 2, 2018, and they unanimously endorsed it to move forward to City Council for consideration and approval. The committee members expressed concern about the possibility of alcoholic beverages onboard and according to the business owner, there are no plans on alcohol being consumed on the vehicles.

Pros:

- Provides various tours within the Central Business District, Biltmore Village, the River Arts District, and the Historic Montford District which could relieve and/or minimize traffic congestion.
- Provides transportation services for hotels and retail businesses which should relieve and/or minimize traffic congestion.

Con:

- There are no known cons.

There is no known fiscal impact for the subject franchise agreement.

Staff recommends that City Council approve an ordinance, first consideration on July 24, 2018, and second consideration on August 28, 2018, granting a franchise agreement to Tuk It, LLC for the operation of an electric vehicle shuttle service within the City of Asheville.

ORDINANCE BOOK NO. 32 - PAGE 165

V. RESOLUTION NO. 18-181 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT THE FUNDING FOR THE BUS AND BUS INFRASTRUCTURE PROGRAM TO ACQUIRE TEN BUSES AND ASSOCIATED CHARGERS

Summary: The consideration of a resolution authorizing the City Manager to apply for and accept the funding from the Buses and Bus Facilities Infrastructure Investment Program (Bus and Bus Infrastructure Program), if awarded, in order to acquire ten buses and associated chargers.

The Federal Transit Administration (FTA) has announced the availability of approximately $366.3 million of Fiscal Year 2018 funds for buses, bus facilities, and bus equipment. The

Transportation Department has identified transit needs that include five buses for FY 2021 and five buses for FY 2022. The total cost for the ten vehicles is $8,800,000. The 20% local match ($1,760,000) is already planned for in the five year Capital Improvement Program. The Transportation Department is concurrently applying for funds from three separate sources for FY 20-23 transit vehicles because the outcome of these grant applications is always uncertain.

The Finance Committee will review this action on July 24, 2018, and anything other than a unanimous endorsement will be shared at the City Council meeting.

Pros:

- Provides funding needed to roll out Transit Master Plan recommendations
- Supports the city's carbon reduction and climate mitigation goals
- Reduces harmful local emissions by over 1,000 pounds per bus per year

Con:

- None

The total budget would be $8,800,000. The 20% local match totals $1,760,000, and is already planned for in the out years of the CIP.

Staff recommends City Council approve a resolution authorizing the City Manager to apply for and accept the funding from the Buses and Bus Facilities Infrastructure Investment Program (Bus and Bus Infrastructure Program), if awarded, in order to acquire ten buses and associated chargers.

RESOLUTION BOOK NO. 40 - PAGE 32

W. RESOLUTION NO. 18-182 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH TERRACON CONSULTANTS, INC. FOR ON-CALL BUILDING ENVELOPE ENGINEERING SERVICES

Summary: The consideration of a resolution authorizing the City Manager to enter into a professional services contract with Terracon Consultants, Inc. for on-call building envelope engineering services.

A primary function of the General Services Department is the stewardship of City-owned properties and facilities. The Department is involved with the life cycle of the City's real estate assets, including the initial acquisition of real property, construction and renovation of facilities, and disposition of assets. As a best practice within asset management, municipalities and institutional entities across the State maintain on-call service contracts with firms that support the maintenance and management of buildings and related assets.

Within this framework, the City requires building envelope engineering services for various purposes, which include re-roofing, masonry maintenance, restoration, and forensic investigation of moisture intrusion into buildings. Additional services include, but are not limited to, structural assessments to determine the feasibility of rooftop renewable energy systems. The design and construction of new buildings for the City of Asheville may be supported by building envelope design consulting and commissioning during the construction phase for quality assurance of the installation of building envelope systems.

In order to secure firms to perform this work, the City must follow a qualifications-based procurement process. A Request for Qualifications for these services on an on-call basis was

published on May 17, 2018. In response to the Request for Qualifications, the following seven (7) firms submitted packages:

Form & Function (Asheville, NC Office)	SKA Consulting Engineers (Asheville, NC Office)
Legerton Architecture (Asheville, NC Office)	Terracon Consulting, Inc (Charlotte, NC Office)
MHA Works (Asheville, NC Office)	REI Engineers (Charlotte, NC Office)
Raymond Engineering (Greenville, SC)	

The review team utilized a scoring matrix to assess the qualifications of the proposed firms. The firm with the highest score was Terracon Consultants, Inc. If the following resolution is approved, the City will enter into a contract with this firm for on-call services. When specific projects are identified at City-owned buildings, the City will negotiate a scope of work and fee for services based on the contracted cost framework and specific project needs. The duration of these on-call service contracts will be for an initial term of one year with an option to renew for up to two additional one-year periods. For the initial term, the aggregate value of services provided under this on-call contract is not expected to exceed $250,000.

Pros:

- A well-qualified firm will perform services in support of ongoing facilities maintenance and improvements needs.
- These services will be available to support various programs and projects within the City's portfolio, including capital improvement projects, facilities construction and renovation projects.

Con:

- None identified.

The contract will be established at a not-to-exceed amount of $250,000 over the initial term. The consulting services will be used for various projects, which already have their own budget allocations under the General Fund or CIP, and the supplemental agreements under this on-call contract will not exceed the budgeted amount.

Staff recommends City Council adopt a resolution authorizing the City Manager to enter into a professional services contract with Terracon Consultants, Inc. for on-call building envelope professional services.

RESOLUTION BOOK NO. 40 - PAGE 33

X. RESOLUTION NO. 18-183 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE EASEMENTS ASSOCIATED WITH THE TRANSPORTATION BOND - BUS SHELTER PROGRAM

Summary: The consideration of a resolution authorizing the City Manager to execute easement agreements with private property owners for easements related to the Transportation Bond - Bus Shelter Program.

The Transportation Bond funding allows for the installation of bus shelter improvements throughout the City's Asheville Redefines Transit (ART) service area. Several of these improved shelters have been installed, mostly within City-controlled or NCDOT right-of-way. To continue making progress on the installation of shelter improvements, new easements from private property owners must be obtained to secure the necessary short-term and long-term access to private property for installation and maintenance of bus shelters.

Currently, staff brings forward each easement for City Council approval, with the exception of donated sidewalk easements. In February 2017, Council authorized the City Manager to accept donated public sidewalk easements. In order to streamline the acquisition of bus shelter easements, the current request for consideration provides authority to the City Manager to execute all easements associated with the Transportation Bond Program for Bus Shelters. Donations of easements are routinely sought after, however in some cases, compensation may be required. Since only City funds are associated with the bond shelter program, the Federal Uniform Act requirements for acquisition (URA) are not applicable and therefore the City has more flexibility to negotiate on price, to relocate the easement to another property or to delay installation if for some reason a mutually agreed upon price cannot be achieved.

Within the next phase of bus shelter installations, a total of seven new easements need to be acquired from private property owners. These easements range in size from 65 square feet to 200 square feet in permanent easement and all costs associated with acquiring these easements are planned for in the Transportation Bond - Bus Shelter Improvement Budget.

Pros:

- Allows for streamlining the easement acquisition process for a more expedient and efficient delivery of bus shelter easements.
- New easements support the implementation of the Transportation Bond - Bus Shelter program.

Con:

- None.

The funds associated with potential acquisition costs of these easements are budgeted within the Transportation Bond - Bus Shelter Program.

Staff recommends authorizing the City Manager to acquire and accept easement agreements related to the Transportation Bond - Bus Shelter Program.

RESOLUTION BOOK NO. 40 - PAGE 34

Y. RESOLUTION NO. 18-184 - RESOLUTION ADOPTING THE WATER SHORTAGE RESPONSE PLAN UPDATE

Summary: The consideration of a resolution adopting the Water Shortage Response Plan (WSRP) update as required by the North Carolina Department of Environmental Quality (NCDEQ).

Every few years, the Water Resources Department is required to complete a Water Shortage Response Plan (WSRP) update. On June 15, 2018, the North Carolina Department of Environmental Quality (NCDEQ) issued a letter stating that the department's WSRP update is complete and must be adopted by the water system's governing board. The WSRP establishes authority for declaration of a water shortage, defines different stages of water shortage severity, and outlines appropriate responses for each stage. Recently adopted rules governing water use during droughts and water emergencies (15A NCAC 02E. 0607) stipulate specific requirements for WSRPs.

All public and privately owned water systems subject to G.S. 143-355 (l) are required to prepare and submit a WSRP as part of their Local Water Supply Plan. At a minimum, updated

WSRPs are required every five years. Updates may also be necessary to address changes such as population growth, new sources or additional demands for water or after implementation and evaluation of restriction effectiveness.

In order for the WSRP update to be compliant with N.C.G.S. §143-355 (l), City Council must formally adopt the update. Once City Council adopts the update, NCDEQ will consider it compliant. A copy of the WSRP is also in the Water Policies, which will be updated to include the updates as approved by NCDEQ.

Pro:
- Adoption of the WSRP update will ensure compliance with N.C.G.S. §143-355 (l).

Con:
- If the WSRP update is not adopted, then the City will not be compliant with N.C.G.S. §143-355 (l) and may be issued a Notice of Violation from NCDEQ.

City staff recommends City Council adopt the the Water Shortage Response Plan update as required by the North Carolina Department of Environmental Quality.

RESOLUTION BOOK NO. 40 - PAGE 35

Z. RESOLUTION NO. 18-186 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH ASHEVILLE STAFFING, UPSTAFF, AND APPLE ONE TO PROVIDE TEMPORARY STAFFING SERVICES FOR THE CITY OF ASHEVILLE

Summary: The consideration of a resolution authorizing the City Manager to enter into contracts with Asheville Staffing, UpStaff, and AppleOne to provide temporary staffing services for the City of Asheville.

Numerous departments within the City of Asheville rely on firms to meet their temporary staffing needs.

Staff recognizes that one of Council's goals is to provide living-wage jobs with benefits to City workers. A staffing firm is not intended to be used where the position could be filled with a regular, temporary, or seasonal employee. A staffing firm is to be used in those instances where temporary workers are needed to support in-house staff by managing periods of increased workload, peak demands, projects, short-term labor for hard-to-fill positions with immediate service needs, or to provide workers on an immediate basis that may otherwise require lengthy recruitments.

A staffing firm is used to provide workers in the labor, administrative, and professional sectors. Currently, departments are selecting and paying staffing firms individually. The Human Resources Department determined the need to consolidate our temporary staffing with one to three firms for use by all City departments, in an effort to maximize cost savings. An RFP was released, and proposers were invited to submit proposals for providing temporary staffing in one, two, or all three of the staffing sectors needed. The Human Resources Department received proposals from the following ten firms:

AppleOne
Asheville Staffing
Creative Management
Devine
Express Employment Professionals

Global Economic Advantage
GO-Upstaff
RAD Gov
Sydata Consulting
Talented Fish

The review team assessed the proposals submitted by the vendors based on the evaluation criteria listed in the RFP. Scoring by the review team indicated the following five companies as the highest-rated proposers:

AppleOne
Asheville Staffing
Global Economic Advantage
GO-Upstaff
Sydata Consulting

Phone interviews were then conducted by the Human Resources Department, who determined the top three companies to be AppleOne (for professional and administrative positions), Asheville Staffing (for all types of positions), and UpStaff (for administrative and labor positions). Staff hereby requests the approval of contracts with each of these companies.

Pros:

- Contracting with three companies maximizes the ability to fill temporary positions within the necessary timeframe; and
- Allows temporary staffing firms to continue to supplement in-house staff where that work is not able to be filled by a regular, temporary, or seasonal employee.

Con:

- None identified.

Departments will continue to pay for temporary staffing services out of their approved FY 2018-19 budgets. Approximately $500,000 per year was spent on temporary staffing for the City in FY 2015 and FY 2016.

City staff recommends City Council adopt a resolution authorizing the City Manager to enter into contracts with Asheville Staffing, UpStaff, and AppleOne to provide temporary staffing services for the City of Asheville.

RESOLUTION BOOK NO. 40 – PAGE 37

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Kapoor and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. UPDATE ON THE ASHEVILLE POLICE DEPARTMENT OPEN DATA

Assistant to the City Manager Jaime Matthews said that the goals for the Asheville Police Department (APD) Open data is (1) consistent with City Council's Open Data Policy; (2) provide ample safeguards for the privacy of victims, officers, residents and the integrity of criminal investigations; and (3) increase trust between the city and the community that it serves. She then reviewed the APD open data request. Other dataset updates include (1) use of force data and citizen complaint data - an update to the software was completed. APD is working to pull data for first review before posting these on the open data portal; (2) emergency calls and citation and arrest data - Information Technology Department and APD are working with Buncombe County to release data. Some delays are due to staff turnover at Buncombe County; and (3) demographics information on all City employees - review with the Human Resources Department and Equity Office.

B. COUNCIL STRATEGIC OPERATING PLAN UPDATE

Interim Assistant City Manager Peggy Rowe briefly reviewed Council's Strategic Plan update. For an Equitable & Diverse Community, the Equity Action Plan was adopted which will establish racial equity as a key value, and reduce racial disparities within City government and our communities. In the Well Planned and Livable Community section, (1) Riverfront Greenway project advancement; (2) temporary Haywood Street installations in place and progress made toward long-term use; and (3) improvement of Tempie Avery Montford Center complex. For a Clean & Health Environment, (1) renewal energy planning services Request for Proposals; (2) energy audits & LED lighting projects; (3) Climate Resilience Assessment; (4) revised Food Policy Action Plan; (5) backyard composting workshops; and (6) 31% of 80% carbon reduction goal achieved. For Quality Affordable Housing (1) Eagle-Market Street completion; (2) South Slope Vision Plan & Lee Walker Heights Development Plan; and (3) utilization of newly-purchased City-owned land. Under Transportation & Accessibility, (1) Transit Master Plan finalized; (2) Bike Share Feasibility Study; (3) Parking Plan for Downtown Asheville; and (4) electric buses. For a Thriving Local Economy, (1) Minority-Owned and Section 3 Construction Firms Mentoring Program; and (2) support for local businesses during times of construction. For a Connected & Engaged Community (1) expand Asheville Police Department open data portal; (2) Blue Ribbon Committee recommendations approved by Council; and (3) Human Relations Commission of Asheville appointed. And, a Financially Resilient Community, (1) maintain AAA bond rating; and (2) Capital Projects Bond - Use Dashboard.

Councilwoman Mayfield also noted other highlights, some being, but are not limited to: decision made around Charlotte Street road diet; conversations with the N.C. Dept. of Transportation (NCDOT) about the Merrimon Avenue proposal; and work with the NCDOT on I-26 to make sure that the project benefits the people who live here and not just those who are passing through.

In response to Councilwoman Smith, Ms. Rowe said that she would be confirm the race of the 13% of 200 new hires in Fiscal Year 2018.

Mayor Manheimer also noted the major effort continuing to happen with the Duke substation in the old Volvo dealership property on Patton Avenue. After through a lot of community work and urging from the City, Duke will build the second ever Gas Insulated Substation, which will take up a significantly smaller footprint and can be enclosed in a building.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN ECONOMIC DEVELOPMENT INCENTIVE GRANT TO GENERAL ELECTRIC CORPORATION AND UNISON ENGINE COMPONENTS INC.

RESOLUTION NO. 18-185 - RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT INCENTIVE GRANT TO GENERAL ELECTRIC CORPORATION AND UNISON ENGINE COMPONENTS INC.

Community & Economic Development Director Sam Powers said that this is the consideration of a resolution authorizing a performance based economic development incentive grant agreement with General Electric Corporation and Unison Engine Components, Inc. This public hearing was advertised on July 13, 2018.

City of Asheville has been requested by Asheville-Buncombe EDC for consideration of a performance based incentive grant under the City Economic Development policy to an existing Asheville manufacturing facility, operated by General Electric Corporation ("GE"), and Unison Engine Components, Inc. ("Unison"). The purpose of the City's participation would be to induce GE to make additional investments in the City for expenditures to acquire and install machinery/equipment, make facility improvements which increase the tax value as determined by the Buncombe County Tax Department in the amount of $105,000,000, and create 131 new jobs with median wage of $49,500. All new jobs will pay a Living Wage and are fully benefited. The City of Asheville is considering offering a performance based grant in an amount not to exceed $900,960. North Carolina state law requires a public hearing be held before an incentive grant can be officially awarded.

Pros:

- Performance driven grant that is distributed after job and investment is achieved or mutually agreed performance benchmarks are established.
- Grant is based on new generation of tax revenue in the City.
- Grant supports expansion of existing industry in the City.
- Supports job creation and capital investment in Asheville.
- Supports regional and state cooperation in the project.

Con:

- Grant is formulated based on use of a portion of the new incremental increase from property tax revenue generated by the project for a 5 year period.

The project has an overall positive fiscal impact on tax revenues received by the city. Initially (during the grant period), the City will receive 50% of the new incremental property tax revenues, as well as the existing property tax revenues from the project. After the grant period of 5 years, the City will henceforth receive 100% capture of all city taxes. Staff projects that the first payment of the grant in the potential range of $175,000 would be budgeted and paid in Fiscal Year 2020-21 (subject to performance being met).

City staff recommends Council approve a resolution authorizing a performance based economic development incentive grant agreement to support retention and expansion with General Electric Corporation and Unison Engine Components, Inc.

Mr. Michael McGuire, Plant Manager for GE Aviation in Asheville, brief Council on the history of GE Aviation and felt this is a great partnership with the City and the local business community. He felt this is the right type of technology and growth in the City.

In response to Councilwoman Mayfield, Mr. Grant explained the specifics of the 131 new jobs.

Mayor Manheimer opened the public hearing at 5:37 p.m.

Mr. Dave Rowe supported the economic development incentive grant to GE Aviation.

In response to Ms. Tiffany De'Bellott, Mr. McGuire said that he would need to follow-up with Council on the percentage of people of color that work at the Asheville GE Aviation.

Mayor Manheimer closed the public hearing at 5:40 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Councilman Young moved to approve Resolution No. 18-185. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 36

B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE TO ADD STANDARDS TO THE OUTDOOR LIGHTING ORDINANCE

ORDINANCE NO. 4686 - ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO ADD STANDARDS TO THE OUTDOOR LIGHTING ORDINANCE

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to include new standards for outdoor dining and outdoor sports facilities, in addition to a couple of minor corrections. This public hearing was advertised on July 13 and 20, 2018.

The Unified Development Ordinance (UDO) includes general standards for outdoor lighting that are established to allow for nighttime use and enjoyment of property, while also addressing public health, safety and security. In order to address basic safety and security concerns, minimum levels of illuminance and uniformity of illuminance are established. However, growing environmental concerns over controlling unnecessary "over lighting", safety concerns over unnecessary glare, and nuisance concerns over light trespass and sleep disruption resulted in maximum illuminance limits along with glare control (shielding) designs which are now required with most outdoor lighting systems.

On April 9, 2018, the Planning & Economic Development (PED) Committee heard a report on the city's outdoor lighting standards and how they are applied, more specifically, to outdoor dining areas. Under the current ordinance, unshielded string lights with bulbs that emit more than 15 lumens per bulb, when visible from the boundary of the property, are not allowed. The PED supported a change that would allow a higher level of illuminance per bulb before requiring shielding so that dining areas may utilize string lights of a higher intensity to provide higher illumination along with nighttime ambiance to add to the dining experience. Also during the April PED meeting, staff introduced the need to add new standards for outdoor sports facilities where much higher levels of illuminance are needed for safe play. The PED committee supported adding new standards for sports facilities as well.

This wording amendment includes three primary components:

1) Add a new standard for string lights in permitted outdoor dining or drinking areas;
2) Add new standards and definitions for sports court lighting, and update standards for ball field and performance area lighting; and
3) Correct and/or clarify existing sections including:
   - applicability in single family residential conditions
   - exempting lighting required by the NC State Building Code

- simplify language in (g) *General standards.*

The maximum illuminance levels for string lights is proposed to be raised from 15 lumens per bulb to 25 lumens for incandescent bulbs and 50 lumens for LED bulbs. String lights that are brighter than the new allowances, or are installed in areas outside of established outdoor dining areas, may still be used but must be shielded. As always, other lighting fixtures and designs may also be used.

While the existing ordinance allowed for taller and brighter fixtures for outdoor sports facilities, it does not anticipate the transition from metal halide lights to LED, and the application of general LED standards proved impractical when working with this specialized and unique lighting application. The proposed language addresses the move to LED lights while also establishing lower standards for court (tennis and basketball) lighting where the facilities are more likely to be located entirely within residential neighborhoods.

This wording amendment was reviewed by the Planning and Zoning Commission on June 6, 2018, and was approved 5-0. Staff has received public comment from an individual in the community with concerns over the need to minimize light pollution. City Council provides the final review of all zoning text amendments.

This wording amendment supports the City's Comprehensive Plan by providing flexibility to restaurants (& tourism) to allow for greater nighttime use and appeal, and by tailoring the design options for parks in order to maximize their benefit to the community.

Having effective and outdoor lighting standards most closely aligns with the Council goals of a *Well-Planned and Livable Community* and a *Clean and Healthy Environment* by addressing safety, nuisance and environmental concerns; while the proposed update supports the goal of providing for a *Thriving Local Economy* by allowing for increased flexibility to service and tourism based businesses.

The Planning and Zoning Commission recommends approval of the zoning text amendment modifying Article XI of the UDO to expand standards for string lights, outdoor sports facilities and to perform minor corrections and clarifications, which is consistent with the Comprehensive Plan and other adopted plans.

Mayor Manheimer opened the public hearing at 5:45 p.m.

Mr. Bernard Arghiere had no objection to the sport outdoor lighting; however, he explained why he was asking Council vote separately on the suspended string of lights addition.

A gentleman noticed a deterioration of our night skies and spoke in opposition of the amendments, in particular the no limits on the string lights per certain area, when the business is closed that they should be required to turn the outdoor lighting off, new residential lighting for one and two family dwelling units should be complaint driven.

Mayor Manheimer closed the public hearing at 5:50 p.m.

At the request of Councilman Young, Ms. Tuch responded to the objections raised.

Councilwoman Mayfield suggested an amendment to the ordinance that that when the outdoor dining area is not used, the outdoor patio lights should be turned off.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Young moved to approve the wording amendments to UDO Articles II and XI to expand and clarify standards for outdoor lighting, with the amendment that lights must be turned off when the outdoor dining area is not in use, and find that the request is reasonable, is in the public interest, and is consistent with the Comprehensive Plan and other adopted plans in the following ways: the amendment (1) Maintains development standards to promote harmony and compatibility with surrounding properties; (2) Provides flexibility for enjoyment and use of property at night; and (3) Improves safety by allowing higher levels of illumination for high activity areas and uses. This motion was seconded by Councilwoman Mayfield and carried unanimously.

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V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 18-187 - RESOLUTION ADOPTING THE TRANSIT MASTER PLAN

Mr. Eli Mathis, Project Manager for the City, said that the Plan has gone through numerous rounds of public comment and changes and at this point we have a strong plan endorsed by a number of advisory boards and stakeholder groups, including the Transit Committee, the Multimodal Transportation Commission, Housing Authority, Drivers Union, etc. The Plan is ambitious and recommends major service expansions in the first year, as well as continuing service expansions in future years.

The following staff report was available for Council review:

"Plan Background - The Transit Master Plan (TMP) is the guiding document for the City's transit system and shapes how and where bus service is provided, and provides a vision for long term service expansion and infrastructure needs. The original TMP was adopted in October 2009. Since that time there has been significant growth and development in Asheville and the surrounding area which has placed increasing pressure on the current structure and route networks of the City's transit system (ART). There are also significant limitations placed on the system by the current facilities which are ageing and do not have the capacity to support the City's future transit needs. On September 12, 2017, the Asheville City Council passed a resolution authorizing the City Manager to enter into a contract with Tindale Oliver for consulting services for updating the City's TMP.

Public Engagement Process - The process for developing the new TMP began in October 2017 and continued through the winter and spring of 2018. After a thorough review of existing plans from various City departments and regional organizations, the Project Team began the key public engagement and data collection portion of the project. Effective public engagement is crucial to ensuring that the plan reflects the needs of the public, therefore several layers were included in the public engagement strategy to collect data and feedback from both existing riders and the general public. The engagement strategy included:

- The project Steering Committee served as the primary advisory board for the TMP and helped guide the Project Team over the course of the project. The Steering Committee was comprised of City staff, Buncombe County staff, MPO staff, NCDOT staff, ART management staff, ART bus drivers, members of the Transit Committee and Multimodal Transportation Commission, and representatives from AARP, Just Economics, the Homeless Coalition, and the People's Transit Campaign.
- Two Community Workshops allowed members of the public to meet with the project team

in a charrette style setting where they could be actively involved in designing route changes.

- Two formal Public Meetings to present the Draft Plan and to receive direct feedback from the public. A free shuttle was provided for both public meetings which allowed members of the public to easily travel between the meeting location and the ART Station every 15 minutes.
- Eight Discussion Group Workshops which consisted of meetings between the Project Team and small groups of representatives from different stakeholder organizations. These meetings allowed for more in-depth conversations about the specific transit needs of the different groups. The stakeholder groups included: higher education organizations, ART drivers and supervisors, medical organizations, senior groups, Just Economics and the People's Transit Campaign, local business owners, and neighborhood associations.
- Regular updates to existing boards and commissions, such as: the Transit Committee, Multimodal Transportation Commission, Neighborhood Advisory Committee, and the Community Transportation Advisory Board.
- Continuous feedback via email and phone throughout the project. The phone number and email address of the Transit Planning Manager were posted on the project website, *AshevilleNC.gov/TransitMasterPlan*, and on all posters and promotional materials that were distributed during the process to allow the public to provide direct feedback to City staff. City staff also made themselves available to have private meetings with individual members of the public to review the Draft Plan whenever that request was made.
- Rider Surveys were administered onboard buses and at the ART Station by volunteers from Just Economics and the People's Transit Campaign in December and January. These surveys were focused on current transit riders and their specific ridership patterns and service needs.
- Online and Paper Surveys were available to the general public from November through January. These surveys were more broad in scope and aimed at obtaining information from both current riders and potential future riders.

In order to promote the various meetings and other engagement activities available to the public, the Project Team utilized all of the following methods: maintaining meeting dates and project information on *AshevilleNC.gov/TransitMasterPlan*, posters on buses and bus stops, TV and radio interviews, social media posts, newspaper advertisements, coordinating with community partners, and with regular email updates through the IRide Transit email list.

Some of the key information collected during the public engagement process includes:

- On-time performance (OTP) and overall system reliability are key to growth and sustainability of the network.
- Transferring between routes to get to a single destination is a major burden to existing riders and is a disincentive for potential riders to use the system. Even when transfers are completed on schedule, having to switch buses causes delays and is difficult for passengers with mobility issues, those traveling with groceries or children, and for passengers not familiar with the system.
- Equitable service coverage is of great concern. While frequency of service is important, preserving access to the areas already served, and increasing access to those areas with few mobility options are key to the success of transit in Asheville.
- Access to social services, medical centers, and grocery stores is a need that is recognized by the majority of stakeholders involved in the TMP process. While regular hourly service is ideal, preserving access, even with a more limited schedule was seen as a practical solution to more efficiently allocating resources throughout the fixed-route bus network.

Service Changes and Routing Recommendations - After the initial information gathering

portion of the project was complete, the Project Team then set about updating the existing transit network and planning for long term expansion of the network. Edits to the existing network are focused on improving on-time performance (OTP) and overall system reliability, creating options for traveling across town without transferring, and extending hours of operation. 'Year One' of the plan is scheduled for Fiscal Year 2020. Some of the major changes in the first year of the plan include:

- Combining the existing W3 and E2 routes to create the new Crosstown 2, and combining the existing W4 and E1 routes to create the new Crosstown 4. The new crosstown routes will provide single-seat rides through Downtown, and will increase service frequency on the primary east/west corridors of Tunnel Rd and Patton Ave. Initially, the east/west crosstown routes will continue to go through the ART Station on every trip.
- New direct route to Pisgah View Apartments in West Asheville will improve OTP and reliability on routes W1 and W2, and will provide a combined frequency of 15-minutes on Haywood Rd from Downtown to State St.
- Interlining of the N1 and N2 routes with S4 will create a single seat ride through downtown and a new direct connection between UNCA and AB Tech. This will also increase the frequency on S4 to 30-minutes. This change will not impact existing service on routes N1 and N2.
- Haw Creek Neighborhood will be served by 170 to alleviate severe OTP issues on E2. Service frequency will be reduced from hourly to every other hour, but the coverage area will be expanded to include Spruce Hill Apartments which lost service under the previous TMP.
- S2 will retain hourly service but will now be a one-directional clockwise loop from Downtown to Social Security Administration to Kenilworth and back to Downtown.
- Extended service hours across all routes- 10PM on Weekdays and Saturdays with some Late Night Service on key corridors until Midnight; 8PM on Sundays and Holidays.

Plans for long term expansion of the network are focused on increasing frequency on primary corridors, expanding service to new areas not currently within the existing service area, and further reducing the dependence on transfers by creating additional crosstown routes which provide single-seat trips through Downtown. Some of the major changes in the later years of the plan include:

- FY 2021- Crosstown 1 will provide a north/south single-seat ride through Downtown via Merrimon Ave, Biltmore Ave, and Hendersonville Rd. Passengers will be able to transfer to the east/west crosstown routes at Pack Square Park, eliminating the need for a major deviation through town to the ART Station on Coxe Ave. This route will be increased to 30-minute frequency in FY23, thereby giving Merrimon Ave 15-minute frequency up to Beaverdam Rd.
- FY 2021- An additional bus on routes S3/S6 will increase combined frequency on Hendersonville Rd to 30-minutes, with hourly service to Biltmore Park and the Airport.
- FY 2022- Enka route will provide hourly service to an area within the city limits which is currently not served by ART.
- FY 2023- Sweeten Creek route will provide hourly service to an area within the city limits which is currently not served by ART.
- FY 2025- Carrier Park and Swannanoa River Rd route will provide hourly service to two areas within the city limits which are currently not served by ART.
- FY 2025- Downtown Shuttle will provide greater mobility to the Central Business District (CBD) and will reduce overcrowding issues on other routes by focusing shorter trips within the CBD onto the Downtown Shuttle rather than on longer routes traveling out of Downtown.
- FY 2026 through FY 2029- Additional vehicles and operating funds are programmed into the financial plan for the out-years, but these resources are purposely left open so they

can be allocated based on future service demands: ridership, community needs, congestion, etc.

The plan also recommends service extensions beyond the city limits and into Buncombe County and other neighboring communities. Some of these are 'Strategic Extensions' which could be provided using the existing ART system, but with funding provided by regional partners for the sections that extend beyond the city limits. Other recommendations for service beyond the city limits are for longer routes which could not be accomplished with the ART system. Plans for these routes will be provided to Buncombe County and other regional partners and will be available for them to use, should they decide to implement the routes with the Trailblazer system.

Fare Analysis - The TMP provides a detailed analysis of the existing fare structure, as well as a review of the potential impacts of fare changes; considering the possibility of a fare increase or elimination of fares entirely. While the public engagement process did not show that the cost of transit was a major disincentive to most riders, there is significant evidence that making the service free could result in increased ridership. The primary concern about switching to a free system, aside from lost revenue, is the potential that a sudden increase in ridership could cause issues with overcrowding and on-time performance. In order to better understand and prepare for the potential impacts to ridership, the plan recommends a Fare Free Weekend Trial for a full year, beginning in July 2019. Because weekend ridership is already significantly lower than weekday ridership and weekend fare revenue is not substantial, providing a Fare Free Weekend Trial will allow staff to monitor the impacts of fare free service without the risk of overcrowding or a substantial loss of revenue. At the conclusion of the Fare Free Weekend Trial, staff will be able to provide the results of the trial and their recommendation to Council, and Council can provide further direction on how to proceed regarding fares.

Facility Analysis - A key component of the TMP is a review of existing transit facilities and recommendations on improvements that are needed to support future system growth. The ART Operations and Maintenance Facility at 360 West Haywood St is where all of the system's maintenance and administrative facilities are located. The current facility was built in 1971 and is nearing its federally established 50-year useful life. With the addition of electric vehicles to the fleet, and the significant expansion of the fleet projected in the coming years, the current facility will reach capacity in FY 2022 and significantly exceed capacity by FY 2023. The TMP is recommending that the construction of a new facility be made a top priority; the plan calls for the City to advance the location and design services in FY 2019 and initiate a design-build process for completion by 2024. The initial estimate for the 8-10 acre facility is $50 million, however, this estimate will need to be refined once a more detailed facility analysis has been completed.

Summary - The Draft TMP was reviewed and endorsed, with edits, by the Transit Committee on May 15, 2018, and the Multimodal Transportation Commission on May 23, 2018. Comments and recommendations from both the TC and MMTC have been incorporated into the Draft Final TMP presented to the PED and City Council.

Pros:

- Expands transit service area, service hours, and frequency of service.
- Creates new crosstown route options which will provide more direct service and reduce the need to transfer between routes.
- Provides future routing options for specific areas not included in the 10-year phasing plan so these could be implemented at a later date if funding becomes available.

Con:

- Increases the total amount of local funds spent on transit service.

The Draft Final TMP proposes to expand transit revenue hours of service by 44% in FY

2020 and continue to expand it at a regular pace every year after that. This level of service expansion will trigger a renegotiation of the rates of the Transit Operations and Maintenance Contract, therefore the final cost of the service changes will not be known until the contract renegotiation has taken place. The expected cost of the service changes for transit operations in FY 2020, are approximately $10.6 million. That represents an increase of approximately $2.4 million from the proposed FY 2019 transit operations budget.

Staff recommends City Council approve a resolution adopting the Transit Master Plan."

Mr. Justin Willits, Assistant Project Manager from Tindale Oliver, provided Council with a brief overview of the project schedule and an overview of community involvement. Throughout the project they learned (1) status quo service levels and funding were inadequate to serve the needs of the community; (2) on-time performance issues needed to be addressed without impacting coverage in the service area; (3) the quality and quantity of service needed to be addressed to put Asheville on a trajectory for enhancing mobility options into the future; (4) extensive feedback with incorporated to address community concerns and focus on needs; and (5) transferring downtown for all connections across town was seen as a deterrent to riding ART.

Mr. Willits then reviewed the primary changes, along with the Transit Master Plan timeline of improving the frequency of service, while expanding coverage and span of service, addressing on-time performance.

Regarding the Fare Policy, compared to peers, ART transit is very inexpensive. Sixty-seven percent of peer average for a single trip. City Council should consider raising the fare to $1.5, day-pass to $4 and monthly pass to $35-40 if it wants to be comparable to peers.

Regarding the Fare Free Weekend Pilot Program, we don't want to overburden the transit system (ART saw 58% increase in ridership last Pilot Program). They will collect data on impacts of the Pilot Program.

He then explained the facility analysis. Increasing vehicle fleet means a new facility will be required for storage and maintenance - approximately 8-10 acres.

Mr. Mathis then reviewed the budget. Immediate funding needs will require (1) for Fiscal Year 2020, Operations Budget increase - $2.5 Million; (2) For Fiscal Year 2019-20 Facility Study - $18,000 local match; and (3) for Fiscal Year 2021, $10 Million maintenance facility local match. Using a chart, he outlined the Fiscal Year 2019 - 2029 transit operations budget projects, including the year, revenue hours, total estimated cost, and increase from the Fiscal Year 2019 budget.

Mr. Mathis and Mr. Willits responded to various questions/comments from Council, some being, but are not limited to: what is the usefulness of a new facility and what is it's timeframe for the design-build; is the local funding match of $10 Million a conservative estimate; will the potential growth of our system included in maintenance facility expansion study; confirmation that the maintenance facility expansion study was not budgeted in the Fiscal Year 2019-20 budget; what is the timeline for any grant opportunities to fund the expansion study; how did the state budget affect transit funding for the City; is the maintenance facility identified in our capital improvement program; are there any funds in the capital reserve that can be used for a maintenance facility; and explain the analysis of the fare free transit pilot program for the weekends.

Councilwoman Mayfield was in favor of using some of the funds not used from a study associated with the Fire Department to be used to fund the maintenance facility expansion study.

Acting City Manager Ball was confident we will be able to find the $18,000 match. The matter will go to the Finance Committee and then to Council for a budget amendment.

Councilman Young asked that when the pilot program is implemented that Council be updated quarterly on the ridership data.

Acting City Manager Ball said that we believe there is a strong connection between health and their access to transportation. We will be moving ahead with an eye towards funding locally, potentially through the new Mission Foundation as the ability to have this transit system grow.

Ms. Sabrah n'haRaven, member of the Transit Committee, the Transit Master Plan Steering Committee, and the Better Buses Together core team, urged Council to not only adopt the Transit Master Plan but commit to funding it over the next few years. The Year 1 recommendations in the Transit Master Plan are also not about giving us a great or even a good system. They're about giving us the bare essentials of a system that actually functions well enough for people to use it. She would like to see the timeline moved up for the half-hour service on Hendersonville Road and the service to Enka-Candler.

Mr. Francisco Diaz, representing Youth Empowered Solutions, in partnership with Just Economic, spoke about the benefits of the Transit Master Plan for youth and the benefits associated with the Plan. He also supported expanding to areas like Woodfin, Weaverville and A.C. Reynolds.

Ms. Cindy Oak, representing Family to Family in the Reynolds District of Buncombe County Schools, supported the Transit Master Plan that outlines a deviated fixed route or flex service along Highway 74 from the City limits at River Ridge Shopping Center to the Reynolds campus.

A representative of Just Economics and Beloved Asheville supports the Transit Master Plan.

Ms. Vicki Meath, representing Just Economic, and Rev. Amy Cantrell spoke in support of the Transit Master Plan and urged the Council to prioritize funding for the Plan.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Mayfield moved for the adoption of Resolution No. 18-187. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 38

B. RESOLUTION NO. 18-188 - RESOLUTION TO RECOMMIT $1 MILLION TO A LOCAL COMMUNITY LAND TRUST, RECOGNIZE THE FORMATION OF THE ASHEVILLE BUNCOMBE COMMUNITY LAND TRUST AND PROVIDE A LETTER OF SUPPORT FOR THE ASHEVILLE BUNCOMBE COMMUNITY LAND TRUST SHOWCASING OUR CONTINUED STAFF SUPPORT AND THE EFFORTS OF THE ABCLT IN ACHIEVING ITS 501 (C) (3) TAX-EXEMPT STATUS

Housing Development Specialist Paul D'Angelo said that this is the consideration of a resolution to recommit one million dollars to a local Community Land Trust, recognize the formation of the Asheville Buncombe Community Land Trust (ABCLT) and provide a letter of

support for the ABCLT showcasing our continued staff support and the efforts of the ABCLT in achieving its 501 (c) (3) tax-exempt status.

The City of Asheville currently has $1 Million of affordable housing bond funds allocated to a community land trust, should one be formed. Over the past 14 months, city staff and community members have participated in educational forums and received technical assistance from Burlington Associates in Community Development to determine the feasibility of a community land trust in Asheville and Buncombe County. A steering committee was formed and has been meeting almost weekly since January to work on this assessment. The steering committee determined it best to create a single community land trust entity that could target specific neighborhoods – particularly predominantly African American neighborhoods that are facing gentrification-driven displacement – in Asheville as well as respond to affordable housing opportunities that may present themselves elsewhere in Asheville and throughout Buncombe County. As with other community land trust organizations operating across the country, this new CLT, to be called the Asheville-Buncombe Community Land Trust, will commit itself to figuring out – through consultation, representative governance, and ongoing communication and regular and frequent interaction with local residents and nonprofit organizations – how to build as much local ownership and accountability as possible in the neighborhoods in which the CLT would operate.

On Monday, June 11, 2018, a formal Board was appointed to oversee the ABCLT. Articles of incorporation have also been filed for this new entity.

On Monday, July 9, 2018, the Board elected the following officers:

- Dewana Little - Chair
- Libby Kyles - Vice Chair
- Rosanna Mulcahy - Treasurer
- C. Nicole Hinebaugh - Secretary

Also on the 9th, the ABCLT reviewed by-laws to be voted on in August and will be meeting with the Durham Community Land Trustees later this month for a training.

Pro:

Community Land Trusts are a recognized best practice for preserving and creating long-term affordable homeownership opportunities.

Con:

Budget constraints limit the availability and use of funds; the Asheville-Buncombe CLT will also need to find additional sources of revenue for operations.

Affordable housing bond funds are in existing budget. Existing resources can also be used for additional technical assistance.

The HCD Committee recommended at their June meeting that City Council recommit their support of the $1 Million in affordable housing bond funds for a local CLT, recognize the formation of the ABCLT and provide a letter of support for the ABCLT in their efforts to achieve 501 (c) (3) tax-exempt status.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of Resolution No. 18-188. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 39

C. BOARDS & COMMISSIONS

Regarding the Board of Adjustment Alternate seat, the following individual applied for the vacancy: Ken Sherlin. It was the consensus of Council to re-advertise for the Alternate seat.

Regarding the appointment of Chair to the Civil Service Board, it was the consensus of Council to wait until the Board has appointed their fifth member.

Regarding the Board of Electrical Examiners layman seat, no one applied for the vacancy, therefore, it was the consensus of Council to re-advertise for the layman seat.

Regarding the Neighborhood Advisory Committee, the following individual applied for the vacancy: Karl Katterjohn. It was the consensus of Council to re-advertise for the vacancy.

Regarding the Noise Ordinance Appeals Board Alternate seat, no one applied for the vacancy, therefore, it was the consensus of Council to re-advertise for the Alternate seat.

Regarding the Tree Commission, the following individual applied for the vacancy: Martha Dyke. It was the consensus of Council to re-advertise for the vacant seat.

RESOLUTION NO. 18-189 - RESOLUTION APPOINTING MEMBERS TO THE CITIZEN-POLICE ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Citizens-Police Advisory Committee.

The terms of Carol Rogoff Hallstrom (North) and Larry Holt (Central) expired on June 30, 2017 (terms extended until their successors were appointed). In addition, Also, there is an unexpired term left by Sir Charles Gardner (resident of property owned by the Housing Authority) until June 30, 2019; and an unexpired term of Jayden Gurney (Housing Authority representative) until June 30, 2021.

The following individuals applied for the vacancy: Gretchen Gudites, Celeste Fletcher, Frederic G. Arnold, Jason Martin, S. Elizabeth Snyder, Blake Marcus and Jerry Kivett.

It was the consensus of the Boards & Commissions Committee to appoint Blake Marcus (North), Jerry Kivitt (Central) and Gene Bell (Housing Authority representative). It was also the consensus of the Boards & Commissions Committee to re-advertise for the resident of the Housing Authority property.

Vice-Mayor Wisler moved to (1) appoint Blake Marcus (North) to fill the unexpired term of Ms. Hallstrom, term to expire June 30, 2020; (2) appoint Jerry Kivitt (Central) to serve the unexpired term of Mr. Holt, term to expire June 30, 2020; and (3) appoint Gene Bell (Housing Authority representative) to serve the unexpired term of Mr. Gurney, term to expire June 30, 2021. All appointments are until their successors have been appointed. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 40

RESOLUTION NO. 18-190 - RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Civic Center Commission.

The terms of Joel Storrow and Chris Bubenik expired on June 30, 2018. In addition Joe Green has resigned, thus leaving an unexpired term until June 30, 2019.

The following individuals applied for the vacancy: Shelia Surrett, Kimberly Hunter, Kyle Smith and Bill Jones.

It was the consensus of the Boards & Commissions Committee to appoint Kimberly Hunter, Kyle Smith and Bill Jones.

Vice-Mayor Wisler moved to (1) appoint Bill Jones to serve the unexpired term of Mr. Greene, term to expire June 30, 2019; and (2) appoint Kimberly Hunter and Kyle Smith to each serve a three-year term respectfully, terms to expire June 30, 2021, or until their successors have been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 41

RESOLUTION NO. 18-191 - RESOLUTION APPOINTING MEMBERS TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Homeless Initiative Advisory Committee.

Mr. John Rakes has resigned, thus leaving an unexpired term until November 1, 2019. In addition, Ms. Whitney Lott also resigned, thus leaving an unexpired term until November 1, 2021.

The following individuals applied for the vacancy: Timothy Moser, Bill Robinson, Michael Carlebach, Roberto L. Hess, Thomas Cash, Tamarie Macon, Donna Ball, Tim McElyea and Joell Steininger.

Vice-Mayor Wisler moved to (1) appoint Donna Ball to serve the unexpired term of Mr. Rakes, term to expire November 1, 2019, or until her successor has been appointed; and (2) appoint Joell Steininger to serve the unexpired term of Ms. Lott, term to expire November 1, 2021, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE

RESOLUTION NO. 18-192 - RESOLUTION APPOINTING MEMBERS TO THE I-26 CONNECTOR PROJECT AESTHETICS COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the I-26 Connector Project Aesthetics Committee.

City Council established the ad hoc committee of the I-26 Connector Project Aesthetics Committee on April 24, 2018, to gather information and ideas about treatments that would make the project a cohesive and integrated part of Asheville. It is anticipated that the Committee would serve for about one year and complete their tasks before the final Environmental Impact Statement is released.

The following individuals applied for the vacancy: Woodard Farmer, Joe Minicozzi, Michael Adams, Billy Cooper, David Nutter, Michael Zukoski, Tal Dgani and Ted Figura.

It was the consensus of the Boards & Commissions Committee to appoint Woodard Farmer, Joe Minicozzi, Michael Adams, David Nutter, Michael Zukoski and Ted Figura.

Vice-Mayor Wisler moved to appoint Woodward Farmer, Joe Minicozzi, Michael Adams, David Nutter, Tak Dgani, Michael Zukoski and Ted Figura to each serve until their tasks are complete and before the final Environmental Impact Statement is released. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 43

RESOLUTION NO. 18-193 - RESOLUTION APPOINTING MEMBERS TO THE MULTI-MODAL TRANSPORTATION COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Multi-Modal Transportation Commission.

Ms. Billie Lofland (representing bike/ped interests) resigned leaving an unexpired term until July 1, 2018.

The following individuals applied for the vacancy: Helen Hyatt, Han Winogrond, Keaton Edwards, Carson Dellinger, Tina Wexler, Andrew S. Kirby, Ritchie Rozzelle, Dennis Wencel, Pat Katz, Rachelle Sorensen-Cox and Kenneth Armstrong.

It was the consensus of the Boards & Commissions Committee to appoint Rachelle Sorenson-Cox.

Vice-Mayor Wisler moved to appoint Rachelle Sorensen-Cox to serve the unexpired term of Billie Lofland, term to expire July 1, 2021, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 44

RESOLUTION NO. 18-194 - RESOLUTION APPOINTING MEMBERS TO THE PLANNING & ZONING COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Planning & Zoning Commission.

The terms of Tony Hauser and Guillermo Rodriguez expire on August 13, 2018.

The following individuals applied for the vacancy: Nick Hinton, Carter B. Webb, Robert Carroll, Paul Harkrider, Jesse James, Byron Greiner, Jeffrey Vanderlip and Suzanne Godsey.

It was the consensus of the Boards & Commissions Committee to reappoint Tony Hauser and Guillermo Rodriguez.

Vice-Mayor Wisler moved to reappoint Tony Hauser and Guillermo Rodriguez to each serve an additional three-year term, terms to expire August 14, 2021, or until their successors have been appointed. This motion was seconded by Councilman Kapoor and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 45

RESOLUTION NO. 18-195 - RESOLUTION APPOINTING MEMBERS TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Buncombe County Tourism Development Authority.

The terms of Himanshu Karvir and John Luckett (seats of an owner or operator of a hotel, motel, bed and breakfast, or vacation rental management company with more than 100 rental units) expire on August 31, 2018.

The following individuals applied for the vacancy: Ken Stamps, Jennifer Lauzon, Jessica Tomasin, Elizabeth Liddell Button, Patrick Ryan Conant, Peter Pollay and Christina Bailey. However, none of the applicants fill the specific need required for this seat.

It was the consensus of the Boards & Commissions Committee to reappoint Himanshu Karvir and John Luckett.

Vice-Mayor Wisler moved to reappoint Himanshu Karvir and John Luckett (both representing an owner or operator of a hotel, motel, bed and breakfast, or vacation rental management company with more than 100 rental units) to each serve an additional three-year term, terms to expire August 31, 2021, or until their successors have been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 46

RESOLUTION NO. 18-196 - RESOLUTION APPOINTING A MEMBER TO THE RECREATION BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Recreation Board.

Ms. Lauren Weldishofer has resigned, thus leaving an unexpired term until June 30, 2020.

It was the consensus of the Boards & Commissions Committee to appoint April Suttles

Vice-Mayor Wisler moved to appoint April Suttles to the unexpired term of Ms. Weldishofer, term to expire June 30, 2020, or until until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 47

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Steve Foster, representing the Council of Independent Business Owners Budget Committee, spoke to Council about infrastructure items including police funding; improvements to stormwater and street maintenance, and the transit system. They urge Council to take advantage of the unprecedented growth in the City and focus resources on core infrastructure needs.

Ms. Libby Kyles, Executive Director of YTL Training Programs, submitted a proposal to Council for the use of the Stephens Lee Recreation Center. In an effort to reverse the downward spiral of our youth of color, she proposed the use of the Stephens Lee space to do the following:

(1) Create programming for youth that focuses on working through trauma; (2) Create and deliver programming for youth and their parents; (3) Explore recreation beyond basketball and football; (4) Provide community programming that explores healing the hurts that have been caused by urban renewal and gentrification; and (5) Provide space for multiple non profits that service communities of color. They request a 10-15 year lease agreement for $1 per year; a commitment from the City to reimagine and reinvest public spaces; and a financial commitment from the City to support programming aimed not only at closing the achievement gap, but rejuvenating programming that is affordable and provides varied opportunities for youth of color living in low income neighborhoods. Executive Director of the Housing Authority of the City of Asheville Gene Bell stated that they have 22 African American males that have pledged to help Ms. Lyles, as far as coverage in any facility (primarily Stephens Lee), to help her to make sure it's a safe environment for her programs. At the request of Council, Acting City Manager Ball said that she will work with City staff, the Recreation Board, Ms. Lyles, Stephens Lee Alumni, East End Community and other stakeholders presently using Stephens Lee, and others, to provide Council an update at their August 28 meeting with an overview of the current users of the building, the demographics of those users, staffing of Stephens Lee, and Conditions Facilities Report; along with 2-3 processes available to Council in making any decision.

Mr. Max Swicegood, representing the Council of Independent Business Owners, read a resolution in support of City of Asheville Police. The Council of Independent Business Owners publicly acknowledges their support for the commitment and sacrifice made by each and every member of the City of Asheville police force.

Ms. Elizabeth Schell, downtown business owner; Ms. Delores Venable, representing Asheville Black Lives Matter, and Rev. Amy Cantrell were disturbed about the Asheville Police Department surveillance of community activists.

Ms. Amy Worthen and Mr. Reid Thompson encouraged Council to proceed with the proposal by Ms. Libby Lyles for the re-use of Stephens Lee.

Mr. Rondell Lance, President of the Fraternal Order of Police, supported Police Chief Tammy Hooper and explained the difference between police surveillance and monitoring.

Mr. Michael Carter was concerned about the lack of competency in reporting by the Asheville Police Department.

Results of the June 25, 2018, Civil Service Board Employee Elections

One copy of the results of the Civil Service Board employee election held on June 25, 2018, is to be filed with the City Manager and one with the City Clerk, who shall present such certification to the City Council at its next regular meeting. The Board of Canvassers provided the following certified certificate on June 26, 2018: We do hereby certify, having opened, canvassed, and determined the original returns of the Civil Service Board employee election, the results of the Civil Service Board Employee Election held on June 25, 2018, noting the name of each person voted for and the number of votes cast for each person as follows: Marvin Rosen - 146; and Ronald Reginald King - 44.

Closed Session

At 7:54 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2)

To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit involving the following parties: City of Asheville v. T&T Enterprises, et al.; and City of Asheville v. Parkway Court, LLC. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3); and (3) To establish or to instruct the City's staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the terms of a contract for the acquisition of real property by purchase, option, exchange or lease. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(5). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 8:51 p.m., Councilman Kapoor to come out of closed session. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:51 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – August 28, 2018- 3:00 p.m.

Worksession

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Acting City Manager Cathy Ball; and City Clerk Magdalen Burleson

Acting City Manager Cathy Ball said that in an effort to increase transparency and engagement leading into the next budget process, staff will be providing detailed departmental information to Council and the community. This information will include a focused look at each department's programs, level of service, budget, staffing, partnerships, and goals. Each department director will highlight key strategic elements within their department. The intent of this project is to provide a detailed account of City operations, highlight departmental challenges and opportunities, and identify the key resources that are required to deliver city services. This conversation will help to inform staff as they begin to consider priorities for the next fiscal year.

Finance and Management Services Director Barbara Whitehorn provided Council with a broad overview of the City's expenditures, revenues and community factors that drive operational and budgetary needs within Asheville. She reviewed the community profile.

Budget Manager Tony McDowell reviewed the General Fund Revenues & Expenditures, along with the City Council, City Manager, City Clerk and City Attorney summaries.

Sustainability Officer Amber Weaver reviewed with Council the Office of Sustainability.

Equity and Inclusion Director Kimberlee Archie provided Council with information on the Office of Equity and Inclusion.

Various staff responded to several questions/comments raised by Council, and those which could not be readily answered would be provided to Council via a memorandum.

Vice-Mayor Wisler asked that future budget worksessions contain detailed information on partnership agreements, including costs, expiration dates, etc.

Mayor Manheimer said that the next step of this process will be the community engagement piece so we have the opportunity to hear from the community. Councilman Haynes suggested the public to send any questions they may have to the Council members so they may get them addressed during the worksessions.

Mayor Manheimer adjourned the worksession at 4:44 p.m.

Tuesday – August 28, 2018- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Acting City Manager Cathy Ball; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING SEPTEMBER, 2018, AS "CERTIFIED COMMUNITY WILDLIFE HABITAT MONTH"

Vice-Mayor Wisler read the proclamation proclaiming September, 2018, as "Certified Community Wildlife Habitat Month " in the City of Asheville. She presented the proclamation to several individuals who briefed City Council on some activities taking place during the month.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JULY 24, 2018

B. SECOND AND FINAL READING OF ORDINANCE NO. 4685 - ORDINANCE GRANTING A FRANCHISE AGREEMENT TO TUK IT, LLC, FOR THE OPERATION OF AN ELECTRIC VEHICLE SHUTTLE SERVICE WITHIN THE CITY OF ASHEVILLE

At the request of Councilwoman Smith, this item was pulled from the Consent Agenda until the Multimodal Transportation Commission has had an opportunity to review.

C. RESOLUTION NO. 18-197 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE OFFICE OF NATIONAL DRUG CONTROL POLICY FOR THE HIGH INTENSITY DRUG TRAFFIC AREA 2018 GRANT

ORDINANCE NO. 4687 - BUDGET AMENDMENT FOR THE OFFICE OF NATIONAL DRUG CONTROL POLICY'S HIGH INTENSITY DRUG TRAFFIC AREA 2018 GRANT

Summary: The consideration of (1) a resolution authorizing the City Manager to enter into an agreement to accept a grant from the Executive Office of the President, Office of National Drug Control Policy; and (2) a budget amendment in the City's Special Revenue Fund in the amount of $19,000 for the Office of National Drug Control Policy's High Intensity Drug Traffic Area (HIDTA) 2018 grant.

The mission of the HIDTA program - authorized by the Anti-Drug Abuse Act of 1988 and administered by the Office of National Drug Control Policy - is to reduce drug trafficking in the most critical areas of the county, thereby reducing the impact of illegal drugs in other areas. Asheville has for many years been designated as a HIDTA site. Asheville's HIDTA serves as a key drug trafficking reduction effort, critically positioned between the Atlanta HIDTA and the Appalachia HIDTA. The Asheville Police Department (APD) serves as the fiduciary for the Asheville Area HIDTA Task Force.

The Asheville HIDTA is comprised of members of the United States Drug Enforcement Administration (DEA), Asheville Police Department, Buncombe County sheriff's Office, Henderson County Sheriff's Office and McDowell County sheriff's Office. The Asheville HIDTA is a

component of the Asheville DEA Task Force. The HIDTA task force primarily concentrates on high volume, high value drug trafficking. As an example, the task force was recently involved in a case involving the large seizure of controlled substances from persons with local and National ties, involved in the trafficking of narcotics in this region and beyond.

The City of Asheville currently serves as the partial fiduciary for the Asheville HIDTA and has recently agreed to expand this service to include all program expenses. The allotted funds from the Federal government will be usec for investigative purposes and other program expenses including employee overtime, mobile phones and miscellaneous supplies. The expenditure of all funds are tracked and audited by both local and Federal authorities.

The request for the budget amendment will be presented to the Finance and Human Resources Committee on August 28, 2018 and any response other than unanimous approval to move forward to the full City Council will be noted at that meeting.

Pros:

- Federal HIDTA funds will be used for investigative purposes and program expenses.
- Continue to foster partnerships with Federal and local law enforcement agencies.

Con:

- Funding from the Office of National Drug Control Policy is awarded annually.

There is no impact to the City's General Fund Budget.

Staff recommends City Council adopt the resolution and budget amendment to accept grant funds in the amount of $19,000 through the Office of National Drug Control Policy to establish the HIDTA 2018 Grant.

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D. RESOLUTION NO. 18-198 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH MCGILL ASSOCIATIONS P.A. FOR THE HAYWOOD STREETSCAPE BOND PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a contract with McGill Associates, P.A. to provide survey, design and construction administration services for Haywood Streetscape Bond Project for an amount of $210,402, and further authorizing the execution of any contract amendments up to 10% ($21,040.) above of the contract price, which may arise during execution of said project.

This project was listed on the Nov. 2016 Transportation Bond Referendum that passed. This project has been prioritized as a safety issue and a major need by the City and by various boards, committees, and associations. The general project limits will be Haywood St. from Vanderbilt Ave. to Patton Ave. This project will include sidewalk rehabilitation, street resurfacing, stormwater improvements, sanitary sewer improvements, and the sourcing, siting and installation of various street amenities informed by public input. A key component is the replacement of irregular and broken sidewalk on much of this corridor. MSD will contribute construction funds and design consultation for the sanitary sewer replacement.

The City of Asheville (City) issued a Request for Qualifications (RFQ) for design services for the Haywood Streetscape Bond Project. In response to the RFQ, the City

received eleven (11) Statements of Qualifications to be considered for this project. After thorough review, evaluation & interviews, staff recommended McGill Associates, P.A. as the most qualified to perform the surveying, design and construction administration services for the Haywood Streetscape Bond Project.

McGill Associates has presented a scope of work and fee proposal for professional services associated with the Haywood Streetscape project, including surveying, public engagement, design services, cost estimating, permitting, bidding and construction administration.

The Buncombe County Metropolitan Sewer District (MSD) is planning a significant sewer replacement project within and overlapping the Haywood Streetscape project limits. In an effort to coordinate the construction of the City and MSD projects, McGill Associates will coordinate and combine the construction documents between these two projects into one set of bid documents. The intent will be to bid one construction contract for both the City and MSD work, with the construction costs being assigned to the respective organizations. The City will administer the construction contact for both organizations.

The following is the tentative project timeline:

Surveying/Design/Public Engagement	Fall/Winter 2018
Bidding for Construction	Winter 2018
Construction Begin	Spring/Summer 2019
Construction Complete	Winter 2019/Spring 2020

Pros:

- Addresses needed infrastructure and safety improvements and delivers on sidewalk, drainage and roadway improvements identified in the approved 2016 Bond Referendum.
- Begins the coordination between the City and MSD Capital Improvement Projects that will reduce redundancy in costs and in construction impacts to citizens during the future construction process.

Con:

- None identified.

Funding for this contract is already included in the Adopted Capital Improvement Program (CIP) as part of the Transportation Bond Program.

Staff recommends City Council adopt the resolution authorizing the City Manager to execute a contract with McGill Associates, P.A. to provide survey, public engagement, design, bidding and construction administration services for Haywood Streetscape Bond Project for an amount not to exceed $210,402, and further authorizing the City Manager to execute any contract amendments up to 10% ($21,040) above of the contract price.

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E. RESOLUTION NO. 18-199 - RESOLUTION AUTHORIZING THE CITY MANAGER ENTER INTO A ONE-YEAR MEMORANDUM OF UNDERSTANDING WITH THE FRIENDS OF THE WESTERN NORTH CAROLINA NATURE CENTER

Summary: The consideration of a resolution authorizing the City Manager to enter into a one-year Memorandum of Understanding (MOU) with the Friends of the Western North Carolina Nature Center (Friends).

The Friends is a 501 (c) (3) nonprofit corporation with a purpose to support the Nature Center with resources to provide an enriching and educational experience for Nature Center visitors. Each year the City and the Friends enter into a MOU to establish the respective roles of each party for the mutual benefit of creating a first class nature center and visitor experience. Most recently the Friends contributed funds to support Nature Center capital projects including the front entrance, otter exhibit, cougar exhibit, playground and restroom, and the red panda exhibit.

The MOU defines areas of operations between the City and the Friends in areas of relationship, communications, revenue, marketing and promotions, materials, center access, and the Friends role in supporting the Nature Center 2020 Vision Master Plan.

The Friends will contribute $175,000 to the City to support Nature Center operations as specified in the MOU.

This action will go before the Finance and Human Resources Committee on August 28, 2018. If there is anything other than a unanimous support to move forward to the full Council, it will be reported at the meeting.

Pros:
- Defines the role and responsibility of the Friends in the operation of the Nature Center
- Provides revenue to support Nature Center operations
- Reduces the amount of City subsidy to operate the Nature Center

Con:
- None

The Friends will contribute $175,000 during the one-year term of the MOU to support Nature Center operations.

Staff recommends City Council to adopt a resolution authorizing the City Manager to enter into a one-year Memorandum of Understanding with the Friends of the Western North Carolina Nature Center

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F. RESOLUTION NO. 18-200 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE N.C. HISTORIC PRESERVATION OFFICE FOR AN AFRICAN AMERICAN HERITAGE RESOURCES SURVEY

ORDINANCE NO. 4688 - BUDGET AMENDMENT FOR AN AFRICAN AMERICAN HERITAGE RESOURCES SURVEY

Summary: The consideration of a resolution to authorize the City Manager to enter into an agreement with the N.C. Historic Preservation Office for the purpose of surveying architectural resources associated with African American heritage; and a budget amendment to accept a federal pass through grant in the amount of $12,000 from the National Park Service Historic Preservation Fund via the North Carolina State Historic Preservation Office to dedicate local matching funds in the amount of $7,000 for a total budget of $19,000 for the research and documentation of Asheville African American heritage resources.

In partnership with the community, historic resources staff has identified the imperative

need for documentation of African American heritage resources within the city. The need to identify these resources is essential to documenting, understanding and illustrating a more comprehensive narrative of Asheville's unique sense of place and to celebrate and honor local African American history. In addition to gentrification, demolition and insensitive modifications to historic structures relating to African American history, remain a threat as development pressure continues to increase. One example of this threat can be seen in the demolition of the building at 185 Biltmore Avenue to make way for a surface parking lot. The demolished building was built ca. 1905 by local African American physician, Dr. R.H. Bryant, as his private residence and was later converted by Dr. Mary Frances (Polly) Shuford into the Asheville Colored Hospital during the 1940s at a time when Mission Hospital only allocated 18 beds to African American patients.

While several areas in Asheville identified for their association with African American communities have been included in past architectural surveys and National Register nominations, the vast majority of resources within the City have yet to be fully surveyed, including but not limited to, the East End, Eagle-Market, Southside, Lee Walker Heights, St. Johns-A-Baptist Church area, Shiloh, Burton Street, Pisgah View, Hillcrest and Stumptown.

It is the goal of this survey to compile existing research on local African American heritage, and to use this collection of information as the basis for more in depth research to inform prioritization of areas for survey, conduct survey of identified areas, and to identify potential additional future phases and/or projects relating to preservation of African American history in Asheville.

This was reviewed by the Finance and Human Resources Committee on April 23, 2018, and approval was recommended.

Pros:

- Funding will be made available for research and documentation of African American heritage resources in Asheville.
- Initial phase and documentation will help inform future phases of work related to preserving and celebrating local African American history, as well as long range planning.

Con:

- Future phases of survey may be necessary to fully document all resources due to limited amount of grant funding available; however, it is anticipated that at least one neighborhood/area will be surveyed as part of the scope of work for this application.

This grant application requires a match of $7,000 to be allocated from the contracted services line item in the Planning and Urban Design budget.

Staff recommends that City Council approve a budget amendment for $19,000 to research and document African American heritage resources, accept grants funds, and authorize the City Manager to execute any documents necessary to give effect to this approved action.

Historic Resources Director Stacy Merten responded to Councilwoman Smith regarding the ratio of the grant request, noting that we anticipate applying for another grant next year.

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G. RESOLUTION NO. 18-201 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH GREEN LIGHT ELECTRIC INC. FOR ADDITIONAL PAVING REQUIRED BY THE N.C. DEPT.

OF TRANSPORTATION FOR THE SOUTH CHARLOTTE STREET/BILTMORE AVENUE TRAFFIC SIGNAL UPGRADE PROJECT

ORDINANCE NO. 4689 - BUDGET AMENDMENT FOR THE SOUTH CHARLOTTE STREET/BILTMORE AVENUE TRAFFIC SIGNAL UPGRADE PROJECT

Summary: The consideration of (1) a resolution authorizing the City Manager to execute a change order with in the amount of $10,799 to be paid to Green Light Electric Inc. for additional paving required by the N.C. Dept. of Transportation (NCDOT); and (2) a budget amendment in the City's General Capital Projects Fund in the amount of $10,799 from additional grant funding and the City's General Fund Traffic Safety budget to provide additional funding for the South Charlotte Street / Biltmore Avenue traffic signal upgrade project constructed by Green Light Electric, Inc.

Adding pedestrian signals to this intersection is part of an FTA Job Access/ Reverse Commute (JARC) grant project. The intersection was included because it is large, complex, has high pedestrian and vehicle traffic volumes, and connects people to transit.

City Council approved the original funding of $116,378.63 on February 13, 2018, in Resolution No. 18-35. The additional funding is being requested to cover unexpected costs that exceeded the original bid cost and contingency. These additional costs were incurred to provide a safer and smoother intersection by milling and paving a portion of dilapidated asphalt on Southside Avenue as part of a new requirement by NCDOT.

The current balance in the project fund is insufficient to cover the full cost and contingency, so the budget amendment moves funds from the Traffic Safety Projects budget in the General Fund to this project. Additional FTA grant funding is pending FTA action, so it is possible that some portion of the Traffic Safety funding will be able to be returned to the General Fund.

Pros:

- Pedestrian safety and mobility will be improved.
- Improve mobility and safety on city streets.

Con:

- The Traffic Safety budget will be reduced by an additional $1,366 to complete this signal.

As noted above, funding is coming from an FTA 2010 grant and the City's General Fund Traffic Safety budget. The additional $10,799 needed to complete this project will be funded with $9,433 from the FTA grant funding and $1,366 from the City's General Fund Traffic Safety budget The total cost of this contract, including contingency, is $127,176.75.

City staff recommends City Council 1) authorize a budget amendment in the City's General Capital Projects Fund in the amount of $10,799 to provide additional funding for the South Charlotte Street / Biltmore Avenue traffic signal upgrade project constructed by Green Light Electric, Inc. and 2) authorize the City Manager to execute a change order in the amount of $10,799 to be paid to the contractor for additional paving required by the NCDOT.

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H. RESOLUTION NO. 18-202 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY ADDITIONAL EASEMENT OVER A PORTION OF

CITY-OWNED PROPERTY AT 166 RESERVOIR ROAD TO CHRIS AND JESSICA LARSON FOR THE PURPOSE OF CREATING A DRIVEWAY TO A RESIDENTIAL LOT

Summary: The consideration of a resolution authorizing the City Manager to convey additional easement over a portion of City-owned property at 166 Reservoir Road to Chris and Jessica Larsen for the purpose of creating a driveway to a residential lot.

The City of Asheville owns real property at 166 Reservoir Road and the parcel is currently used for telecommunications purposes. The parcel is approximately 7.42 acres in size and is improved with two telecommunications towers and related buildings. There is a significant grade change between the land area used for telecommunications and the area of the property that meets McCauley Drive.

Chris and Jessica Larsen have purchased an adjoining vacant parcel that fronts McCauley Drive for a new home. The land area of their lot is too steep to accommodate a driveway within the existing lot footprint. Chris and Jessica Larsen requested and were granted an easement from the City in 2014 in order to create a driveway connection to McCauley Drive. That easement involved 473 square feet of permanent easement. The Larsen family paid for the easement, but due to the untimely demise of their attorney, the easement was never recorded. Their development plans were delayed, and in the interim, the City changed the location of the Beaucatcher Greenway.

In 2018, the Larsens are renewing their plans to build a residence on this property and have approached the City with a request for additional square footage to accommodate their driveway. City transportation and greenway staff have reviewed the revised easement request and are willing to support the additional permanent easement that is needed. The area of the easement is not currently being utilized by the City and presents no apparent conflict with future development of the Beaucatcher Greenway.

The additional easement area involves 171 square feet of additional City property as shown in the sketch provided in Exhibit A. The exhibit shows both the original easement and the additional amount being requested. A price per square foot was determined from the purchase price of the homesite owned by the Larsens. The cost of the additional easement area would be $370.00 plus a real estate processing fee of $180.00.

Pros:

- Modest amount of compensation for the property.
- The easement would not interfere with the operation of City-owned property including the Beaucatcher Greenway.

Cons:

- The City would be relinquishing additional square footage for future use.

The amount of revenue generated by the sale of the easement will be deposited into the General Fund.

Staff recommends that City Council approve a resolution authorizing the City Manager to convey the additional 171 square foot easement over a portion of City-owned property at Reservoir & McCauley Road for the purchase price of $370.00 to Chris and Jessica Larsen.

Councilwoman Mayfield disclosed that Chris and Jessica Larsen are her current neighbors but she has had no conversation with them regarding this easement.

Ms. Jan Howard Kubinek explained that a section by her house can never be widened, and that it would be good to have a neighbor.

RESOLUTION BOOK NO. 40 - PAGE 53

I. RESOLUTION NO. 18-203 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH DANNY'S DUMPSTER INC. FOR A TYPE III COMPOSTING FACILITY ON A PORTION OF CITY-OWNED LAND AT 80 HARDESTY LANE

Summary: The consideration of a resolution authorizing the City Manager to execute a lease agreement between the City of Asheville (City) and Danny's Dumpster Inc., for a Type III Composting Facility on a portion of City-owned land at 80 Hardesty Lane.

Danny's Dumpster, Inc. is a small business that serves as a commercial composting and food waste hauling company for area establishments such as restaurants, universities, hospitals, and government buildings. Since 2012, Danny's Dumpster has operated a compost processing facility on City-owned property at 80 Hardesty Lane to process food wastes and wood debris into a finished soil amendment -- compost. Onsite, Danny's Dumpster maintains three in-vessel composting containers, a food waste mixing container, covered storage areas for wood chips/debris and the finished compost product on approximately 5.5 acres. The use is regulated by the North Carolina Department of Environment and Natural Resources (NCEDQ) and is permitted as a Type III Composting Facility.

The existing lease expired on August 1, 2018, and is currently on a month-to-month tenancy. Danny's Dumpster has requested a new two-year lease with the City of Asheville to continue operations at this site. Danny's Dumpster has purchased a site in Leicester and has begun construction of a permanent facility, and the firm has requested two additional years with the City in order to successfully transition to the new location.

City Real Estate staff consulted with staff from Public Works, Solid Waste and Sustainability concerning this request and received support from these functions for the two-year lease, as follows:

- The Sustainability Officer noted that there are no other commercial composting businesses in the Asheville area and as the City continues its efforts to reduce waste from entering the landfill, Danny's Dumpster is the only service provider accepting organics. Currently, Danny's Dumpster accepts 2,340 tons of food/compostable waste per year and accepts 11,700 cubic yards of carbon waste such as wood chips or leaves.
- The manager of the City's solid waste function stated that diverting this amount of compostable waste extends the life of the Buncombe County landfill, which is both an economic and environmental benefit to the citizens of this community.
- The Public Works Department utilizes land adjacent to Danny's Dumpster for a beneficial fill site for inert materials such as concrete and asphalt. Public Works needs to expand this beneficial site into the area occupied by Danny's Dumpster, and is amenable to the two-year extension so long as the lease is terminated after the two-year period. Danny's Dumpster is willing to reduce the leased footprint to allow for the beneficial landfill site to expand within the two-year lease period.

The proposed lease has a term of two years with no renewals allowed. Danny Keaton, as the owner of Danny's Dumpster, has indicated to the Real Estate Division that he is transitioning his operation to one that is completely indoors. He has purchased land, equipment and technology in Leicester to convert his operation and he has requested 24 months to accomplish this transition. The lease can be terminated by either party with sixty days written notice.

The fair market rental rate is based on a capitalization rate of 5.5% for unimproved land and discounted because of accessibility issues and the absence of any infrastructure such as water or sewer. The market rate rental rate has been established at $1,437.00 per month and the tenant has agreed to pay this amount. This is based on the existing site and can be adjusted based on acreage if Danny's Dumpster reduces the lease footprint to allow use by the Public Works - beneficial landfill site (based on future needs of the Public Works Department).

It should be noted that a homeowner on Gashes Creek Road has filed a complaint with Danny Dumpster's NCDEQ as well as the City of Asheville about the odor emanating from the composting facility. Complaints of this sort are handled by the permitting agency and NCDEQ has informed Danny's Dumpster of this complaint. In response, Danny's Dumpster uses more carbon (wood chips, leaves) in the processing of food waste to reduce the odor. City staff visited Gashes Creek Road on a hot day in June and were unable to verify that a noxious smell was present in the neighborhood, however it is acknowledged that odor can vary due to temperature, wind, and rainfall.

Pros:

- This lease will support the local green economy.
- This lease contributes to solid waste reduction.
- The City will be receiving rental income.
- Additional area will be available for the beneficial landfill to expand.

Con:

- The operation can generate unpleasant odors during certain times of the year such as when the area gets heavy rains as indicated by the complaint that has been filed.

The General Fund will receive the rental income.

City staff recommends City Council adopt a resolution authorizing the City Manager to execute a lease agreement with Danny's Dumpster for a Type III composting operation with a maximum term of two years.

RESOLUTION BOOK NO. 40 - PAGE 54

J. RESOLUTION NO. 18-204 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH APPALACHIAN PAVING AND CONCRETE FOR THE FISCAL YEAR 2019 CONCRETE MAINTENANCE PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of $239,925 plus a contingency of 12.75% ($30,590) with Appalachian Paving and Concrete for the project known as Fiscal Year 2019 Concrete Maintenance Contract.

This contract will address a number of ADA issues throughout the City. A list of the proposed project was provided to Council.

The project was advertised on July 16, 2018, and bids were opened on August 9, 2018, with the following results:

Appalachian Paving and Concrete, Inc. of Swannanoa, NC	$239,925
Patton Construction Group of Arden, NC	$358,930

The low bid is within 2.3% of the engineers estimate.

A 12.75% contingency ($30,590) has been added to allow payment for any unforeseen costs that typically arise during construction.

Pros:

- Will correct a number of sidewalk issues throughout the City.
- Addresses pedestrian safety by providing the required sidewalk maintenance.

Con:

- Project management and contract administration will consume staff time.

Funding for this contract is in the Fiscal Year 2018-2019 budget. This funding is our annual pay-as-you-go sidewalk maintenance program and is not bond or debt funded.

City staff recommends City Council adopt the resolution awarding the contract to Appalachian Paving and Concrete Inc. and authorizing the City Manager to execute a contract in the amount of $239,925 plus a contingency of $30,590 (12.75%) for the FY 19 Concrete Maintenance and ADA Improvements Contact.

RESOLUTION BOOK NO. 40 - PAGE 55

K. RESOLUTION NO. 18-205 - RESOLUTION ACCEPTING MANCHESTER DRIVE AS A CITY STREET

Summary: The consideration of a resolution to accept Manchester Drive as a City street.

The engineer of record, Civil Design Concepts, for a recently completed 10-unit single-family residential community that is served by Manchester Drive in the Haw Creek area has offered this street for dedication to the City for public use on behalf of the developer.

Manchester Drive from Waters Road to its dead-end is a developer-constructed street that has an average width of 20 feet with grass shoulders, a length of 0.13 mile, and a right-of-way width of 50 feet. In addition, street lights are in place along the entire length of the street.

Transportation Department staff, Fire Department staff, Planning Department staff, and Public Works Department staff inspected the subject street and determined that it was constructed according to current standards as indicated in the City of Asheville's Standard Specifications and Details Manual.

Following City Council's approval of this resolution, the subject street will be added to the official Powell Bill List.

Pros:

- The City of Asheville will receive Powell Bill Funds from the North Carolina Department of Transportation (NCDOT) to help maintain the street.
- The street provides access to residential properties.

Con:

- Powell Bill Funds will not cover 100% of the total cost to maintain the street.

There will be no initial financial impact to the City, although the responsibility of maintenance will belong to the Public Works Department. The City will receive Powell Bill Funds in the future to help maintain the street.

Staff recommends that City Council accept Manchester Drive as a City street.

RESOLUTION BOOK NO. 40 - PAGE 56

L. RESOLUTION NO. 18-206 - RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS SMATHERS LANE AND SETTING A PUBLIC HEARING FOR OCTOBER 9, 2018

Summary: The consideration of a resolution of intent to permanently close an unopened right of way known as Smathers Land and setting a public hearing on October 9, 2018.

N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.

Pursuant to this statute, adjoining property owner, Duke Energy, owner of parcel 9648-19-0490, has requested the City of Asheville to permanently close an unopened r/w known as Smathers Ln. A copy of this resolution of intent shall be sent by registered or certified mail to all property owners abutting the unnamed alley, not joining in the petition to close.

The Multimodal Transportation Commission reviewed this request at their May 23, 2018, meeting and recommended approval of the closure.

Pursuant to N.C. Gen. Stat. Sec. 160A-299, prior to closing the alley, the City Council must first adopt a resolution, declaring its intent to close the alley and calling a public hearing on the question. This resolution of intent shall be published once a week, for four successive weeks prior to the date of the hearing.

A copy of this resolution of intent shall also be sent by registered or certified mail to all [CH1] owners of property adjoining the alley, as shown on the county tax records. A copy of this resolution shall also be prominently posted, in at least two places, along the alley, to provide notice of the closing and public hearing.

Pros:

- There will be no future compromise of ingress/egress to other property
- The closure would allow for more efficient use of the existing adjacent properties
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con:

- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt the resolution of intent to permanently close an unopened right of way known as Smathers Lane and set a public hearing on October 9, 2018.

RESOLUTION BOOK NO. 40 - PAGE 58

M. RESOLUTION NO. 18-207 - RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNNAMED RIGHT-OF-WAY LOCATED NEAR THE INTERSECTION OF HENDERSONVILLE ROAD AND SWEETEN CREEK ROAD AND SETTING A PUBLIC HEARING FOR OCTOBER 9, 2018

Summary: The consideration of a resolution of intent to permanently close an unopened right of way located near the intersection of Hendersonville Road and Sweeten Creek Road and setting a public hearing on October 9, 2018.

N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.

Pursuant to this statute, adjoining property owner, Dena Yamalis, owner of parcels 9654-40-6970 and 9654-40-6803, have requested the City of Asheville to permanently close an unopened r/w located near the intersection of Hendersonville Rd., and Sweeten Cr. Rd. In addition 2506 Hendersonville Rd LLC, owner of parcel 9654-40-6526, has been contacted and has consented to the closure. A copy of this resolution of intent shall be sent by registered or certified mail to all property owners abutting the unnamed alley, not joining in the petition to close.

The Multimodal Transportation Commission reviewed this request at their May 23, 2018, meeting and recommended approval of the closure.

Pursuant to N.C. Gen. Stat. Sec. 160A-299, prior to closing the alley, the City Council must first adopt a resolution, declaring its intent to close the alley and calling a public hearing on the question. This resolution of intent shall be published once a week, for four successive weeks prior to the date of the hearing.

A copy of this resolution of intent shall also be sent by registered or certified mail to all [CH1] owners of property adjoining the alley, as shown on the county tax records. A copy of this resolution shall also be prominently posted, in at least two places, along the alley, to provide notice of the closing and public hearing.

Pros:

- There will be no future compromise of ingress/egress to other property
- The closure would allow for more efficient use of the existing adjacent properties
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con:

- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt the resolution of intent to permanently close an unopened right of way located near the intersection of Hendersonville Road and Sweeten Creek Road and set a public hearing on October 9, 2018.

RESOLUTION BOOK NO. 40 - PAGE 60

N. RESOLUTION NO. 18-208 - RESOLUTION AUTHORIZING THE CITY MANAGER ENTER INTO AN AGREEMENT WITH THE CODE FOR AMERICA LABS INC. TO PARTICIPATE IN THE COMMUNITY FELLOWSHIP PROGRAM

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with Code for America Labs, Inc. to participate in the Community Fellowship Program to enhance the State of Black Asheville by creating a shared tool for addressing the issues underlying racial disparity in Asheville.

The Code for America Community Fellowship program aims to strengthen the relationship between local Code for America Network leaders and their governments — to create conditions where change can "stick" and help transform government from the inside out.

Code for America (CfA) fellows will spend 3-6 months collaborating with government staff, researching user needs, meeting with key stakeholders, and improving service delivery to vulnerable populations. The product could be an early-stage application, an improved procurement, an open data release, or other project that improves the delivery of a government service or function, at a fraction of the cost if the City government were to take on this project alone. The process will act as a vehicle for driving cultural and structural change inside of government — encouraging innovation, reducing risk by involving users early, and increasing capacity for serving the public.

As proposed and accepted, the City of Asheville is a partner in the CfA Community Fellowship Program in Asheville. As part of this program, the City of Asheville is collaborating with two CfA fellows, who are working as independent contractors, to update and enhance the State of Black Asheville website to incorporate more data-driven functionality, including visualizations built on open data, that is accessible to all stakeholders, particularly members of the community.

CfA will provide mentorship, project management and training for two fellows working as independent contractors. The fellows will travel to San Francisco for meetings and the majority of their work will be performed in Asheville. The fellows will develop the tool on their own, without direction from CfA, building out data-driven enhancements for the criminal justice focus area of the State of Black Asheville. Using data gathered from the City and other sources they will create a shared tool for addressing the issues underlying criminal justice racial disparities in Asheville. An additional feature is to engage community to ensure the tool makes disparity data more accessible to those interested in change at the policy, practice and budget level.

This tool will be developed according to what the fellows determine is the best possible methods for disseminating the collected information. This could be a webpage with a dashboard, an application, and/or it could connect to an existing City application such as SimpliCity.

The request for approval for the CfA Community Fellowship Agreement is scheduled for consideration by the Finance and Human Resources Committee on August 28, 2018, and pending Finance and Human Resources Committee approval it will be considered by Council.

Pros:

- Demonstrates City Council Vision 2036 value as a municipal government connected and engaged to community.
- Creates new accessibility to criminal justice racial disparities data for the community and for systems to embark on eliminating said disparities

Cons:

- None identified.

The direct cost of this agreement is $10,000 plus expenses, not to exceed $11,000, which is included in the Information Technology Services Department adopted FY 2018-19 budget. There will also be indirect costs associated with staff time for the Director of Equity & Inclusion, and staff time for the Digital Services Architect. Code for America will invest approximately $80,000 in direct costs for this community project.

Staff recommends City Council approve an agreement authorizing the City Manager to partner with Code for America Community Fellowship.

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O. RESOLUTION NO. 18-209 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE EXECUTIVE OFFICE

OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY FOR THE HIGH INTENSITY DRUG TRAFFIC AREA 2017 GRANT

ORDINANCE NO. 4690 - BUDGET AMENDMENT FOR THE OFFICE OF NATIONAL DRUG CONTROL POLICY'S HIGH INTENSITY DRUG TRAFFIC AREA 2017 GRANT

Summary: The consideration of (1) a resolution authorizing the City Manager to accept grant funds under the Executive Office of the President, Office of National Drug Control Policy; and (2) a budget amendment in the City's Special Revenue Fund in the amount of $25,000 for the Office of National Drug Control Policy's High Intensity Drug Traffic Area (HIDTA) 2017 grant in which the Asheville Police Department (APD) serves as the fiduciary for the Asheville Area HIDTA Task Force.

The mission of the HIDTA program - authorized by the Anti-Drug Abuse Act of 1988 and administered by the Office of National Drug Control Policy - is to reduce drug trafficking in the most critical areas of the county, thereby reducing the impact of illegal drugs in other areas. Asheville has for many years been designated as a HIDTA site. Asheville's HIDTA serves as a key drug trafficking reduction effort, critically positioned between the Atlanta HIDTA and the Appalachia HIDTA.

The Asheville HIDTA is comprised of members of the United States Drug Enforcement Administration (DEA), Asheville Police Department, Buncombe County sheriff's Office, Henderson County Sheriff's Office and McDowell County sheriff's Office. The Asheville HIDTA is a component of the Asheville DEA Task Force. The HIDTA task force primarily concentrates on high volume, high value drug trafficking. As an example, the task force was recently involved in a case involving the large seizure of controlled substances from persons with local and National ties, involved in the trafficking of narcotics in this region and beyond.

The City of Asheville serves as the partial fiduciary for the Asheville HIDTA and has recently agreed to expand this service to include all program expenses. The allotted funds from the Federal government will be used for investigative purposes and other program expenses including employee overtime, mobile phones and miscellaneous supplies. The expenditure of all funds are tracked and audited by both local and Federal authorities.

This modification of $25,000 is an increase to the original award of $22,335 for a new total of $47,335 which reflects the increased fiduciary responsibility assumed by APD.

Pros:

- Federal HIDTA funds will be used for investigative purposes and program expenses.
- Continue to foster partnerships with Federal and local law enforcement agencies.

Con:

- Funding from the Office of National Drug Control Policy is awarded annually.

There is no impact to the City's General Fund Budget.

Staff recommends City Council adopt (1) a resolution authorizing the City Manager to accept grant funds under the Executive Office of the President, Office of National Drug Control Policy; and (2) a budget amendment to accept grant funds in the amount of $25,000 through the Office of National Drug Control Policy to modify the HIDTA 2017 Grant.

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P. RESOLUTION NO. 18-210 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS/SUPPLEMENTAL AGREEMENTS WITH WITHERSRAVENEL, INC. FOR PROFESSIONAL ENGINEERING SERVICES PURSUANT TO A MASTER AGREEMENT

Summary: The consideration of a resolution authorizing the City Manager to continue entering into a professional services contracts in individual amounts not to exceed $90,000, with WithersRavenel, Inc. for design and engineering professional services under an existing Master Services Agreement.

The staff requires design and civil engineering services for various tasks to complete projects throughout the City. These tasks, may include but are not limited to, civil design, flood study and certification, geotechnical work, survey and construction engineering services. On-call services are a way for the City to quickly, efficiently and effectively respond when engineering services are required. On-call services are also allowed in the State of North Carolina and are used across the State as a best practice for securing these services.

In order to secure firms to perform this work, the City must follow a qualifications-based procurement process. A Request for Qualifications for these services, on an on-call basis, was published on February 22, 2018. In response to the Request for Qualifications, the following twelve (12) firms submitted packages:

WithersRavenel	Wetherill Engineering
Vaughn & Melton	SEPI Inc.
Michael Baker & Assoc	McGill & Associates
Mattern & Craig	Kimley Horn
Gresham Smith Partners	Clark Patterson Lee
Clark Nexsen	Civil & Environmental Consultants Inc.

The review team utilized a scoring matrix to assess the qualifications of the proposed firms. The firm with the highest score was WithersRavenel, Inc. Based upon the qualifications-based selection process, which identified WithersRavenel as the most qualified firm to perform this work, the City entered into a no cost contract (i.e. Master Agreement) with the intent of entering into individual supplemental agreement contracts to perform specific activities and distinct work. Staff anticipates that services rendered through these individual contracts cumulatively under this agreement will exceed $90,000. Although not required, staff is seeking confirmation from City Council that they are willing to continue the use of this practice and authorize this work to continue.

The continued use of this on-call contract will involve identification of projects which require engineering services. Upon identifying these projects, staff will negotiate a scope of work and fee for services based on the contracted cost framework and specific project needs. The duration of these on-call service contracts will be for an initial term of two years with an option to renew for up to three additional one-year periods. If a contract individually exceeds the City Manager's approval threshold of $90,000, staff will bring this contract to City Council for individual approval. All contracts below this threshold will be authorized by the City Manager based upon

the completion of the Qualifications Based Selection Process as explained previously in this memo and City Council approval of this resolution .

Pros:

- A well-qualified firm will perform services in support of design services and engineering needs.
- These services will be available to support various programs and projects within the City's portfolio, including capital improvement projects, facilities construction and renovation projects.

Con:

- None identified.

Supplemental agreements for specific projects will be awarded based on existing budget plans for those projects.

Staff recommends City Council adopt a resolution authorizing the City Manager to continue entering into a professional services contracts with WithersRavenel, Inc. for design and engineering professional services under the on-call services Master Agreement described herein.

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Q. RESOLUTION NO. 18-211 - RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO DISPOSE OF SURPLUS CITY-OWNED PERSONAL PROPERTY VALUED AT $30,000 OR MORE

Summary: The consideration of a resolution authorizing the sale of one (1) 2008 Sterling LT9500 Dump Truck deemed surplus City personal property.

The City's Water Resources Department -- Maintenance Division, identified a 2008 Sterling LT9500 Dump Truck as surplus personal property, with no anticipation of utilization by the City. Pursuant to N.C.G.S. §160A-266, the Sale and Disposal of Personal Property valued at $30,000 or more must be approved by City Council. The City's Purchasing Manager has authority to dispose of personal property valued at less than $30,000 by private negotiation and sale. The estimated wholesale value of the 2008 Sterling LT9500 Dump Truck is listed at $40,000+, $1000 - $10,000 above wholesale, depending on condition. Bids were solicited and received from several potential purchasers. The final bid amount at the close of the auction on Sunday, July 22, 2018, was $49,100. City Council is being asked to approve the sale of the Dump Truck for $49,100.

Pros:

- Promotes City of Asheville fiscal responsibility of disposing of surplus property which generates revenue
- Space utilization eliminates the need to store large, unused equipment
- Competitive process yielded market price

Con:

- None

The dump truck is fully depreciated and the Water Resources Fund will recognize the entire $49,100.00 as revenue from the sale of assets.

City staff recommends City Council adopt a resolution approving the sale of the 2008 Sterling LT9500 Dump Truck to the prospective purchaser for the amount of $49,100.

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R. **RESOLUTION NO. 18-212 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY CUP**

RESOLUTION NO. 18-213 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE GOOMBAY FESTIVAL

RESOLUTION NO. 18-214 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE FARM TO VILLAGE DINNER

RESOLUTION NO. 18-215 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BREWGRASS FESTIVAL

RESOLUTION NO. 18-216 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT ASHEVILLE OKTOBERFEST

Summary: The consideration of a resolution authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Beer City Cup, Goombay Festival, Farm to Village Dinner, Brewgrass Festival, and Asheville Oktoberfest.

- WNC Soccer Foundation has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Beer City Cup and allow for consumption at this event.

  The Beer City Cup will be held on Sunday, September 2, 2018, from 9:00 a.m. to 10:00 p.m. within the boundaries of Memorial Stadium as per the area limits referenced on the accompanying site map.

- YMI Cultural Center has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Goombay Festival and allow for consumption at this event.

  The Goombay Festival will be held on Friday, September 7, 2018, from 5:00 p.m. to 10:00 p.m., Saturday, September 8, 2018, from 10:00 a.m. to 10:00 p.m. and Sunday, September 9, 2018, from 12:00 p.m. to 6:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

- Historic Biltmore Village Association via Manna Food Bank has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Farm to Village Dinner and allow for consumption at this event.

  The Farm to Village Dinner will be held on Thursday, September 6, 2018, from 6:00 p.m. to 9:00 p.m. within the boundaries of Boston Way as per the area limits referenced on the accompanying site map.

- Asheville Brewers Alliance has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Brewgrass Festival and allow for consumption at this event.

  The Brewgrass Festival will be held on Saturday, September 15, 2018, from 12:00 p.m. to 6:00 p.m. within the boundaries of Memorial Stadium as per the area limits referenced on the accompanying site map.

- Asheville Downtown Association has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at Asheville Oktoberfest and allow for consumption at this event.

  Asheville Oktoberfest will be held on Saturday, October 6, 2018, from 1:00 p.m. to 6:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for WNC Soccer Foundation, YMI Cultural Center, Historic Biltmore Village Association, Asheville Brewers Alliance, and Asheville Downtown Association

Con:

- Potential for public safety issues

Staff recommends City Council adopt a resolution authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Beer City Cup, Goombay Festival, Farm to Village Dinner, Brewgrass Festival, and Asheville Oktoberfest.

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RESOLUTION NO. 18-213 - RESOLUTION BOOK NO. 40 - PAGE 69
RESOLUTION NO. 18-214 - RESOLUTION BOOK NO. 40 - PAGE 72
RESOLUTION NO. 18-215 - RESOLUTION BOOK NO. 40 - PAGE 75
RESOLUTION NO. 18-216 - RESOLUTION BOOK NO. 40 - PAGE 78

S. RESOLUTION NO. 18-217 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION FROM BUNCOMBE COUNTY AND CONNECT BUNCOMBE TO BE APPLIED TOWARDS THE LOCAL MATCH FOR THE NORTH RIVER ARTS DISTRICT GREENWAY PROJECT

ORDINANCE NO. 4691 - BUDGET AMENDMENT FOR DONATION FROM BUNCOMBE COUNTY AND CONNECT BUNCOMBE FOR THE NORTH RIVER ARTS DISTRICT GREENWAY PROJECT

Summary: The consideration of 1) a resolution to accept a combined $40,000 donation from Buncombe County ($20,000) and Connect Buncombe ($20,000) for the North River Arts District (RAD) Greenway; and 2) a budget amendment in the City's Special Revenue Fund in the amount of $300,000 to budget the $20,000 donation from Buncombe County, the $20,000 donation from Connect Buncombe, the City's contribution of $20,000 from City Manager's Contingency, and $240,000 in grant funding from the Surface Transportation Block Grant - Direct Attributable (STBGDA) grant to setup the project for the North River Arts District Greenway.

In 2016, Buncombe County applied for and was awarded a $300,000 Surface Transportation Block Grant - Direct Attributable (STBGDA) grant to be used for the preliminary engineering phase for the North RAD Greenway project from Hill Street to SR 1781 (Broadway), a total distance of about 1.1 miles. This project is identified in the 2018-2027 State Transportation Improvement Program as EB-5822 with a total project cost of $300,000 for Federal FY 2018. In 2017, Buncombe County approached the City asking if we would be interested in administering and managing the project. The City agreed to accept that role and the required $60,000 local match is being provided equally by the City, Buncombe County, and Connect Buncombe.

The Finance & Human Resources Committee reviewed this action on July 24, 2018 and recommended that it move forward to City Council for review and approval.

Pros:

- The grant will enable the preliminary engineering phase to proceed on an important greenway connection.
- Buncombe County and Connect Buncombe will provide $20,000 each towards the required local match.

Con:

- The City is responsible to provide $20,000 of the required local match.

The City has budgeted the $20,000 in the FY 2019 general fund budget as part of the City's Manager Contingency; and the donated funds from Buncombe County and Connect Buncombe will provide the balance of the required local match.

Staff recommends that City Council approve: 1) a resolution to accept a combined $40,000 donation from Buncombe County ($20,000) and Connect Buncombe ($20,000) and to authorize the City Manager to execute any documents necessary to accept such funding; and 2) a budget amendment in the City's Special Revenue Fund in the amount of $300,000 to budget the $20,000 donation from Buncombe County, the $20,000 donation from Connect Buncombe, the City's contribution of $20,000 from City Manager's Contingency, and $240,000 in grant funding from the Surface Transportation Block Grant - Direct Attributable (STBGDA) grant to setup the project for the North River Arts District (RAD) Greenway.

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T. RESOLUTION NO. 18-218 - RESOLUTION REVISING THE EXISTING POLICY FOR THE NAMING OF PUBLICLY OWNED PROPERTIES TO INCLUDE THE DEDICATION OF INFRASTRUCTURE (PUBLIC STREETS AND BRIDGES) WITHIN THE PUBLIC RIGHT-OF-WAY

Summary: The consideration of a resolution revising the existing policy for the naming of publicly owned properties.

City Council approved a resolution adopting a policy for the naming of publicly owned properties on March 25, 2014 via resolution # 14-55. The policy includes the naming of public property such as buildings, parks, squares, and greenways that exist on city-owned property but it does not include infrastructure (public streets and bridges) within the public right-of-way.

Transportation Department staff and Asheville Police Department staff took the lead role in developing a policy for dedicating portions of City streets and bridges. The N.C. Dept. of

Transportation (NCDOT) has a street and bridge naming policy and the City's proposed policy is patterned after their policy.

The revised policy includes a section for the dedication of municipal streets and bridges within the public right-of-way. In addition to the Police Department, the revised policy has been reviewed and endorsed by the Public Works Department, the Fire Department, and the Water Department.

The PED Committee reviewed this action on July 23, 2018, and recommended that it move forward to City Council for review and approval.

Pro:

- Expands the written policy to include infrastructure (public streets and bridges) within the public right-of-way

Con:

- There are no known negative impacts.

The only known cost would be the material, fabrication and installation cost of the signs and that cost would be included in the Transportation Department annual operating budget.

Staff recommends that City Council adopt a resolution revising the existing policy for the naming of publicly owned properties to include infrastructure (public streets and bridges) within the public right-of-way.

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U. ANNOUNCEMENT OF THE SETTLEMENT OF THE JOHNNIE RUSH LAWSUIT

Summary: A Settlement and Release Agreement was executed by the City and Johnnie Jermaine Rush on August 3, 2018. The terms of the agreement provide that the City will pay a total of six hundred and fifty thousand dollars ($650,000.00) in exchange for a release of claims Mr. Rush could assert against the City related to events on August 24-25, 2017.

V. RESOLUTION NO. 18-219 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT TO A CONSTRUCTION MANAGER AT RISK AGREEMENT WITH J. BRADLEY CONTRACTING INC. FOR THE CONSTRUCTION OF THE U.S. CELLULAR CENTER RENOVATION & HVAC PROJECTS

Summary: The consideration of a resolution authorizing the City Manager to execute a contract amendment to a Construction Manager at Risk Agreement (CMAR) with J. Brady Contracting, Inc. in the amount of $536,135 for the construction of the U.S. Cellular Center Renovation & HVAC Projects (Press/Meeting Room and Storage Phase).

The City Council's adopted budget for the 2016-17 fiscal year included a Capital Improvements project for the U.S. Cellular Center that is partially funded by 2016 Tourism Product Development Fund (TPDF) grant for $1,500,000. The project provides flexible theater seating in the arena, a sound and lighting package, and converts a storage room into a press/meeting room; additional supporting projects include the expansion of storage for the displaced room, and modernization of the building's 1970's era HVAC system. These improvements will increase the venue's capacity, capabilities, and will reduce operational costs that will enable it to expand the type and frequency of events that the venue can host. The facility renovation and HVAC

modernization components of this project are managed by the General Services Department, in coordination with the U.S. Cellular Center.

Due to timing and need, the press/meeting room and storage expansion projects will be constructed first, in preparation for scheduled events; the HVAC modernization project will begin when event scheduling and weather are optimal for off-season replacement of cooling and heating equipment.

On January 23, 2018, the General Services Department issued a Request for Qualifications for a Construction Manager at Risk (CMAR) for the U.S. Cellular Center Facility Renovation and HVAC Modernization Projects. The services provided by the CMAR include preconstruction services (including cost estimation, value engineering, public bidding, and minority business outreach) and construction management services.

In response to the Request for Qualifications, the department received seven responsive submittals on February 14, 2018. The companies responding were:

1. American South General Contractors (Sanford, NC)
2. Brantley Construction Company (Weaverville, NC Office)
3. Harper Corporation (Greenville, SC)
4. Hickory Construction Company (Hickory, NC)
5. H&M Constructors (Asheville, NC)
6. J. Brady Contracting (Greensboro, NC)
7. Vannoy Construction (Asheville, NC Office)

Following a review of qualifications by City staff and the Program Manager, J. Brady Contracting, Inc. was selected as the most qualified firm for this project. The City Manager awarded the preconstruction services contract to J. Brady Contracting, Inc. in the amount of $67,000 on May 14, 2018. After months of work with designers and City staff, and in accordance with the requirements of N.C.G.S 143-128.1(c), the City and CMAR publicly bid the Press/Meeting Room and Storage Renovation Phase. The negotiated fee for this additional work requires a contract amendment in the amount of $536,135, and the resulting total contract amount will be $603,135 for consideration by City Council.

Pros:

- Improve the venue's ability to host a wider range of events.
- Reduce energy consumption and operational costs at the U.S. Cellular Center.
- Leverage grant funding in partnership with the Buncombe County Tourism Development Authority.

Con:

- None.

The funding needed for this agreement is currently allocated within the TPDF Theater Project (C1701) in the Capital Improvement Program (CIP) Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a contract amendment to the construction manager-at-risk contract with J. Brady Contracting, Inc., for the guaranteed maximum price of $536,135 for construction services for the U.S. Cellular Center Facility Renovation & HVAC Modernization Project (Press/Meeting Room Conversion and Storage Renovation Phase), which yields a total contract amount of $603,135.

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W. RESOLUTION NO. 18-220 - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASHEVILLE, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF A WATER REVENUE BOND ANTICIPATION NOTE AND CERTAIN RELATED MATTERS

Summary: The consideration of a resolution authorizing and directing the Interim City Manager and Chief Financial Officer, with advice from the City Attorney and Bond Counsel, to pursue and negotiate on behalf of the City debt financing for capital projects associated with the City's water system with a draw program that includes the issuance of interim Water Revenue Bond Anticipation Note ("Water BAN") in an amount not to exceed $40,000,000.

The City has reimbursement resolutions for Council approved capital projects associated with the City's water system authorized as part of the FY 2019 Budget. The interim Water BAN draw program will reimburse the City for costs incurred to date for those projects and allow the City to complete many of the projects. Upon completion, these projects will be permanently financed through longer-term Water Revenue Refunding Bonds.

The resolution authorizes the Interim City Manager and Chief Financial Officer to proceed and negotiate an interim Water BAN financing on behalf of the City. The resolution also authorizes the Chief Financial Officer to provide information to and seek necessary approvals from the LGC for such financing and to retain assistance from bond counsel and financial advisors as she deems necessary to carry out the transaction and makes certain findings required by the LGC to support the City's application to the LGC. Such program will be in accordance with the provisions of The State and Local Government Revenue Bond Act of the General Statutes of North Carolina.

Pro:

- Allows the City to move forward with capital projects associated with the City's water system and Draw Program financing.

Con:

- None noted.

The interim Water BAN draw program includes an amount not to exceed $40,000,000. The annual debt service payments for this financing depend ultimately on the timing of the loan draws over the course of an approximate two year period and will be estimated following responses from the considered banks. The annual debt service estimates will be included in the Staff Report provided for the September 25, 2018 City Council meeting.

Staff recommends that City Council approve the resolution as it is proposed.

At the request of Councilman Kapoor, Director of Finance and Management Services Barbara Whitehorn explained the requested resolution.

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X. MOTION TO SET A PUBLIC HEARING ON SEPTEMBER 11, 2018, TO RENAME A 500' SECTION OF RIVERSIDE DRIVE TO RIVER ARTS PLACE

Summary: The consideration of a motion setting a public hearing on September 11, 2018, to consider a street name change to rename a 500' section of "Riverside Drive" to "River Arts Place."

A portion of Riverside Drive is slated for realignment with major enhancements detailed in the River Arts District Transportation Improvement Plan (RADTIP). The realignment of streets and the construction of a new roundabout at the Lyman St intersection will reroute a newly constructed section of Riverside Drive to the west. It is the approximate 500' section remnant of existing Riverside Drive proposed to be renamed as River Arts Place. Changes to existing public street names shall be approved through a resolution of the City Council following a public hearing advertised with state open meeting laws. The Notice will be posted prominently on each end of the street, published at least once in a newspaper and mailed to all property owners adjoining the affected right-of-way.

The Public Safety Committee reviewed the request at their July 2, 2018, meeting and recommended to change the name of a section of Riverside Drive to River Arts Place.

Pro:

- Potential emergency response enhanced with a specific unique street name.

Con:

- Cost and labor of replacing two street name signs.

Material, fabrication and installation costs of the new street signs is included in the Transportation Department annual operating budget.

City staff recommends City Council adopt a motion authorizing the City Manager to set a public hearing on September 11, 2018, to change the name of a section of Riverside Drive to River Arts Place.

Y. RESOLUTION NO. 18-221 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION OF PROPERTY LOCATED OFF OF SOUTHCLIFF PARKWAY FROM MRECV SOUTHCLIFF LM LLC

Summary: The consideration of a resolution authorizing the City Manager to accept the conveyance of real property located off of Southcliff Parkway (portion of PIN # 9677-75-3989, associated easements and rights-of-way) from MRECV Southcliff LM LLC.

As part of the infrastructure to support the Southcliff Community located in Fairview, a water tank and associated water lines were constructed by the developers to serve the community. Once constructed, the Water Resources of the City of Asheville inspects the improvements and incorporates the improvements in to the water system through a formal acceptance of the property. The infrastructure and real property proposed for acceptance is as follows: 0.21 acres of real property, improved with a water tank; 20 ft wide easement and associated water lines; and a 45' wide road right-of-way to be combined with the Southcliff right-of-way road system.

Pro:

- Acceptance of the property will allow for City maintenance and long-term ownership of the water improvements.

Con:

- None noted

There will be no fiscal impact to the City as the subject property is being donated at no cost.

City staff recommends that City Council adopt the resolution authorizing the City Manager to accept the conveyance of real property located off of Southcliff Parkway from MRECV Southcliff LM LLC.

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Z. RESOLUTION NO. 18-222 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR GRANT FUNDS THROUGH THE US OFFICE OF JUSTICE FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE 2018 GRANT, AND IF AWARDED, ENTER INTO SAID AGREEMENT

ORDINANCE NO. 4692 - BUDGET AMENDMENT FOR THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE 2018 GRANT

Summary: The consideration of (1) a resolution authorizing the City Manager to apply for funds through the US Office of Justice, Edward Byrne Justice Assistance 2018 Grant – Local Solicitation, and if awarded, enter into said agreement; and (2) a budget amendment, in the amount of $58,235.

The City of Asheville Police Department (APD) requests authorization to apply for the Byrne JAG – Local Solicitation and if awarded, to enter into said agreement. This is a predetermined amount of funds based on the Part I Uniform Crime Reporting Crimes. The Asheville Police Department and Buncombe County Sheriff's Office will be allocated $58,235 based on the award matrix, with the City of Asheville receiving $46,494 and Buncombe County receiving $11,741. The distribution of funds will be approved through a signed Memorandum of Understanding.

APD proposes to use JAG funds to purchase an Interview Recording Platform. This system will allow for the recording, organizing and streaming of crucial interviews. An interview recording platform will allow APD to capture video of witness and suspect interviews, tag it with descriptive metadata, and automatically transfer it to an appropriate storage system. The platform will be a full interview room video solution that provides critical, defensible evidence for the prosecution.

The Buncombe County Sheriff's Office proposes to use JAG funds to purchase duty weapons and issue them to deputies for use in various assignments from Patrol to School Resource Officers to SWAT members. These roles are vital in protecting the community. It is necessary that a law enforcement agency have duty weapons on hand to issue to officers as needed for training and for individual assignments. The weapons requested are items that will be needed over the next fiscal year that were not included in their normal operating budget.

This is a 100% funded non-local match grant. The application due date was August 22, 2018 and it was submitted on August 13, 2018.

The request for the budget amendment will be presented to the Finance and Human Resources Committee on August 28, 2018, and any response other than unanimous approval to move to the full City council will be noted at that meeting.

Pros:

- Offers stronger evidence for prosecutors, boosting prosecution records on appeal and resulting in fewer pre-trial motions.

· To increase the ability to capture and protect crucial video interview evidence and protects officers from claims of abuse, coercion or perjury.

Cons:

· None

There is no local match required.

Staff recommends City Council adopt (1) a resolution authorizing the City Manager to apply for funds through the US Office of Justice, Edward Byrne Justice Assistance 2018 Grant – Local Solicitation, and if awarded, enter into said agreement; and (2) a budget amendment, in the amount of $58,235.

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ORDINANCE BOOK NO. 32 - PAGE 184

AA. ORDINANCE NO. 4693 - ORDINANCE TO ENACT A 25 MPH SPEED LIMIT ON HAZEL MILL ROAD FROM SR 1332 (LOUISIANA AVENUE) TO US 19-23-74A (PATTON AVENUE) AND MARTIN LUTHER KING DRIVE FROM SR 3284 (SOUTH CHARLOTTE STREET) TO US 70-74A (COLLEGE STREET) AND A 30 MPH SPEED LIMIT ON NORTH BEAR CREEK ROAD FROM US 19-23-74A (PATTON AVENUE) TO OLD COUNTY HOME ROAD

Summary: The consideration of an ordinance to enact and/or change the speed limits on various sections of streets in the City of Asheville.

According to state law (NCGS # 20-141), the statutory speed limit in North Carolina is 35 mph inside municipal corporate limits for all vehicles and 55 mph outside municipal corporate limits for all vehicles except for school buses and school activity buses. Furthermore, local authorities may authorize by ordinance higher speeds or lower speeds than the statutory 35 mph speed limit on locally-maintained streets provided that the higher speed limit cannot exceed 55 mph. Speed limits authorized by local authorities are effective when the appropriate signs are erected.

City staff recently completed traffic engineering investigations and determined that a 25 mph speed limit on Hazel Mill Road from SR 1332 (Louisiana Avenue) to US 19-23-74A (Patton Avenue) and Martin Luther King drive from SR 3284 (South Charlotte Street) to US 70-74A (College Street) would be reasonable and safe. In addition, City staff recently completed a traffic engineering investigation and determined that a 30 mph speed limit on North Bear Creek Road from US 19-23-74A (Patton Avenue) to Old County Home Road would be reasonable and safe.

This action aligns with the 2036 Council Vision in the Transportation and Accessibility area by creating safe and convenient access to jobs, health, education, and recreation opportunities.

Pros:

- City staff has been able to respond favorably to citizen's requests.
- The new speed limits will be consistent with roads of like character and design.
- Based on the 85th percentile speeds, most drivers would adhere to the recommended speed limits on these roads.

Con:

- None.

The initial cost to install the appropriate speed limit signs is about $1,000 and is included in the current operating budget for the Transportation Department.

City staff recommends that City Council approve an ordinance enacting a 25 mph speed limit on Hazel Mill Road from SR 1332 (Louisiana Avenue) to US 19-23-74A (Patton Avenue) and Martin Luther King drive from SR 3284 (South Charlotte Street) to US 70-74A (College Street) and a 30 mph speed limit on North Bear Creek Road from US 19-23-74A (Patton Avenue) to Old County Home Road.

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BB. RESOLUTION NO. 18-223 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH J. BARTHOLOMEW CONSTRUCTION LLC FOR THE RECREATION PARK POOL PUMP HOUSE RETAINING WALL PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a Construction Agreement with J. Bartholomew Construction, LLC for the amount of $138,537 to execute the scope of work per IFB # 298-18-GS-RecParkWall.

The project will replace an old concrete ramp and retaining wall at the Recreation Park Pool Pump House that is currently stabilized by a retrofitted steel bracing structure. The ramp area will be filled with compacted soil to the level of the pool deck to provide an expanded grassy area for the users of the pool facilities.

On June 4, 2018, the General Services Department issued an Invitation for Bids for Construction Services at the Recreation Park Pool Pump House at 69 Gashes Creek Road. The contract includes the construction of a retaining wall plus associated grading and drainage. In response to the solicitation, the department received two submittals on June 28, 2018. The companies responding were:

	Company	Location	Bid Amount
1.	J. Bartholomew Construction, LLC	Hendersonville, NC	$138,537
2.	Patton Construction Group, Inc	Asheville, NC	$220,750

The lower bid was submitted by J. Bartholomew Construction in the amount of $138,537. A 10% contingency on construction in the amount of $13,854 will be added to the project budget, for a total project budget of $152,391.

Pros:

- The new construction will provide a safer condition for the patrons of the pool facility.
- A new lawn will be provided for the enjoyment of the users of the pool.
- The retaining wall will enclose the pump house lower and upper levels. The enclosed space may be used for storage and reduce the chance of vandalism in this area.
- The work is scheduled to be completed after the pool season is completed and will not interrupt the public services provided by the pool.
- The work will replace a sidewalk that serves the adjacent playground and as a walkway to parking.

Con:

- During the improvements, some modest disruption will be seen in the visitor experience at the adjacent playground.

Funding for this contract will come from the Swimming Pools Capital Improvement Project that was already approved as part of the City's existing Capital Improvement Program (CIP).

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a Contract Agreement with J. Bartholomew Construction, LLC for the amount of $138,537 for the construction of a retaining wall at the Rec Park Pool Pump House.

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CC. RESOLUTION NO. 18-224 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUPPORT THE RIVERFRONT DEVELOPMENT GROUP APPLICATION TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY TDA FOR GRANT FUNDING OF CAPITAL PROJECTS ON CITY LAND OWNED/LEASED, AND TO COMMIT TO CONSIDER AN ALLOCATION OF $250,000 AS PART OF THE FISCAL YEAR 2019-20 CAPITAL BUDGET FOR PHASE I OF THE PROJECT

Summary: The consideration of a resolution authorizing the City Manager to support the Riverfront Development Group (RDG) application to the Buncombe County TDA for grant funding of capital projects on City owned or managed property and to commit to consider an allocation of $250,000 as part of the Fiscal Year (FY) 2019-20 Capital Budget for Phase I of the project.

In 2014, Asheville City Council and the Buncombe County Board of Commissioners determined that it was in the public interest to establish a commission to discover, develop, promote and implement projects and programs to recognize African American history in Buncombe County. This resulted in the formation of the African American Heritage Commission.

In 2016, to support this commission's purpose, staff from both the City and County Parks and Recreation Departments began working with the Stephens-Lee Alumni Association to publicly display artifacts from their archives in the Center. The purpose of that project is to support the Alumni Association and honor graduates of Stephens-Lee.

In 1999, with the support of the Alumni Association and the East End Neighborhood Association, the City was able to secure a PARTF Grant for major renovations to make improvements to the community recreational facility in the East Central Park District. The City's partnership with both of these organizations began in the 1980s as part of the development of MLK Park.

Supporting the Riverfront Development Group (RDG) could build on the successful relationship that the City has with the Alumni Association, the East End Neighborhood Association, and the Tourism Development Authority to acknowledge and recognize the past achievements of the African American community by supporting a pathway to raise funds for the following initiatives:

- Naming and marking with signage an African-American Heritage and Cultural District along a course running from the historic area known as The Block to the historic East End and along present-day South Slope, into Southside, and to the present-day River Arts District, and;

- Renovations to the site of the former Stephens-Lee High School for a Stephens-Lee African American History Museum.

In the short term, RDG is proposing to raise funds to implement the first phase of these projects.

If City Council adopts and authorizes the resolution of support, the following (and potentially others) are key community partners that will be involved in the implementation of the projects.

Alumni Association - The Stephens-Lee Alumni Association has celebrated a total of 23 reunions as an organization. While each individual class celebrates their own yearly reunion, the Alumni Association is the link between all of the the graduating classes. President Sarah Roland Hart.

East End Neighborhood Association - The East End / Valley Street Neighborhood Association represents the oldest African-American neighborhood in Asheville. Seeking to generate pride and participation in their neighborhoods and city. President Renee' White.

The Riverfront Development Group (RDG) - A 501(c)(3) corporation whose president is Catherine Mitchell. RDG has submitted a TPDF application to support a variety of African American History Projects; the Phase I Scope of Work below is based on her TPDF application.

Phase I Scope of Work

1. Upfit a section of the Stephens-Lee Recreation Center for the purposes of creating the Stephens-Lee African-American History Museum and Arts Center, to include the following:
    a. Upfit to the back third of the first floor corridor at the Stephens-Lee Recreation Center as part of the Stephens-Lee Museum
    b. Upfits that support the use as an event space, including event lighting in the second floor gymnasium and upfit of the kitchen to standards where it can be used for catering/food service.
    c. Upfit to the Alumni room as part of the Stephens-Lee Museum
    d. Potential renovation of a portion of the multi-purpose room or the after school room as an extension of the museum.
    e. Adding museum signage to the existing Stephens-Lee/Parks and Recreation identification sign

2. Installation of African-American Heritage Trail signage on City owned or leased property to include the following:
    a. Community overview sign: at Triangle Park
    b. A peek at the business district's past: at the north west corner of South Charlotte Street and Beaumont
    c. The neighborhood store: at the corner of Max and S. Charlotte Street
    d. The role of churches in the African-American neighborhood: on the west side of Max street near the intersection of old Max Street.
    e. The completed Trail would include approximately 19 installations along the route of the entire District, with opportunity for collaboration, especially with the City's Greenway plan, and requiring staff-level review of requests for each proposed location on City owned or leased property or City rights of way.

Considerations

If Council chooses to approve this request, staff would recommend that Council approve with the following recommendations:

- RDG coordinates with the Stephens-Lee Alumni Association and include other community stakeholders to create a shared vision for the design of the Museum and Arts Center.
- The program will be subject to a coordinated planning and assessment process that will help determine the feasibility of the various phases of the program, including the design, construction, and future uses of the facility.
- The vision and design scope of the project must be approved by the African American Heritage Commission, Recreation Advisory Board, Historic Resources Commission, and the Planning and Economic Development (PED) Committee of City Council.
- Staff relocate programs and services that will be impacted.
- A Memorandum of Agreement be developed between the City, RDG, Stephens-Lee Alumni Association, and the East End Neighborhood Association that outlines the scope of the project, timeline, roles and responsibilities, design, approval, construction processes, and maintenance responsibilities.

This proposal supports Council's 2036 Vision to develop an Equitable and Diverse Community. Regarding Council's Strategic Priorities, it aligns with Goal #4, which aims to participate in community dialogue and create potential strategies to honor history and contributions of the African American community in Asheville, beginning with a community-led effort to install a monument to African American heritage.

This proposal supports the goals of the comprehensive plan by: (1) promoting great architecture and urban design to enhance placemaking; (2) elevating the arts and cultural sectors to strengthen and preserve heritage and history (from the "livable built environment" section); and (3) prioritizing investments equitably and fairly across neighborhoods and increasing access to opportunities for all (from the "interwoven equity" section).

Pros:

- The project can help accomplish Council Strategic Goal #4.
- The project will support the purpose of the African American Heritage Commission.
- The project will support collaborations that engage our community.
- The project funding could be leveraged by TPDF.

Cons:

- The feasibility of the scope of the work and the method of collaboration has not been determined.
- Additional coordination between various stakeholders will require the dedication of unplanned staff resources.

- Any use of the existing building that is not clearly "recreation" use, here a museum use, would need permission from Parks and Recreation Trust Fund (PARTF) or could be in violation of their grant.

The requested $250,000 match is currently not part of the City's five-year Capital Improvement Program (CIP), and would therefore need to be added to the CIP/Debt cash flow model. Staff would encourage RDG to request matching funds from the County.

Staff recommends City Council consider authorizing the City Manager to support the Riverfront Development Group application to the Buncombe County Tourism Development Authority for grant funding of capital projects on City land owned/leased, and to commit to consider an allocation of $250,000 as part of the FY 2019-20 Capital Budget for Phase I of the project.

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Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda, with the exception of Consent Agenda Item "B". This motion was seconded by Councilman Kapoor and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. PRESENTATION BY CONSULTANT, 21ST CP SOLUTIONS ON THEIR REVIEW RELATED TO THE RUSH INCIDENT

Acting City Manager Ball said that on March 20, 2018, City Council unanimously asked staff to move forward on an evaluation of the event that occurred on August 24, 2017, regarding Mr. Johnnie Rush and former Police Officer Christopher Hickman. In doing so, we have brought on the consultant firm and they are now prepared to give Council their results. Ms. Ball then introduced Commissioner Charles Ramsey and Mr. Sean Smoot, from 21st Century Solutions Policing.

Mr. Smoot explained 21st Solutions experience and expertise. He then briefly reviewed his report from the Executive Summary below:

"In April 2018, 21CP Solutions, LLC was hired by the City of Asheville to conduct a policy and procedure review of the excessive force incident involving the arrest of Johnnie Jermaine Rush in August 2017. The city requested an assessment that included but was not limited to: a review of the incident that gave rise to arrest, the tactics utilized in affecting the arrest, the police department response, the city administration response, and the community response. The report that follows delivers on the police and city administration components described above. (The community component is tentatively scheduled to be fulfilled during a series of meetings that will include 21CP Principals meeting with the Chief of Police, Command Staff and other APD personnel (at the Chief's discretion) to present and explain findings and recommendations; a presentation to the City Council to explain findings and recommendations; and a presentation aimed at familiarizing the community and public officials with the findings and recommendations. The final two presentations will be designed to dovetail with a presentation by the police department explaining to the public and elected officials the steps that the department has taken and will take to respond to findings and implement any recommendations.)

"The findings and recommendations included in the following report span the arrest

incident, Asheville Police Department (APD) response, and the response of local government entities, such as the City Council, Mayor, City Attorney, and Buncombe County District Attorney. The key findings and recommendations from the assessment are summarized below and presented in greater detail throughout this report.

Rush Incident – Findings and Recommendations

Finding 1:Officer Christopher Hickman should not have been utilized as a field training officer.

- Recommendation 1.1: Revise the selection and recruitment process for field training officer program.
- Recommendation 1.2: The skills necessary to be an effective field training officer are perishable; officers who have transferred from patrol for a period of time should be reassessed prior to returning to FTO duties.
- Recommendation 1.3: APD should routinely assess its Early Intervention System triggers, adjusting when necessary.

Finding 2: Officers did not intervene when their fellow officer was engaging in an inappropriate, unnecessary, and excessive use of force, despite having several opportunities to do so as Officer Hickman actively escalated the situation.

- Recommendation 2.1: APD should consider adopting a peer intervention program.

Finding 3: Officer Hickman and Sergeant Taube did not appear to communicate to EMS that multiple Taser cycles had been used on Mr. Rush, which was documented by the download usage record from Officer Hickman's Taser.

- Recommendation 3.1: All APD personnel and Asheville EMS should be notified and trained regarding the medical treatment requirements included in the use of force policy.

Asheville Police Department Response to Rush Incident - Findings and Recommendations

Finding 4: The Asheville Police Department responded to the incident in a timely manner, and within the limitations of North Carolina law.

Finding 5: The leak of Officer Hickman's body worn camera footage to the Asheville Citizen Times may have undermined the formal administrative review processes already underway within APD and the city and may have compromised or impeded future prosecution of Officer Hickman.

Finding 6: During the review of all body worn camera footage uploaded by Officer Hickman from June 11, 2017 through September 11, 2017, APD learned about numerous incidents during which Officer Hickman engaged in unacceptable behavior and judgement.

- Recommendation 6.1: APD should implement a more structured policy regarding BWC audits, particularly for officers identified as possibly being problematic.

Finding 7: After the video of the Rush incident was posted to the website of the Asheville Citizen Times on February 28, 2018 at 7:06 PM, it was over 16 hours before APD released an official response.

- Recommendation 7.1: The APD should prioritize the timely release of information, and response to the release of information, acknowledging the 24-hour nature of the news media.
- Recommendation 7.2: The APD should have its own independent public information officer that reports directly to the police chief.
- Recommendation 7.3: APD should consider developing a policy and associated training for appropriate engagement with community members on social media, particularly with 4 regard to police events.

Local Government Response to Rush Incident - Findings and Recommendations

Finding 8: The members of the Asheville City Council, City Manager, and Mayor were unaware of the Rush incident prior to the Asheville Citizen Times story's publication on February 28, 2018.

- Recommendation 8.1: Develop clear protocols for when individuals at different levels of city government should be informed about particular events.
- Recommendation 8.2: Develop clear notification procedures to inform individuals on the City Council of possible high-profile issues in a way that is consistent with policy and allows the information to remain confidential if necessary.
- Recommendation 8.3: Implement a crisis communication policy within the City Council, City Manager, and Mayor's offices to coordinate press releases and correspondence in concert with APD's PIO when communicating with the media.
- Recommendation 8.4: The City should consider retaining a firm to provide crisis response services to the APD and the City of Asheville in the future.

Finding 9: The civil service board (CSB) model in its current form is inefficient and requires improvement.

- Recommendation 9.1: The CSB process should be streamlined and focus on whether the act being investigated occurred as reported and whether the employee's termination is appropriate."

Mayor Manheimer said that City Council asked for a number of things to happen after the Rush incident came to light and one of them was to bring in an external auditor for a review of this incident and their recommendations about improvements. City Council will hear on September 25, 2018, a report from the Asheville Police Department about which of these recommendations have already been implemented and which of them haven't, and what is the plan for implementation.

In response to Councilman Kapoor, Mr. Smoot said that he has seen where an external organization has declined an investigation of this type, but only in the situation where there was another agency conducting such an investigation.

When Mr. Smoot said that they did not interview external stakeholders during their review, Councilwoman Smith felt if that would have happened it might have added another viewpoint and the ultimate report might have been a little more balanced. She felt like this report feels like the police policing the police.

B. CURRENT STATE OF THE TRANSIT SYSTEM

Mr. Elias Mathis, Transit Planning Manager, gave a brief explanation of the current state of the Transit System. He reminded the Council on why we switched from the old transit management model to our current model. Under the current model, the City's focus is to provide

oversight for the contractor and support for the contractor so they can manage operations. There were major service interruptions in July due to mechanical issues. It's important to understand that the primary factors causing those issues is the overall age of the fleet and the lack of past bus purchases. At this point, the maintenance staff has a handle on the situation and are doing everything possible to avoid this type of service interruption in the future. The long-term solution is buying more buses on a regular schedule and we now have a regular fleet replacement schedule. We are in line to purchase five new buses each year for the next five years and then regular bus purchases continued after that. The first of those buses are expected to arrive in January.

ART General Manager Joe Brooks said that ART staff understands the maintenance issues that happened in July and are fully aware of the impact they have had on bus riders, as well as bus operators. These are the actions we have taken to address these issues:

- Outsourced buses to Cummins and Thermo-King in order to expedite repairs. This cost has been absorbed by the RATP DEV, not the City.
- We are in the process of adding a third maintenance shift, once we are fully staffed, which will help ensure all routes are covered. When RATP DEV inherited the system in October, the maintenance staff was short a total of three positions. We continue hold job fairs, as well as posting to Indeed, AB-Tech, Goodwill, and the City's social media; in order to have a fully staffed maintenance department. We are at 48 drivers and want 54 drivers.
- We have leased a 12-passenger ADA van that can be used in emergency situation if there is a shortage of vehicles. This was authorized in July, and will arrive next week.

We respect the union's role as an advocate for employees and as an advocate for safe public transit. We understand there are concerns about maintenance, safety, information requests, and employee communications. We have addressed the information requests from the union and will continue to work closely with them on that issue. We think our communications with the employees are excellent and we have substantial feedback to support that view. We do have monthly labor management meetings. We also have monthly one of one meetings with the union president, or as often as necessary. Again, we respect the union's role here and will continue to work closely with them through these issues to provide reliable transit service to Asheville.

Here is a list of some of the regular communications with our staff:

- Monthly meeting with the Union President.
- Monthly meeting with all employees.
- Monthly meeting with all Union Representatives.
- Everyone is given the opportunity to speak and provide feedback at these meetings.
- On Sunday, RATP DEV hosted an end of the summer and employee appreciation barbeque.
- Both the Director of Operations and General Manager work a late night once a week to give late afternoon and late night employees a chance to see us and voice any of their concerns.
- The entire staff all have an open door policy.

Mr. Brooks, along with Mr. Mathis, answered various questions from Council, some being, but are not limited to: how long do they expect repairs to take; how long do they expect it will take to fill the third maintenance shift; how long do they expect to lease the 12-passenger van; how many reserve buses do we currently have; has the Union been provided maintenance records; after we receive the new buses, how long does it take to get them on the road; how is the

management company addressing the maintenance issues; is the City doing all it can to enforce the provisions of the contract and require a level of service that we pay for under the new management contract; has the 30 minute replacement bus provision being met; is there a legal impediment for City staff not meeting with the union, and if not, why aren't we holding those meetings; are there ways the City's social media networks might help in trying to fill the management company's vacancies; and do the applications ask if the applicant has ever been convicted of a crime.

Councilman Young suggested a quarterly update from the management company.

C. UPDATE ON THE STEPHENS-LEE PROPOSAL

Parks & Recreation Director Roderick Simmons said the following is the Fiscal Year 2017-18 programming and community use of Stephens-Lee Community Center (Center) as requested by City Council on July 24, 2018. Information provided is for the timeframe between July 2017-June 2018. The Center is operated by the Parks & Recreation Department and provides programming, and community space, designed to serve a variety of needs throughout the community.

Built in 1923, Center is located in the former gymnasium of the Stephens Lee High School. It is a 27,144 square foot building including multi-purpose room, gymnasium, classrooms, fitness center, Stephens Lee Alumni Association room, kitchen, restrooms, office and storage. The 2.34 acres park surrounding the center includes two playgrounds, basketball court, parking, and access to the George Washington Carver Edible Garden.

The Center is opened 3,275 hours a year. Sunday-Friday they have Parks and Recreation programs and community programs. On Saturdays they have birthday party rentals, community programs or special events. The fitness center is open to the public during open hours.

The report outlines the past year facility programming that was conducted at Stephens-Lee Recreation Center and how the facility was programmed during the year.

Staff is responsible for administration of the facility, programs, community outreach, and help with community programs. Positions at the Center include a Facility Manager, Facility Supervisor, custodian, 2 program leaders and 3-5 rotating seasonal employees.

Program Hours and Participation: July 2017-June 2018

- Programming Hours: 6,914
- Program Participants: 4,142
- Community Access Hours: 4,049

Budget FY 2017-2018

The overall community investment was $246,933

Programming Annual Totals	**Total Program Hours**	**# of Participants**
Youth Programming (Ages 5 yrs to 18 yrs)	3,135	1,317
Adult Programming (Ages 18 & Over)	2,991	1,146
Alumni Programs	171	0
Community Events & Activities	131	1,679
Annual Total	**6,427**	**4,142**

Public Access to Facility	**Total Hours**	**Total Attendance**
Community Agencies	258	2,904
Other City Departments	191	945
Facility Rentals	38	200
Annual Total	**487**	**4,049**

Mr. Simmons showed a slide showing the average participant demographics, after school & summer programming, and after school and summer program demographics. He explained the fees for the after school and summer programs, along with a graph of the program fees per participant.

In response to Vice-Mayor Wisler as she tried to understand the possible impact of the Center on the entire community, Mr. Simmons said they don't have a mechanism in place to pull the data on what the percentage of the Center is compared to all the parks and recreation programs. However, he can provide a percentage of the Center's program hours vs. other centers.

Mr. Simmons responded to various questions by Council, some being, but are not limited to: are the after school and summer programs full; and how well used is this Center compared to other community centers.

Mayor Manheimer asked for information on what the costs would look like if they wanted to scale up the programs at the Center, i.e., increase the staffing from the current two employees.

Councilwoman Mayfield confirmed there is capacity at the Center because of staffing and programs during the prime hours.

It was the consensus of Council to wait until they receive the revised proposal for the use of the Center from Ms. Libby Kyles with the YTL Training Programs before any direction is given to staff.

Acting City Manager Ball recommended that after we receive and review the revised proposal, she meet with Ms. Kyles to make sure she has received and understands the information presented and both look at what opportunities there are to work together. She reminded Council that they still need to work through the Parks and Recreation Trust Fund grant the City received for this building in 1997 and that will not run out until 2022.

Vice-Mayor Wisler asked that as we move forward, she asked that the Recreation Board be involved, along with the many other voices that want and need to be heard around this Center and it's uses. There needs to be a robust community conversation.

D. UPDATE ON HOMESTAY PERMITS

Principal Planner Shannon Tuch provided the following update for Council:

"City Council has requested regular updates on Homestay permits and the Homestay/Short-term Vacation Rental enforcement process. The last report was given to Council on October 24, 2017. with a subsequent update to the Unified Development Ordinance standards

on January 9, 2018. This report covers the time period beginning January 1, 2018, through June 30, 2018 (six months).

"Rental of a property within the City of Asheville for a duration of less than one month is considered "Short-term". Rental of an entire home/apartment on a short-term basis has never been allowed in Asheville's residential districts but prior to January 9, 2018, had been allowed in some commercial districts. After the October 24, 2017, enforcement report, City Council requested a zoning text amendment to allow for the regulation of short-term vacation rentals. This required defining "short-term vacation rentals" along with other forms of lodging, and updating other existing definitions. The same zoning text amendment also removed short-term vacation rentals and many other forms of lodging, as a permitted use in most non-residential or commercial districts. This amendment was adopted January 9, 2018 (Ord. No. 4637).

"Since the adoption of the January 9, 2018, zoning text amendment, a six month report was first provided to the Planning & Economic Development (PED) Committee on July 23, 2018 after which the PED requested additional research related to the definition of "kitchen" and other enforcement enhancements. A follow-up discussion occurred at the PED's August 13, 2018 meeting resulting in staff direction to draft a zoning text amendment to the Unified Development Ordinance (UDO) amending the definition of "kitchen" and other enforcement enhancements that will be expected to come before City Council in late October or early November for consideration.

With a pending discussion related to homestay development standards anticipated this fall, this report has been modified to provide an update on the permitting and enforcement metrics related to the regulation and enforcement of lodging activities.

Homestay Permits: According to the city's permit records, there are approximately 603 active Homestay permits, up from 548 permits reported in October 2017. Approximately one third of these permits are advertised as "partial home" or a "private room" while the other two thirds are advertised as "whole home/apt.". This is a change from previous reports where only half of all homestays were advertised as "whole home/apt.".

The very large majority of these permits have been issued since amending the homestay standards in November 2015, with a swell in permits issued after heavy short-term rental enforcement activity that began in 2016. 139 Homestay permits have been issued in the last six months while approximately 84 applications have lapsed or gone inactive.

Lawful Short-term Vacation Rentals: Since the adoption of the Ord. No. 4637, staff has attempted to identify all existing and pending lawfully established short-term vacation rentals. To date, 125 existing STVRs have been identified with approximately 80 more units currently under construction and pending.

Enforcement Activity: Planning & Urban Development staff have maintained the proactive enforcement of the short-term rental provisions of the Unified Development Ordinance which is enhanced by the data supplied by the third party contractor. In the last six months 55 Notices of Violation were issued to properties; however, a moderate amount of recent enforcement effort has been issuing Citations (22) to properties that have lapsed back into short-term renting or other violations of the homestay permit. In the last sixty days, the city has collected $12,100 in STVR/homestay fines with 56 cases remaining open or unresolved (down from 85 cases reported in October 2017). Five of the 56 unresolved cases have been turned over to legal staff for further action.

Time Period	Average Violations Noticed, Monthly
Nov 2015- Oct 2016; 12 month span	10

Jan 2017- Sept 2017; 9 month span	42
Jan 2018 - June 2018; 6 month span	13

As has been reported on previous occasions, the very large majority of cases are identified by city staff with the assistance of the contract service. The number of cases initiated through a citizen complaint remains relatively low due in part to the challenge of obtaining first hand evidence of the violation which leaves the complaint unsubstantiated.

Active enforcement requires the constant monitoring of the third party database. This database is continuously updated as new listings are added to, and removed from, the digital marketplace, and as new properties are identified. As of the writing of this report, there are over 3000 listings with over 600 inactive listings for properties in Asheville. Many rentals have multiple listings on different platforms with more traditional lodging facilities such as Bed & Breakfasts and smaller inns using some of the online rental platforms. As a result, the data must be heavily sorted to identify the number of rental units, which is then further sorted to identify the number of units that have been matched to an address.

Approximate Listing Breakdown (as of July 10, 2018)
Total number of rental listings: 3023
Total number of short-term rental units: 1188
Total number of short-term units matched to address: 1033 (87%)
Total number of short-term units unidentified: 155 (13%)
*Number of active homestay permits: 603 (or 51% of **all** STVR units, and 58% of all **identified** STVR units)*
Number of lawful STVRs: 125+/-

With approximately 2 years of basic metrics provided through the third party contractor, it is easier to recognize that the overall number of listings continues to grow at a slow but steady rate."

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER THE DESIGNATION OF THE PRINCESS ANNE HOTEL LOCATED AT 301 EAST CHESTNUT STREET AS A LOCAL HISTORIC LANDMARK

ORDINANCE NO. 4694 - ORDINANCE DESIGNATING THE PRINCESS ANNE HOTEL LOCATED AT 301 EAST CHESTNUT STREET AS A LOCAL HISTORIC LANDMARK

Urban Planner Alex Cole said that this is the consideration of an ordinance to designate the Princess Anne Hotel located at 301 East Chestnut Street as a local historic landmark. This public hearing was advertised on August 17 and 24, 2018.

The applicant is requesting designation of the Princess Anne Hotel as a local historic landmark. The property owners and petitioners are Michael and Colleen Eden. The parcel (PIN 9649.63-6041) is located at 301 East Chestnut Street.

The Princess Anne Hotel was built in 1922-23. It is a highly intact 3-story structure built in the Shingle and Colonial Revival styles and was designed by prominent Asheville architect

William J. East. The Princess Anne Hotel has a period of significance from 1922-1929, and is significant for its architecture, as well as its association with recreation and culture. The Princess Anne Hotel exemplifies a notable example of guest accommodations constructed in Asheville during its early twentieth century boom period of tourism and real estate development in the 1920s. It is also significant architecturally as a highly intact example of a Shingle/Colonial Revival style building from the 1920's. The modest size of the Princess Anne Hotel distinguished itself from the large resort hotels and placed it more of a scale with the numerous apartment buildings that were being constructed throughout Asheville in the 1920s.

The designation includes the entire exterior of the building and .59 acre site on which the building is located.

The application for local historic landmark designation of the Princess Anne Hotel was reviewed by the Historic Resources Commission on July 11, 2018.

Considerations:

- When a property is designated as a local historic landmark restrictions are placed on the property, and any modification to the land or structure must receive a Certificate of Appropriateness from the Historic Resources Commission. All improvements must follow the Secretary of the Interior's Standards for Rehabilitation.
- Designation of a site as a local historic landmark makes the property eligible for a 50% reduction in local property taxes. Currently, the tax appraisal for the property included in the proposed designation is $3,410,500. If the property is designated as a local landmark the potential tax savings for the property owner, including city, county and school taxes, would be $18,380.88 per year.

The Historic Resources Commission reviewed this project on July 11, 2018. The commission voted 11-0 in favor of the landmark designation and recommended Asheville City Council approval of this local historic landmark designation application.

Mayor Manheimer opened the public hearing at 6:43 p.m. and when no one spoke, she closed the public hearing at 6:43 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to adopt the ordinance designating the Princess Anne Hotel, located at 301 East Chestnut Street, as a local historic landmark. This motion was seconded by Councilwoman Mayfield and carried unanimously.

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B. PUBLIC HEARING TO CONSIDER THE REZONING OF PROPERTY LOCATED AT 643 AND 99999 (FORMERLY 647) BREVARD ROAD FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO HIGHWAY BUSINESS DISTRICT

At the request of the applicant, Vice-Mayor Wisler moved to continue this public hearing until September 11, 2018. This motion was seconded by Councilwoman Smith and carried unanimously.

C. **PUBLIC HEARING TO REZONE TWO PARCELS LOCATED AT 402 HENDERSONVILLE ROAD AND 349 REED STREET FROM HIGHWAY BUSINESS DISTRICT AND RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO HIGHWAY BUSINESS DISTRICT AND RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT RESULTING IN PORTIONS OF BOTH ZONING CATEGORIES APPLIED TO EACH PARCEL; AND AMENDMENT TO THE FUTURE LAND USE MAP TO CHANGE A PORTION OF 402 HENDERSONVILLE ROAD AND 349 REED STREET FROM URBAN CORRIDOR TO TRADITIONAL NEIGHBORHOOD**

ORDINANCE NO. 4695 - ORDINANCE REZONING TWO PARCELS LOCATED AT 402 HENDERSONVILLE ROAD AND 349 REED STREET FROM HIGHWAY BUSINESS DISTRICT AND RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO HIGHWAY BUSINESS DISTRICT AND RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT RESULTING IN PORTIONS OF BOTH ZONING CATEGORIES APPLIED TO EACH PARCEL; AND AMENDING THE FUTURE LAND USE MAP TO CHANGE A PORTION OF 402 HENDERSONVILLE ROAD AND 349 REED STREET FROM URBAN CORRIDOR TO TRADITIONAL NEIGHBORHOOD

Urban Designer David Hazzard said that this is the consideration of rezoning two parcels located at 402 Hendersonville Road and 349 Reed Street from Highway Business District and RS-8 Residential Single-Family High Density District to Highway Business District and RS-8 Residential Single-Family High Density District resulting in portions of both zoning categories applied to each parcel. In addition, this will also require an amendment to the Future Land Use map to change a portion of 402 Hendersonville Road and 349 Reed Street from Urban Corridor to Traditional Neighborhood. This public hearing was advertised on August 17 and 24, 2018.

Mr. Hazzard said that the applicant is requesting to rezone two parcels. The property owner is Butel LLC and the petitioner is Michael Driskill. The first parcel (PIN 9647-75-9978) is located at 402 Hendersonville Road and is currently zoned Highway Business (HB). The applicant is requesting that the portion of the first parcel that abuts Hendersonville Road remain Highway Business (HB), but that the rear portion of the parcel which abuts Reed Street be rezoned to Residential Single Family High Density (RS-8). The second parcel (PIN 9647-85-0803) is located at 349 Reed Street and is adjacent to the first parcel. The second parcel is currently zoned Residential Single Family High Density (RS-8). The applicant is requesting that a small portion of the second parcel be rezoned to Highway Business (HB), and that the parcel otherwise remain Residential Single Family High Density (RS-8). The rezoning Request will result in a portion of each parcel at issue being zoned HB and RS-8. Pursuant to a recent amendment to North Carolina General Statute 160A-383, an approval of the rezoning request would result in an amendment to the Future Land Use Map, from Urban Corridor to Traditional Neighborhood.

Parcel 9647-75-9978 (402 Hendersonville Rd.) is zoned HB, is approximately 1.28 ac., and appears to be currently vacant. Parcel 9647-85-0803 (349 Reed St.) is zoned RS-8, is approximately 0.36 ac., and appears to have an existing single family residential structure with a detached garage. These parcels have approximately 55' of grade change from Hendersonville Rd. to Reed St. and are currently wooded.

To the west of these parcels is Hendersonville Rd. Parcels to the north are zoned HB and appear to contain a medical office and a restaurant (The Huddle House). To the east is Reed St., across Reed St. are parcels zoned RS-8 and Office 2 CZ (O2CZ) and appear to contain single family residential structures and medical offices. Parcels to the south are zoned HB and RS-8 and some appear to be vacant while others contain single family residential structures.

The applicant is proposing to rezone the two parcels, one currently zoned Highway Business (HB) and one currently zoned Residential Single Family High Density (RS-8), so that each parcel includes a portion zoned Highway Business (HB) and a portion of zoned Residential Single Family High Density (RS8).(see zoning exhibits for clarification). The applicant indicates that if the rezoning request is approved, they plan to recombine and resubdivide the two properties, so that one property will abut Hendersonville Road and be located fully within the HB zoning district and one property will abut Reed Street and be located fully within the RS-8 zoning district. However, the recombination and subdivision of the properties cannot be a condition of this rezoning, because this is a general rezoning application, so no specific development plans or conditions can be applied.

The subject property does not lie within any special review areas and does not require review by any other body. Standard rezoning requests are first reviewed by the Planning & Zoning Commission with final review performed by City Council.

The proposal is to rezone these properties so the property fronting Hendersonville Rd. will be HB, and the property frontage on Reed St. will be RS-8. This removes the HB zoning district fronting on Reed St. which will help protect the existing Shiloh community from potential commercial intrusions. HB is the predominant zoning district adjacent to Hendersonville Rd. in this area and RS-8 is the predominant zoning district in the Shiloh community. Thus staff feels these districts are appropriate for this area. The applicant has indicated if the rezoning request is approved they plan to adjust the parcel lines so that each parcel is located wholly within one zoning district,, but, as explained above, this cannot be required as part of this general rezoning request.

Living Asheville: A Comprehensive Plan for our Future identifies both parcels as Urban Corridor which are workhorse streets for transportation and commercial activity in Asheville and recommends redevelopment over time in the form of mixed-use residential, commercial and office uses that place emphasis on pedestrian-friendly amenities and access.

The requested HB zoning district adjacent to Hendersonville Rd. allows for uses that would be consistent with the goals for development adjacent to corridors and allows for residential densities that could support affordable housing goals of the comprehensive plan (pg 178). The RS-8 portions of the properties will allow more limited development consistent with the surrounding residential neighborhood. The adopted Shiloh Community Plan 2025 (pg 39) recommends this approach to limit commercial incursion in the neighborhood and on neighborhood streets.

The portions of the parcels fronting Reed St., that are proposed to be rezoned to RS-8, are currently designated as Urban Corridor on the Future Land Use Map and so, with respect to these portions of the properties, the rezoning request is inconsistent with the Future Land Use Map. Pursuant to N.C. Gen. Stat. § 160A-383(b)(3), approving the rezoning request will automatically amend the Future Land Use Map with respect to the RS-8 portions of the parcels, from Urban Corridor to Traditional Neighborhood. In addition to the rezoning, staff also supports this amendment to the Future Land Use Map, because it will allow the Future Land Use Map to reflect and be consistent with the proposed rezoning and will ultimately create lots that work better with the existing community and site topography.

This action does align with the 2036 Council Vision in the following areas (1) *A Well-Planned and Livable Community* - The proposed rezoning would promote a thoroughfare lined with thriving businesses and help protect an existing residential community; (2) *Quality Affordable Housing* - The proposed rezoning would allow for higher density residential in the HB district which normally is associated with affordable housing; and (3) *Transportation and Accessibility* - These parcels are adjacent to a transit line which would support options for

transportation and accessibility.

Considerations:

- The HB zoning is the predominate zoning district adjacent to Hendersonville Rd. and allows for uses that are consistent with city goals and plans for this area.
- The RS8 zoning is the predominate zoning district adjacent to Reed St.
- The RS8 zoning helps protect the existing Shiloh community from potential commercial intrusions.

The Planning and Zoning Commission reviewed this project on July 9, 2018. The Commission voted 6-0 in favor of the rezoning and recommended Council approval of this rezoning request.

Mayor Manheimer opened the public hearing at 6:49 p.m., and when no one spoke, she closed the public hearing at 6:49 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the zoning map amendment rezoning the property located at 402 Hendersonville Road, from Highway Business (HB) to a mixture of Highway Business (HB) and Single Family High Density (RS-8), and rezoning the property located at 349 Reed Street from Residential Single Family High Density District (RS-8) to a mixture of Single Family High Density (RS-8) and Highway Business (HB), as shown on the exhibits and the Proposed Zoning Boundary Survey Exhibit D Map and declare that this approval is also deemed an amendment to the Future Land Use Map within the Living Asheville Comprehensive Plan from Traditional Neighborhood to Urban Corridor as shown on Exhibit D, and find that the request and resulting Future Land Use Map amendment is reasonable, is in the public interest, and meets the development needs of the community because, among other reasons: (1) The HB district allows for uses that are appropriate for the Hendersonville Road corridor (2) The RS-8 District is compatible with the neighborhood fabric (3) The request Is compatible with current land uses and desired future land uses and (4) The rezoning and Future Land Use Amendment aligns with community character specified in the Living Asheville Comprehensive Plan. This motion was seconded by Councilwoman Mayfield and carried unanimously.

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D. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF PROPERTY LOCATED AT 99999 NORTH BEAR CREEK ROAD FROM HIGHWAY BUSINESS DISTRICT AND RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT TO HIGHWAY BUSINESS DISTRICT/CONDITIONAL ZONE TO ALLOW FOR A COMMERCIAL USE AND STRUCTURE

ORDINANCE NO. 4696 - ORDINANCE TO CONDITIONALLY ZONE 99999 NORTH BEAR CREEK ROAD FROM HIGHWAY BUSINESS DISTRICT AND RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT TO HIGHWAY BUSINESS DISTRICT/CONDITIONAL ZONE TO ALLOW FOR A COMMERCIAL USE AND STRUCTURE

Urban Planner Jessica Bernstein said that the applicant is requesting review of conceptual plans for the use of a property for a tree care and removal business located at 99999 North Bear Creek Road with a conditional zoning request from Residential Multi-Family Medium Density District (RM-8) and Highway Business (HB) to Highway Business Conditional Zone (HB

CZ) District. This project is considered under conditional zoning pursuant to Sections 7-7-8 and 7-8-16 of the UDO. This public hearing was advertised on August 17 and 24, 2018.

The subject property is addressed as 99999 North Bear Creek Road (PIN 9628.54-8656) and is owned by Top Notch Tree Care, LLC; the contact is Stephen Bellich.

The project area is a single parcel, 1.34 acres in size, currently split-zoned RM-8 and Highway Business. The site has frontage on both North Bear Creek Road and Bear Creek Drive (for a portion). Zoning in the area includes RM-8 to the north and west, Commercial Industrial (CI) to the north and east and Highway Business to the south. The site is approximately 400 feet north of Patton Avenue and is currently vacant. Nearby uses include single-family homes to the north and west and a variety of commercial and industrial uses to the south and east.

The application is for the construction of a single building, one-story in height and 2,400 square feet for the tree removal operation. Primary uses on the site will be equipment storage, both inside and outside, as well as office use for the business. The plans show the building and parking/storage towards the northwest side and middle of the site (closer to Bear Creek Drive).

The proposal is to utilize the existing driveway from North Bear Creek Road to access the existing gravel area and five new parking spaces are provided closer to the building. The applicant is requesting a condition to eliminate the requirement for sidewalk on both road frontages.

Landscaping is required for this project and includes a type A (20 foot) property line buffer on two sides as well as street trees. Open space is required and is provided based on 15% of the lot area.

The bulk of the site is zoned HB. There is only a small area currently zoned residential. The uses proposed (service business providing off-site services, vehicular/equipment parking) are permitted in the HB district.

Conditions - The applicant is requesting the following conditions:

1. Elimination of sidewalk on both frontages
2. Maintain existing driveway width, exceeding commercial standard

Projects undergoing conditional zoning review are required to hold a neighborhood meeting; the meeting for this project was held on April 28, 2018. The project was approved with conditions by the Technical Review Committee on June 4, 2018. The Planning & Zoning Commission unanimously voted to support this proposal and conditions at their meeting on July 19, 2018.

In 2016, there was a major subdivision approved on Bear Creek Road but south of Patton Avenue.

The project as proposed should be generally compatible with the surrounding area and is already allowed by-right on the bulk of the site. To the east and south are a variety of complementary commercial and light industrial uses. There are residential uses to the west and north; the landscape buffer should provide adequate visual separation and the uses proposed on the site are not expected to pose a disturbance to the nearby residences.

The proposal is aligned with the Living Asheville Plan, which identifies this area for "Industrial/Manufacturing" uses in the future land use map and there will be a property line buffer

for separation from the adjacent residentially-zoned area.The bulk of the site is already appropriately-zoned for the use.

The proposal aligns with the 2036 Council vision in the area of *A Thriving Local Economy* – The proposal supports a locally-owned business.

Considerations:

- The use is currently permitted on the bulk of the property and aligns with the future land use map
- The proposal remedies a split-zoning condition for the parcel
- A property line buffer provides mitigation to the adjacent residential parcel

Staff finds that this proposal is in line with the Living Asheville Plan future land use designation as well as with the current zoning and uses in place in the area. The design incorporates a property line buffer to mitigate the impact from the nearby residential area.

The Planning & Zoning Commission reviewed this request at their meeting on July 19, 2018, and voted 7-0 in support of the project.

Mr. Stephen Bellich, applicant, said that they are asking to eliminate the construction of the sidewalks due to the cost, noting it would be a sidewalk with no connection. He felt that if he was required to construct the sidewalk, then the City should build a sidewalk up to the residential area.

There was considerable discussion regarding whether the applicant should be required to build the sidewalk given the fair amount of residential up the road from this property and its proximity to Patton Avenue or pay a fee equivalent to the sidewalk construction into the City's Capital Sidewalks Fund. Using $66.00 per linear foot for 280 linear feet, the contribution would be $18,480.

At a later date, Councilman Young requested information about floating sidewalks in the City and exactly where the sidewalks are constructed with the use of the City's Capital Sidewalks Fund.

Mayor Manheimer opened the public hearing at 7:16 p.m., and when no one spoke, she closed the public hearing at 7:16 p.m.

City Attorney suggested a revised Condition No. 4 to read "No sidewalks are provided along North Bear Creek Road or Bear Creek Drive; however, the applicant will provide a ten-foot wide easement for future sidewalk along the project frontage on North Bear Creek Road (approximately 280 linear feet) and contribute $18,480 to the City's Capital Sidewalks Fund. the easement will be recorded and payment made prior to the Certificate of Occupancy." Mr. Bellich agreed to the revised condition.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the conditional zoning request for Top Notch Tree Care at 99999 North Bear Creek Road from Residential Multi-Family Medium Density District (RM-8) and Highway Business (HB) to Highway Business District Conditional Zone (HB CZ), with the revised Condition No. 4 agreed to by the applicant, and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in that: (a) The proposal is aligned with the future land use map in the Living Asheville Plan as well as current zoning; and (b) The development incorporates property line buffering and open space

to mitigate possible impacts on residential uses. This motion was seconded by Councilman Young and carried on a 6-1 vote, with Councilwoman Smith voting "no".

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E. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 28 AND 32 MAXWELL STREET FROM RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT TO LODGING EXPANSION/CONDITIONAL ZONE TO ALLOW SHORT-TERM VACATION RENTAL USE AND TO AMEND THE FUTURE LAND USE MAP TO CHANGE 28 AND 32 MAXWELL STREET FROM TRADITIONAL NEIGHBORHOOD TO TRADITIONAL CORRIDOR

At the applicant's request, Vice-Mayor Wisler moved to continue this public hearing until October 9, 2018. This motion was seconded by Councilman Kapoor and carried unanimously.

F. PUBLIC HEARING TO CONSIDER THE ISSUANCE OF A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A NEW TELECOMMUNICATIONS TOWER AT 1256 HENDERSONVILLE ROAD

City Clerk Burleson administered the oath to anyone who anticipated speaking on this matter.

City Attorney Currin reviewed with Council the conditional use permit hearing process which is a quasi-judicial permit hearing. At this public hearing, all testimony needs to be sworn and due process protections afforded to the applicant.

After hearing no questions about the procedure, Mayor Manheimer opened the public hearing at 7:24 p.m.

Urban Planner Jessica Bernstein submitted into the record City Exhibit 1 (Affidavit of Publication), City Exhibit 2 (Certification of Mailing of Notice to Property Owners); and City Exhibit 3 (Staff Report).

Ms. Bernstein said that the applicant, Dale Finocchi of PlanTech Services LLC for Communications Tower Group LLC, is requesting review of site plans for a proposed telecommunications tower at 1256 Hendersonville Road. This project is considered as a Conditional Use Permit pursuant to Sections 7-8-1 and 7-16-2 of the Unified Development Ordinance (UDO).

The project site consists of a single parcel, 0.66 acres in size (Location Map - Attachment to City Exhibit 3). The property is zoned Highway Business (HB) as are parcels to the north, south and west (Aerial Map - Attachment to City Exhibit 3). To the east is the Ascot Point residential development (RM-16 CZ) across the railroad right-of-way. The parcel is owned by Brandt Point Investments LLC. The applicant will be leasing a small area to the rear of the parent parcel for the tower (Site Plan; Landscape Plan; Tower Elevation - Attachments to City Exhibit 3).

Currently on the site is a Valvoline Instant Oil Change operation and a physical therapy and medical supplies business. The tower site is proposed at the rear of the site.

The applicant is proposing to construct a stealth monopole, 95 feet in height with an additional four foot lightning rod at the top; overall height not to exceed 100-feet (maximum allowed by the UDO). The pole and equipment ("proposed tower compound area") will be enclosed by a chain link fence at least eight feet in height and topped by barbed wire, as shown

on plans and per the ordinance. As required by the code, the tower is designed to accommodate at least one additional user for co-location.

The code requires that the tower shall be buffered from adjacent properties by a 20 foot wide Type A landscaped buffer and any ground mounted equipment to be surrounded by a Type B buffer and/or a fence. The plans include landscaping on two sides of the tower area as well as additional screening provided by a faux wood fence. There is no ground-mounted equipment currently included in this application.

Conditions - Aside from the seven conditional use standards in Section 7-16-2(c.), a telecommunication tower must be found to meet the conditions described in Section 7-16-2(d)(3) of the UDO, which includes both technical and non-technical standards for submittal. Staff has determined the application materials provided by the applicant to be complete.

Per Section 7-16-2(d)(3)o., "telecommunication towers must be setback from any residentially zoned or residentially used properties a distance equivalent to the full height of the tower being erected. The City Council may reduce the setback requirement upon a showing by the applicant that there are special physical circumstances or conditions affecting the proposed site such that the strict application of the setback requirement would not allow the most effective use of the proposed site to minimize the visual impact of the wireless telecommunication facility." The distance from the center of the proposed tower location to the property line of the nearest residential use (Ascot Point) is approximately 110 feet six inches; however, the residential zoning boundary reaches to the center of the railroad right-of-way that separates the Highway Business uses along Hendersonville Road and the residential uses on the east side of the rail line even though there is no residential use within this restricted area. The distance from the center of the proposed tower is approximately 60 feet from the middle of the train tracks where the residential zoning boundary begins.

The site is currently zoned Highway Business (HB) where telecommunications towers are permitted only through a Conditional Use Permit.

This project was approved with conditions by the Technical Review Committee (TRC) on July 16, 2018 and per Section 7-5-5 of the UDO, the proposal goes directly to a **quasi-judicial** review by City Council and Final TRC review prior to zoning approval. If approved, the permit is valid for five years and must be renewed annually. She has heard comments from the public regarding negative health impacts associated with telecommunication towers.

Conditional Use Findings: Section 7-16-2(c) of the Unified Development Ordinance (UDO) states that Asheville City Council shall not approve the conditional use application and site plan unless and until it makes certain findings based on the evidence and the testimony received at the public hearing or otherwise appearing in the record of the case. The applicant has provided a statement on these findings.

Staff finds that the relevant standards of the City have been met or can be met with this application; as long as City Council approves of the setback reduction based on the difference between residentially-zoned land verses the distance to the actual residential use.

In response to Mayor Manheimer, Ms. Bernstein said that the City is required to send notices to people within 200 feet of the proposed project, even though some of those notifications may fall outside of the City boundary. In this case, we sent notices to people in Biltmore Forest. Mayor Manheimer asked that the next time we send notices to Biltmore Forest residents that we also send a copy to their Manager just in case questions are raised by their residents.

Mr. Thomas Johnson, attorney with Williams Mullen representing the applicant, submitted a notebook entitled "CTG Hendersonville Site Conditional Use Permit Documents" (Applicant Exhibit 1). Using a photograph from Applicant Exhibit 1, Mr. Johnson showed the existing tower locations noting that there the need for better coverage in this area. There is a similar existing tower about one mile north of this site with a flag on it. It's very inconspicuous and located behind Mission Health Facility on Hendersonville Road. The need for coverage is for cell phones, data and communication purposes as well as good signal strength in commercial or residential properties. The ordinance says that setback has to be 100' from the zoning or use line, but it doesn't distinguish between the two. Using an aerial photo (Applicant Exhibit 1), he said from the use it's very easily over 100' but the zoning line goes down the middle of the railroad right-of-way. There will be no residential property or residential development within the tower height. It's not that we are asking for a reduction, it's just that we are asking that it be measured from the use in this circumstance, rather than the zoning line. The many existing mature trees between where the tower will be located and the multi-family complex on the other side of the railroad tracks will not be touched. Using a photo (Applicant Exhibit 1), he showed what the tower would look like and how the ground equipment would be shielded. Using simulated photos (Applicant Exhibit 1), they commissioned a person to do a study showing what the tower would look like from various locations. One view was from the north of Hendersonville Road, one view was from the south of Hendersonville Road, three sites within Biltmore Forest, and an office development along Hendersonville Road with residential behind that. In all the locations within the development (that he could access from the public right-of-way) it showed no visibility in the single-family residential portion. It's not to say that in some backyards there would be some visibility but that is why they are doing a concealed tower, so it minimizes the visibility. All around there is infrastructure, and this is just additional infrastructure for the community and for community services.

When Councilwoman Mayfield asked if there was any photo simulations done from the apartments that would be facing the tower, Mr. Johnson said that because of the limited time, they were not able to take photographs from the apartments and they basically used Google Earth to do this. There were no Google Earth images from the apartment complex. He said it will be a very similar view. When Councilman Kapoor further questioned why one of the photos that showed mature trees between the apartments and the subject site was not used to simulate the tower, Mr. Johnson said that was a photograph the appraiser took (Attachment to Applicant Exhibit 1). He did not have that picture or the data from where he took that picture to be able to give it to the person who did the photo simulations.

Mr. Johnson said that the only difference on the technical standards, Council needs to rule on the setback from the residential. He said that there was a concern from the public about safety related to the radio frequency from the tower. It's safe and the FCC governs that and determines it's well below the FCC standard, and all towers have to be licensed. Under N. C. Gen. Stat. sec. 160A-400.5 (1) (a) it says specifically "public safety includes without limitation federal, state and local safety regulations, but does not include requirements relating to radio frequency emissions of wireless facilities." That should not be part of Council's consideration because it's preempted by the federal government saying these are the standards and if you meet the standard it's safe. He then reviewed their findings from the seven conditional use standards (Attachment to City Exhibit 3).

Regarding standard No. 3, Mr. David Smith, state certified general appraisal, stated his qualifications to be considered as an expert appraiser, said he was asked to study the abutting and adjoining properties (Impact Analysis - Attachment to Applicant Exhibit 1). One of the properties around the site is vacant except for a billboard. One has an abandoned industrial property. Between this site and Hendersonville Road is the Mini-Lube car shop and the other property is Ballard's business. Behind the site is a railroad track. He researched properties around existing cell towers to locate those that sold for comparison in Asheville. He located

properties in Ballantree subdivision near a tower on Sweeten Creek Road. Some of the dwellings had a clear view and others were further away with no view of the tower. Based on his study, it was his opinion that the proposed tower would not have an adverse impact on the property values of adjoining or abutting properties.

Councilman Kapoor wondered if the Ascot Point Circle apartments will have a similar buffer of trees or will they see the cell tower. Mr. Smith said that it depends on where you are in those apartments.

Mayor Manheimer then asked for any public comments.

Mr. John Delaney, resident on Hilltop Road, said that he received his certified copy of the notice three days ago. Some residents who were not at home (or didn't answer the door) when the certified mail arrived did not even know of this hearing as they had not gone to the Post Office to collect the certified mail. He would be representing those people who could not attend this hearing. Primarily they were concerned about health concerns because of the cell tower. He explained how the photographs showed by Mr. Johnson (Applicant Exhibit 1) were not clear on how the tower would look. He felt they were cleverly taken and superimposed. The photograph that Mr. Johnson said they didn't have time to take (from the apartments) is the most important. He said the mature trees shown in the photographs (Applicant Exhibit 1) are not existing trees.

Ms. Leigh Jackson, resident on Hilltop Road, said she was representing 26 households. She presented a picture of the site (Public Exhibit 1) showing 35-40 houses (26 of which were in opposition) with over 130 individuals. On the other side of the site is Ascot Point with over 800 families. When they received the notification to pick up the letter, the pick-up date from the Post Office was August 31. Many people didn't pick up the letter because they thought they had until August 31. She said this is a high residential walking neighborhood. She said no where has the railroad consideration been taken into account - she said it is a 300 foot setback. She would like for the setback to remain in the middle of the railroad. Residents felt that they didn't have a voice because they didn't get the letter, the views, safety, health and real estate resale. She googled telecommunications in your neighborhood and according to the EMF Real Estate Survey 94% respondents said they would not live near a cell tower or antennas (Public Exhibit 2). She said she has a list of people with their addresses and concerns and wanted more involvement on what they would have to look at every day. Therefore, she asked for this public hearing to be continued.

City Attorney Currin said that since this hearing is quasi-judicial, you can't consider the lists. You can't consider anything of anyone not present. She also pointed out that with respect to value impact, an expert witness is required.

Mr. Johnson objected to anything from the internet on the issue of real estate (Public Exhibit 2) because there has to be an expert present to testify.

In response to City Attorney Currin, Ms. Bernstein said that the applicant did comply with the mailing requirements (Attachment to Applicant Exhibit 1). The applicant is required to send the certified letters to the ¼ mile property owners at least 10 days before the meeting. The letters were sent out on October 13. The letter was sent to the property owner of the apartment complex.

Mr. Johnson said that they did the certified mailing pursuant to the ordinance.

Mr. Joseph McCormick objected to Mr. Johnson's objection. He felt that no one would want to live next to a 300 foot tall cell tower when we already have six in Asheville.

Mr. Johnson addressed the questions regarding the railroad, visibility and the notice requirements per the ordinance. Based upon the testimony of Mr. Smith as an expert certified appraiser and based upon the ordinance requirement to conceal the tower, they meet not only that technical requirements but the seven standards. He has heard nothing from the opposition bringing forward any expert testimony or any other testimony that would be relevant to the seven standards.

Councilman Kapoor asked Mr. Smith, in his professional opinion, if the analysis that he did with the Ballantree community was sufficiently comparable (trees and site lines) to the impact on what will happen in Ascot Point. He felt the views from the Ascot Point complex is different than the views of the tower that the Ballentree residents experience. Mr. Smith emphasized that seeing the tower is one of 100 things that would affect a house or an apartment. If someone was looking to rent an apartment would they care if there was a tower or do they want tennis courts? There are so many other factors. If you could choose not to have a tower you would, but most people do not pay less because there is a tower there.

In response to Councilwoman Mayfield regarding Condition No. 4, City Attorney Currin said that you don't need expert testimony on that condition. Generally what the law is, is that if the use is included as a special use there is a presumption of harmony and there has to be evidence contrary so that the use is not harmonious. As far as the applicant, they have the burden to show that it will generally fit into the area.

In response to Councilman Kapoor regarding the railroad tracks, City Attorney Currin said that Council may reduce the setback requirement upon a showing by the applicant that there are special physical circumstances or conditions affecting the proposed site such that the strict application of the setback requirement would not allow the most effective use of the proposed site to minimize the visual impact of the wireless telecommunication facility.

Mr. Johnson said that the purpose is to set it back from residential development. If the reality is that the residential development is not going to be located within the 100 feet regardless of the existence of the railroad track, it can't happen.

Councilman Young asked for City Attorney Currin to reiterate to Council the legal requirement for Council to vote in the affirmative if the seven conditions are met. This is not like a conditional zoning where Council can negotiate certain changes. City Attorney Currin said that under the law of North Carolina, there must competent, material and substantial evidence as to each one of the requirements. Competent evidence means someone who has actual knowledge about the facts or if it has to do with traffic or property values, it has to be an expert to be competent. With respect to material evidence, it has to have something to do with each one of the standards. If the applicant has presented competent, material and substantial evidence, then they are required to be granted a permit unless there is competent, material and substantial evidence contrary presented by an expert with actual facts. With respect to the exception, basically what it means is that is you can't build anything residential on the railroad anyway then it's not that something will be built there later.

Mr. Johnson agreed with City Attorney Currin in that it is presumed harmonious unless there is some evidence presented to the contrary - which has not been presented. In terms of the apartments, Mr. Smith didn't mention the demand for wireless now. These are built in apartment complexes so people have good signal.

At the request of Councilwoman Mayfield, City Attorney Currin said that there can be an ordinance amendment so that the tenants in an apartment complex are also notified.

Ms. Johnson said that she has credentials to be an expert witness. She does oversight hearings for the Senate and House in D.C. and a lot of her area has been with railroads. She can tell you that there are setbacks. The City would be letting them use part of the residential and that wouldn't meet the criteria of safety for the railroad.

Mayor Manheimer said that if there is a conflict with the railroad, that will be between the railroad and the applicant. Ms. Bernstein also noted that all property owners within 200 feet (including the railroad) were notified by the City.

Mayor Manheimer closed the public hearing at 8:35 p.m.

Councilwoman Mayfield didn't particularly like the project like the project; however, she didn't see a basis to disapprove it.

Councilman Young felt the in the future the tenants in apartment complexes be notified as well as the property owner, and possibly even change the requirement of more than 10 days. This is a conditional use permit which puts Council in certain restrictions of legality to vote in the affirmative based on the seven conditions.

Councilman Young moved to approve the conditional use permit for the telecommunication tower at 1256 Hendersonville Road because it meets the seven conditional use standards as demonstrated by the applicant. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

City Attorney Currin said that the Findings of Fact and Conclusions of Law will be placed on the September 11, 2018, agenda.

G. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CONDITIONAL ZONING OF PROPERTY LOCATED AT 430 MCDOWELL STREET AND THE REZONING OF A SMALL PORTION OF THAT PROPERTY FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO INSTITUTIONAL DISTRICT/CONDITIONAL ZONE TO ALLOW THE CHANGE OF USE FOR A MEDICAL OFFICE AND AN AREA FOR AN ADDITIONAL PROFESSIONAL OFFICE OR ONE RESIDENTIAL APARTMENT; AND AMENDMENT TO THE FUTURE LAND USE MAP FOR 430 MCDOWELL STREET FROM TRADITIONAL NEIGHBORHOOD TO TRADITIONAL CORRIDOR

ORDINANCE NO. 4697 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT 430 MCDOWELL STREET AND THE REZONING OF A SMALL PORTION OF THAT PROPERTY FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO INSTITUTIONAL DISTRICT/CONDITIONAL ZONE TO ALLOW THE CHANGE OF USE FOR A MEDICAL OFFICE AND AN AREA FOR AN ADDITIONAL PROFESSIONAL OFFICE OR ONE RESIDENTIAL APARTMENT; AND AMENDING THE FUTURE LAND USE MAP TO CHANGE 430 MCDOWELL STREET FROM TRADITIONAL NEIGHBORHOOD TO TRADITIONAL CORRIDOR

Urban Designer David Hazzard said that this is the consideration of an amendment to the conditional zoning of property located at 430 McDowell Street and the rezoning of a small portion of that property from RS-8 Residential Single-Family High Density District to Institutional

District/Conditional Zone to allow the change of use for a medical office and an area for an additional professional office or one residential apartment. In addition, this will also require an amendment to the Future Land Use map to change 430 McDowell Street from Traditional Neighborhood to Traditional Corridor. This public hearing was advertised on August 17 and 24, 2018.

Mr. Hazzard said that the applicant is requesting to amend the conditional zoning (Ordinance Number 3393) of a property located at 430 McDowell Street and PIN 9648-41-5818 to allow the use of a medical office and an area for an additional professional office or one residential apartment for long-term rental within the existing structure. In addition a small portion of this property will be rezoned from Residential Single Family High Density (RS-8) district to Institutional Conditional Zoning (INST-CZ) district as a part of the conditional zoning amendment. Pursuant to a recent amendment to North Carolina General Statute 160A-383, an approval of the amendment and rezoning request would result in an amendment to the Future Land Use Map, from Traditional Neighborhood to Traditional Corridor. The project contact is Mary Weber and the property owner is Academy of Asheville, Inc.

Parcel 9648-41-5818 is approximately 0.84 acres in size and is located at 430 McDowell Street. This parcel currently has an existing structure that is vacant. The site slopes from east to west and is fairly steep adjacent to McDowell St. The parcel is split zoned with the majority of the parcel zoned Institutional Conditional Zoning (INST-CZ) and a small portion of the parcel is zoned Residential Single Family High Density (RS-8). The southern portion of the parcel that is zoned RS-8 is also located in a Local Historic district and will require a Certificate of Appropriateness for a minor work for any site modifications in this area.

On the west side of this parcel is McDowell St. and across the street is Asheville High School and is zoned Institutional (INST). To the North is Grindstaff Dr. and parcels across Grindstaff Dr. are zoned INST and RS-8 and appear to contain a dog grooming business and a single family residential structure. To the east are parcels zoned RS-8 and appear to contain single family residential structures. Parcels to the south are zoned RS-8 and some appear to be vacant while others contain single family residential structures, These parcels are located in the St. Dunstan's Historic District.

The applicant is proposing to modify a previously approved conditional zoning (CZ) that allowed for the use of a daycare facility on this parcel to now allow a medical office and a area for an additional professional office or one residential apartment for long-term rental within the existing structure. Note this parcel is split zoned and a small portion of this parcel is zoned RS-8, thus this proposal is also requesting to rezone that portion of the parcel to INST-CZ.

Access to the existing building and parking area is located off of Grindstaff Road. The applicant intends to expand and improve the existing parking area. A total of 19 parking spaces, including two handicap spaces and a bike rack are proposed. Note some of the parking will encroach into the front setback up to 6' (this has been included in the B.1 Conditions)

Sidewalks are required on the property frontage along both McDowell St. and on Grindstaff Rd. A sidewalk is proposed along Grindstaff Rd. The applicant has requested a B.1 Condition to not build the sidewalk adjacent to McDowell St. due to the existing steep slope and rock outcropping that would require a +/- 6' retaining wall. As per the applicant an estimate for this sidewalk in 2014 was $235,000 for 160 linear feet. Based on recent city construction projects, construction for a typical sidewalk (without walls, extensive grading, etc.) is approximately $66.00 a linear foot, thus for 160 linear feet would be approximately $10,560. In exchange for construction of this sidewalk the applicant has proposed to continue the sidewalk along Grindstaff Rd. to the existing bus stop, provide a bus shelter at this location and install a crosswalk and associated ADA ramps across Grindstaff Rd.

A 30-foot Type B buffer is required along the east and south sides of the property where adjacent to residential uses. The applicant is proposing a reduced buffer width in areas where existing site conditions and expansion of the parking area will limit the buffer width (this request is included as a B.1 condition). The applicant has proposed additional evergreen vegetation in these areas. Street trees are required along McDowell Street and Grindstaff Road. Parking lot, building impact, and street buffer landscaping will also be provided to meet the landscape requirements in the UDO. The majority of existing trees will be preserved and may count as credit towards landscape requirements.

This amendment to the conditional zoning was approved with conditions by the Technical Review Committee (TRC) on July 16, 2018, and requires review by the Planning and Zoning Commission, City Council and Final TRC prior to zoning approval. Note the portion of the parcel that is located in the historic district will also require a Certificate of Appropriateness for the expansion of the parking area.

The parcel is split zoned with the majority of the parcel zoned Institutional Conditional Zoning (INST-CZ) and a small portion of the parcel is zoned Residential Single Family High Density (RS-8), thus this proposal is also requesting to rezone that portion of the parcel to INST-CZ. Ultimately resulting in all of parcel Parcel 9648-41-5818 being zoned INST-CZ.

Conditions -

- Permitted uses: Medical office and a area for an additional professional office or one residential apartment for long-term rental.
- Encroachment of the parking and existing retaining wall up to 6' into building setback.
- Reduction in the required landscape buffer "B" width as shown on plans.
- Modification of required street tree spacing requirements along McDowell St. as shown on plan.
- One additional street tree along Grindstaff Dr. as shown on plan.
- Elimination of sidewalk along McDowell St.
- Install bus shelter at existing bus stop.
- Install crosswalk and associated ADA ramps across Grindstaff Dr.
- Receive a Certificate of Appropriateness for the area of the parcel that is located in the Local Historic District.

The existing building is residential in scale and was previously approved as a daycare which is similar to the intensity of use as a small scale medical office. Thus staff feels this use is compatible with this area.

Living Asheville: A Comprehensive Plan for our Future identifies this parcel as Traditional Neighborhood on the Future Land Use Map. Traditional Neighborhood are commonly found in in some of the older areas within the city that are generally more compact and walkable, and where homes may be placed closer to the street. The existing and proposed zoning (INST CZ) is inconsistent with the Future Land Use Map. Pursuant to N.C. Gen. Stat. § 160A-383(b)(3), approving this CZ amendment will automatically amend the Future Land Use Map, from Traditional Neighborhood to Traditional Corridor. Staff supports this amendment to the Future Land Use Map, because it will allow the Future Land Use Map to reflect the existing and proposed land use.

This parcel is on the edge of the existing neighborhood, located on McDowell Street, and adjacent to an existing bus stop. Therefore it is consistent with Traditional Corridor designation in that it has multimodal options and could be considered a community service.

This action does align with the 2036 Council Vision in the following areas (1) *A Well-Planned and Livable Community* - The proposed amendment would promote an area with businesses mixed with residential and commercial uses, and has the potential to be integrated with the city's transportation system; and (2) *Transportation and Accessibility* - This parcel is adjacent to a transit line which would support options for transportation and accessibility.

Considerations:

- This is an appropriate use for the McDowell St. corridor.
- This is a amendment to a previously approved Conditional Zoning for an existing structure with a similar intensity of use.

The Planning and Zoning Commission reviewed this project on August 1, 2018. The Commission voted 7-0 in favor of the project and recommended Council approval of this Conditional Zoning request subject to Final TRC approval and the B-1 Conditions that were presented to Planning & Zoning.

Mayor Manheimer opened the public hearing at 8:47 p.m.

Councilwoman Mayfield felt this is an ideal place that we would want a sidewalk, but was concerned that if we insist on a sidewalk at that location, then no one will use that property, because no one will spend $235,000 to fix the existing steep slope, and construct a +/- 6' retaining wall for the rock outcropping.

There was considerable discussion about the condition not to build a sidewalk on McDowell Street. Council discussed asking the applicant to contribute $10,560 into the City's Capital Sidewalk Fund in addition to the applicant continuing the sidewalk along Grindstaff Road to the existing bus stop, provide a bus shelter at this location and install a crosswalk and associated ADA ramps across Grindstaff Road; or accepting the applicant's request that in exchange for building the sidewalk they would continue the sidewalk along Grindstaff Road to the existing bus stop, provide a bus shelter at this location and install a crosswalk and associated ADA ramps across Grindstaff Road, with no contribution to the City's Capital Sidewalk Fund.

Councilman Young felt that we need to have some uniformity when applicants request not to build a required sidewalk.

Ms. Mary Weber, landscape architect for this property, said that this site has been empty for 10 years because of the sidewalk issue. She estimated the applicant's improvements in exchange for not having to build a sidewalk in the range of $20-30,000.

Mr. Dennis Campbell, property owner, said that he held a neighborhood meeting where several neighbors attended and they were excited about the improvements to the transit system he proposes.

Mayor Manheimer opened the public hearing at 8:57 p.m.

Ms. Lauren Bacchus supported the sidewalk for connectivity and also for the bus shelters. She expressed the need for more funding for public transportation.

Ms. Allison Hammond supported a bus shelter and crosswalk for this high traffic area.

Mayor Manheimer closed the public hearing at 9:00 p.m.

Councilwoman Mayfield felt there is already good connectivity across McDowell which is north from the school.

Mayor Manheimer agreed the sidewalk is a missing link and it will be expensive to build the sidewalk. She felt we do need some consistency and feel strongly that if a sidewalk is not going to be constructed as part of the project for some reason, we need a plan on how to deal with that. She felt a fee that is somehow related to the typical costs of what the sidewalk would be is fine. In this case, there is also the bus shelter construction which is not a requirement.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mayfield moved to approve the amendment to Ordinance No. 3393 to allow for the use of a medical office and a area for an additional professional office or one residential apartment for long-term rental, and the rezoning of a portion of parcel 9648-41-5818 from Residential Single Family High Density (RS-8) to Institutional Conditional Zoning (INST-CZ) (with the B.1 conditions presented to the Planning & Zoning Commission and no fee into the City's Capital Sidewalk Fund) and declare that this approval is also deemed an amendment to the Future Land Use Map within the Living Asheville Comprehensive Plan, changing this parcel from Traditional Neighborhood to Traditional Corridor, and find that the request and resulting Future Land Use Map amendment is reasonable, is in the public interest, and meets the development needs of the community because: (1) The amendment will allow for the adaptive reuse of an existing structure (2) This is a amendment to a previously approved Conditional Zoning with a similar intensity of use (3) The use is consistent with other uses along the McDowell Street corridor (4) The request Is compatible with current land uses and desired future land uses and (5) The amendment aligns with community character specified in the Living Asheville Comprehensive Plan. This motion was seconded by Councilman Kapoor and carried on a 6-1 vote with Vice-Mayor Wisler voting "no".

ORDINANCE BOOK NO. 32 – PAGE 199

H. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF PROPERTY LOCATED AT 511 BREVARD ROAD FROM HIGHWAY BUSINESS DISTRICT TO HIGHWAY BUSINESS DISTRICT/CONDITIONAL ZONE AND LODGING EXPANSION/CONDITIONAL ZONE FOR THE DEVELOPMENT OF A 4-STORY HOTEL BUILDING AND A FUTURE DEVELOPMENT PARCEL

At the applicant's request, Councilman Haynes moved to continue this public hearing until October 9 , 2018. This motion was seconded by Councilman Kapoor and carried unanimously.

Closed Session

At 9:06 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including litigation involving the following parties: James Robert West v. City of Asheville. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3); and (3) To consider the qualifications of appointment of an individual public officer or employee. The statutory authorization is contained in N.C.G.S. 154-318.11(a)(6); and to prevent the disclosure of information that is confidential pursuant to N.C.G.S. 160A-168, the Personnel Privacy Act. The statutory authorization is contained in N.C.G.S. 154-318.11(a)(1). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 10:06 p.m., Councilman Kapoor moved to come out of closed session. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. ORDINANCE NO. 4698 - ORDINANCE AMENDING CHAPTER 11, SECTION 18 AND APPENDIX B, SECTION G, OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO REGULATE TRESPASS TOWING FROM PRIVATE PARKING LOTS

Assistant City Attorney Catherine Hofmann said that this is the consideration of amendments to the City's Pre-Towing Ordinance, set forth in City Code Section 11-18, and City Code Appendix B (Schedule of Civil Penalties), to provide additional regulations to protect citizens whose vehicles are towed from private lots within the City.

The City previously enacted a Towing Ordinance, found in City Code Section 11-18, that regulates the act of non-consensual towing and booting (immobilization) of vehicles from private property within the CBD and Biltmore Village Historic District. Pursuant to the City's Towing Ordinance, it is unlawful to engage in non-consensual towing or immobilization of such vehicles, without complying with certain pre-towing notice and other requirements. The person or entity who engages in the unlawful tow or immobilization of a vehicle is subject to the fines set forth in Appendix B to the City Code.

In or around early 2018, due, in part, to questions from citizens regarding the Towing Ordinance, City Council asked our office to review the City's Towing Ordinance provisions and to research whether there are any additional regulations that the City may enact, to further protect citizens whose vehicles are towed from private lots within the City.

On April 10, 2018, our office provided the Governance Committee with a summary of the City's authority to regulate the nonconsensual towing of vehicles from private property, (see Governance Committee April 10, 2018 Staff Report), and presented to the Governance Committee for their consideration, several potential amendments to the City's Towing Ordinance, based on the questions we received and in consultation with the City's Parking Services Department. The potential amendments presented to the Governance Committee included the following:

- Expanding the scope of violators, to include any person or entity who authorizes, directs, engages in or contracts for illegal trespass (non-consensual) towing or booting;
    - With this amendment, our office recommended a few additional clarifying amendments, to ensure that such regulation would not otherwise hinder the rights of private property owners to protect their property from trespass;

- Providing that, when applicable, regulations related to the practice of trespass towing are also applicable to the practice of "booting" or immobilizing vehicles;

- Expanding the scope of the ordinance to regulate towing from private lots in other areas in the City, in addition to the CBD and Biltmore Village Historic District; and

- Increasing the amount of civil penalties assessed for violations of the ordinance.

The Governance Committee recommended that the Towing Ordinance be presented to City Council with all of the above potential amendments. With respect to expanding the area the ordinance covers, the Governance Committee recommended that it be expanded to include the River Arts District, portions of West Asheville and other areas in the City where there are currently private parking lots for a fee. The Governance Committee also requested that we research the amount of fines that other North Carolina municipalities assess for this type of ordinance violation, and consult with the Parking Services Department as to what amount of fines would be appropriate.

In addition to the above, the Governance Committee also requested that our office review the distance a vehicle may be towed, which is currently 10 miles. In reviewing this regulation, we benchmarked other North Carolina municipalities, as well as a parallel State statute that regulates towing in certain municipalities (although not Asheville). Our research did not find a North Carolina municipality that restricts the distance a vehicle may be towed to less than 10 miles.

Finally, the Governance Committee asked our office to research whether the City may enact regulations related to the licensing of towing companies, that would require tow companies to be familiar with the City's Towing Ordinance regulations, in order to operate within the City. Our research found that, in King v. Town of Chapel Hill, the North Carolina Supreme Court held that cities need specific statutory authority in order to regulate the business or licensing of a tow company and that authority does not currently exist. As such, Asheville currently does not have the statutory authority to enact such a regulation.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Young moved to adopt an ordinance amending City Code Chapter 11, Section 18, "Pre-towing notices on private lots," and City Code Appendix B, "Schedule of Civil Penalties." This motion was seconded by Vice-Mayor Wisler and carried unanimously.

ORDINANCE BOOK NO. 32 – PAGE 205

B. BOARDS & COMMISSIONS

Regarding the Citizens-Police Advisory Committee, no one applied for the resident of the Housing Authority property. Therefore, it was the consensus of Council to re-advertise for that seat.

Regarding the Board of Electrical Examiners, no one applied for the layman seat. . Therefore, it was the consensus of Council to re-advertise for that seat.

RESOLUTION NO. 18-225 - RESOLUTION APPOINTING ALTERNATE MEMBERS TO THE BOARD OF ADJUSTMENT

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing Alternate members to the Board of Adjustment.

There currently exists an Alternate vacancy when Mr. Paul Wilczynski was appointed a Regular member. That current vacancy expires on January 21, 2021. In addition, there currently exists a vacancy until January 21, 2019, left by Ms. Misty Miller.

The following individuals applied for the vacancy: Ken Sherlin, Paul Harkrider, Robert Carroll and Suzanne Godsey.

It was the consensus of the Boards & Commissions Committee to appoint Suzanne Godsey.

Vice-Mayor Wisler moved to appoint Suzanne Godsey to serve the Alternate unexpired term of Mr. Wilczynski, term to expire January 21, 2021, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 94

RESOLUTION NO. 18-226 - RESOLUTION APPOINTING THE CHAIR OF THE CIVIL SERVICE BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that it is the responsibility of City Council to appoint the Chair of the Civil Service Board, and the Chair of the Civil Service Board shall be appointed annually by City Council.

Mr. Alan Escovitz, has resigned as a member and Chair of the Board, and a Civil Service Board election was held on June 25, 2016, for his replacement on the Board as an employee representative.

In 2013, a process was established for future appointments to the chair role of the Civil Service Board. Said process offered members of the Civil Service Board to express interest in serving as Chair.

All members were advised to contact Deputy City Clerk Sarah Terwilliger if they were interested in serving as Chair. Ms. Carol Goins was the only interested member. The term of Mr. Coxie expires on October 1, 2019.

Vice-Mayor Wisler moved to appoint Carol Goins as Chairman of the Civil Service Board to serve a one-year term, term to expire August 28, 2019, or until her successor is duly appointed or until her term on the Civil Service Board expires, whichever occurs first. This motion was seconded by Councilman Kapoor and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 95

RESOLUTION NO. 18-227 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Asheville-Buncombe Historic Resources Commission.

Ms. Janet Whitworth resigned as a member from the Asheville-Buncombe Historic Resources Commission, thus leaving a vacancy until July 1, 2010.

The following individuals applied for the vacancy: Will Hornaday, Linden Ontjes, Mike Kennedy, Wayne Wheeler, Hillary Mannion and Lorraine Tipaldi.

It was the consensus of the Boards & Commissions Committee to appoint Hillary Mannion.

Vice-Mayor Wisler moved to appoint Hillary Mannion to fill the unexpired term of Ms. Whitworth, term to expire July 1, 2020, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 96

RESOLUTION NO. 18-228 - RESOLUTION APPOINTING A MEMBER TO THE NEIGHBORHOOD ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Neighborhood Advisory Committee.

Mr. Jackson Tierney (at-large representative) has resigned, thus leaving an unexpired term until July 1, 2020.

The following individuals applied for the vacancy: Karl Katterjohn, Bob Swanson and Cissy Dendy.

It was the consensus of the Boards & Commissions Committee to appoint Cissy Dendy.

Vice-Mayor Wisler moved to appoint Cissy Dendy (at-large representative) to the unexpired term of Mr. Jackson, term to expire July 1, 2020, or until until her successor has been appointed. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 97

RESOLUTION NO. 18-299 - RESOLUTION APPOINTING A MEMBER TO THE NOISE ORDINANCE APPEALS BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Noise Ordinance Appeals Board.

The term of Robert Glenn (Alternate member) expired on July 1, 2018.

The following individuals applied for the vacancy: John L. Caldwell and Patrick Gilbert.

It was the consensus of the Boards & Commissions Committee to appoint John Caldwell or Patrick Gilbert.

Vice-Mayor Wisler moved to appoint Patrick Gilbert (Alternate Member) to serve a three-year term, term to expire July 1, 2021, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 98

RESOLUTION NO. 18-230 - RESOLUTION APPOINTING A MEMBER TO THE TREE COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Tree Commission.

Ms. Diane Hillgrove has resigned, thus leaving an unexpired term until December 31, 2020.

The following individuals applied for the vacancy: Martha Dyke, Chip Hood, Guillermo Rodriguez, Patrick Gilbert and Jonathan Watterson.

It was the consensus of the Boards & Commissions Committee to appoint Guillermo Rodriguez.

Vice-Mayor Wisler moved to appoint Guillermo Rodriguez to the unexpired term of Ms. Hillgrove, term to expire December 31, 2020, or until until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 99

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. James Gambrell requested more money for the transit system.

Mr. Jack Logan requested a day to be proclaimed in memory of 12-year old Derrick Lee Jr. and urged Council to stress that gun violence will not be tolerated. Mayor Manheimer said that she would be happy to do this and asked that he reach out to City Clerk Burleson for preparation of this proclamation.

Ms. Allison Hammond requested Oakland Road be repaired and sidewalks be constructed. She also felt that speed humps might work on that road as well. Mayor Manheimer asked Ms. Hammond to contact City Clerk Burleson for the process of traffic calming.

Ms. Hollie Davison spoke about the importance of the services at 610 Haywood Road.

Ms. Vicki Meath, Director of Just Economics, spoke about the need to work together to improve the transit system and the need for the City to hold the management company accountable.

Ms. Diane Allen, Transit Union President, said she was ready and willing to assist with any outstanding issues with the transit system, including the shortage of mechanics, condition of the buses and gaps in service.

Ms. Kim Roney asked the City to hold the transit management company accountable and try to find ways to help fill the mechanic needs.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 10:47 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – September 11, 2018- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Acting City Manager Cathy Ball; City Attorney Robin T. Currin; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING SEPTEMBER 9-15, 2018, AS "SUICIDE PREVENTION WEEK"

Councilman Kapoor read the proclamation proclaiming September 9-15, 2018 as "Suicide Prevention Week" in the City of Asheville. He presented the proclamation to Ms. Nichole Rickard and possibly Betsy Rhodes (Area Director for the N.C. Chapter of the American Foundation for Suicide Prevention, who briefed City Council on some activities taking place during the week.

B. PROCLAMATION PROCLAIMING SEPTEMBER 12-14, 2018, AS "GREEN BOND PLEDGE DAYS"

Councilwoman Mayfield read the proclamation proclaiming September 12-14, 2018 as "Green Bond Pledge Days" in the City of Asheville. She presented the proclamation to Ms. Megan Robinson and Josh Dorfman from the Collider, who briefed City Council on some activities taking place during the days.

C. PROCLAMATION PROCLAIMING SEPTEMBER 21, 2018, AS "INTERNATIONAL DAY OF PEACE"

Councilwoman Smith read the proclamation proclaiming September 21, 2018 as "International Day of Peace" in the City of Asheville. She presented the proclamation to Ms. Rachel Bliss and Dr. Ellie Halsey, who briefed City Council on some activities taking place during that day.

CONSENT AGENDA:

At the request of Mayor Manheimer asked that Consent Agenda "L" (Resolution Appointing Sabrina Rockoff as Interim City Attorney) be added to the Consent Agenda.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON AUGUST 28, 2018

B. MOTION TO ADOPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR THE CONSTRUCTION OF A NEW TELECOMMUNICATIONS TOWER AT 1256 HENDERSONVILLE ROAD

C. RESOLUTION NO. 18-231 - RESOLUTION ACCEPTING WILLIS WAY ALLEY FROM RAMOTH ROAD TO NORWOOD AVENUE AS A CITY STREET

Summary: The consideration of a resolution to accept Willis Way Alley from Ramoth Road to Norwood Avenue as a City street.

Willis Way Alley from Ramoth Road to Norwood Avenue has existed for many years serving several residential properties (the original plat is dated June 1915). Unfortunately, there has been confusion regarding the street being city-maintained or privately-maintained. Since the Water Department needed to make some repairs to their water lines along this street which would require an asphalt overlay, the decision was made during November 2017 that staff would move forward with a recommendation to City Council to officially accept the street as a city-maintained street once all of the work was completed and inspected. All of the work is now completed.

Willis Way Alley from Ramoth Road to Norwood Avenue has an average width of 11 feet with unpaved shoulders, a length of 0.19 mile, and a right-of-way width of 15 feet.

Transportation Department staff, Fire Department staff, Planning Department staff, and Public Works Department staff inspected the subject street and determined that it was constructed according to current standards as indicated in the City of Asheville's Standard Specifications and Details Manual with the exception of the pavement width.

Following City Council's approval of this resolution, the subject street will be added to the official Powell Bill List. In this specific case, the City of Asheville will not receive Powell Bill Funds from the North Carolina Department of Transportation since the average pavement width is less than 16 feet.

Pro:

- The street provides access to several residential properties.

Con:

- The City of Asheville will **not** receive Powell Bill Funds from the N.C. Dept. of Transportation (NCDOT) to help maintain the street.

There will be no initial financial impact to the City, although the responsibility of maintenance will belong to the Public Works Department.

Staff recommends that City Council accept Willis Way Alley from Ramoth Road to Norwood Avenue as a City street.

RESOLUTION BOOK NO. 40 - PAGE 100

D. RESOLUTION NO. 18-232 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH RESTOCON TO COMPLETE REPAIRS IN THE CIVIC CENTER GARAGE

Summary: The consideration of a resolution authorizing the City Manager to sign a contract with RESTOCON to complete repairs in the Civic Center Garage.

The four City owned parking garages are valuable assets that generate millions of dollars of revenue for the City each year. The garages range from 42 years old for the Civic Center Garage to six years old for the Biltmore Avenue Garage. Wall Street and Rankin Avenue garages

are 30 years old. Like any building, they age, and must be periodically evaluated, and if necessary, repaired, to ensure the safety of the building and the users thereof.

Parking Services Division systemically contracts with structural engineers, specializing in parking garages, to evaluate the garages and to propose needed repairs or upgrades. The cycle starts with the largest garage, Civic Center, then on to the smaller garages Rankin Avenue and Wall Street. By stretching them out, we ensure the maximum number of parking spaces remain available to the public. The last cycle ended in 2010. The current cycle started in 2017.

In late 2016 the City entered into a contract with the engineering firm Walter P. Moore to evaluate the Civic Center Garage and prepare a detailed report on the condition of the facility. And, to propose a plan to keep the facility in good operating condition for up to the next 30 years. In late summer of 2017 they presented their recommended 30 maintenance year plan to keep this facility operational. The plan identified and recommended High Priority, Medium Priority, Low Priority, and Enhancements. City staff identified the needed repairs and directed the engineering firm to prepare the specifications, drawings, and request for bids documents.

In early March 2018, the City published a Request for Bids to complete the necessary repairs in the garage. Since only one bid was submitted, staff had to republish the request which was accomplished in late April 2018. Two bids were received with RESTOCON Corporation submitting the lowest bid of $274K. Repairs will include stairwell repair/replacement, door frame repair/replacement, concrete deck repairs, post tension anchor repair/replacement, column repairs, light pole replacement, and painting of surfaces.

Pros:

- Updates and improves a 42-year old structure ensuring continued safe use of the facility.
- Improves lighting on the top of the structure.
- Enhancement efforts will improve the aesthetics of the interior and exterior of the facility.

Cons:

- Customer disruption and inconvenience during the work period.
- Will cost $274K plus possible contingencies.

The budget for this project is already included in the Parking Services' Capital Fund.

City staff recommends that City Council adopt a resolution authorizing the City Manager to enter in a contract with RESTOCON Corporation in an amount not to exceed $300,000.00 (bid amount plus contingency) for restoration and repairs of the Civic Center Garage.

RESOLUTION BOOK NO. 40 - PAGE 102

E. RESOLUTION NO. 18-233 - RESOLUTION AUTHORIZING THE CITY MANAGER EXECUTE A CONTRACT WITH AZTECA SYSTEMS, LLC FOR A CONTRACT FOR ENTERPRISE ASSET MANAGEMENT SOFTWARE LICENSE, MAINTENANCE AND SUPPORT

Summary: The consideration of a resolution authorizing the City Manager to execute an agreement with Azteca Systems, LLC for an upgraded asset management software license, maintenance and support, with the understanding that funding is project specific and subject to the annual appropriation of funds.

The City is seeking to upgrade the current license agreement for the estimated total amount of $60,000 annually. The City currently has a utility-based license agreement with Azteca Systems, LLC for enterprise asset management software license, maintenance, and support for

use by the Water Resources Department in the amount of $20,000 annually. Staff recommends upgrading to an enterprise-wide agreement in order to expand the use of this software to allow for collaboration with the Public Works Department and any additional departments in the future. The additional cost for this expansion is $40,000 annually. Asset management software typically has a lifespan of ten or more years. During this time period, annual maintenance renewals will be needed for software maintenance and support, software enhancements on ongoing fixes. The Public Works Department is entering into a separate contract with Timmons Group for implementation of this software.

Pros:

- The City has been using Azteca/Cityworks since March of 2018 and staff is familiar with its strengths, limitations, and support process.
- Allows for increased collaboration among WRD and PWD initially, and among additional departments when ready, streamlining inter-department workflows and sharing costs.
- Continues software license, maintenance and support services including software enhancements and ongoing fixes.

Con:

- Staff time and financial support will be needed for success.

The software license upgrade is funded by the Public Works Department, and funding is currently allocated within the Public Works General Fund, Stormwater Enterprise Fund, and Street Cut Enterprise Fund. The funding needed for the annual agreement is shared by user departments, and is currently allocated within the Water Resources Department Enterprise Fund, Public Works General Fund, Stormwater Enterprise Fund, and Street Cut Enterprise Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to enter into an enterprise-wide agreement with Azteca Systems, LLC on behalf of the City of Asheville for the purpose of providing an enterprise license agreement contract for asset management software, maintenance and support in the amount of $60,000 per year for City-wide use. Further, the City Manager is authorized to execute annual maintenance renewals as needed by City departments for an amount not to exceed the City's approved budget, for those departments, for each applicable fiscal year period.

RESOLUTION BOOK NO. 40 - PAGE 103

F. RESOLUTION NO. 18-234 - RESOLUTION AUTHORIZING THE CITY MANAGER EXECUTE A GENERAL SERVICES AGREEMENT WITH TIMMONS GROUP FOR THE PUBLIC WORKS ASSET MANAGEMENT PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a general services agreement with Timmons Group for the Public Works Asset Management Project for the proposal amount of $199,100 plus a 15.5% contingency of $30,900 for a total project budget of $230,000.

The scope of work for this Project includes, but is not limited to: consultation, data conversion, customization, licensing, training, integrations, and software support required for the expanded use of Cityworks-Azteca Server Asset Management System (AMS). This software will replace the Public Works Department's (PWD) existing, outdated Munis Work Order System, expand mobile system use, and allow for better system integration with the department's Geographic Information System (GIS) database and software. The new Cityworks-Azteca AMS will provide a powerful tool for asset management, customer service, and work order management, as well as increase accuracy and efficiency, and improve our ability to better communicate across the organization and with the public regarding our infrastructure assets.

On July 1, 2016, the Water Resources Department (WRD) issued a Request for Proposals (RFP) for the WRD's Enterprise Asset Management Project, which included City-wide asset management needs. In response to the RFP, eight proposals were received on August 1, 2016, followed by an extensive review of the proposals by City Staff of various departments, including reference checks and on-site demonstrations. After this extensive review, Timmons Group was selected. WRD was the first to engage with specific services for their department under a general services agreement with Timmons Group which was approved by City Council on February 14, 2017 in Resolution No. 17-31. The PWD desires to execute an agreement to expand the City-wide Project scope in order to include similar services for Public Works. The contract allows the PWD to partner with the WRD in sharing costs and increasing collaboration as PWD seeks to emulate WRD's success in using asset management technology to modernize business operations. Future contracting phases may be needed to support additional departments, groups or tasks, to continue to expand the use of asset management technology. The City is entering into a separate contract with Azteca for the software.

Pros:

- This Project will replace the existing, outdated work order system, expand mobile system use, and allow other systems (i.e. GIS) to interface more easily with the software.
- This Project will improve communication across the organization and with the public.
- This Project will increase accuracy and efficiency in asset management, customer service, and work order management.

Con:

- Staff time and financial support will be needed for Project success.

All of the funding needed for the Public Works Asset Management Project is currently allocated within the Public Works General Fund, Stormwater Enterprise Fund, and Street Cut Enterprise Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a general services agreement with Timmons Group for the Public Works Asset Management Project for the amount of $199,100 and to enter into change orders or contract amendments to their agreement for an additional 15.5% (contingency) of the agreement amount or $30,900, for a total project budget of $230,000.

RESOLUTION BOOK NO. 40 - PAGE 104

G. RESOLUTION NO. 18-235 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH ADW ARCHITECTS FOR THE ARCHITECTURAL AND ENGINEERING SERVICES TO CONSTRUCT FIRE STATION #13

Summary: The consideration of a resolution authorizing the City Manager to enter into a professional services contract with ADW Architects for the architectural and engineering services necessary to plan, design, and construct Fire Station #13.

Fire Station #13, which was authorized in the Capital Improvement Program (CIP), will be located on land that was purchased on Broadway in 2014. During its December 13, 2016 meeting the Finance Committee received a briefing on the project which included project status, timeline, and future station staffing and operational needs. In response to the Request for Qualifications, the following six firms submitted packages:

Zapata (Charlotte, NC)	Stewart-Cooper-Newell (Gastonia, NC)
ADW Architects (Charlotte, NC)	Mathews Architecture (Asheville, NC)
DP3 Architects (Greenville, SC)	CBSA Architects (Hickory, NC)

In reviewing submittals, an inter-departmental team utilized a scoring matrix to assess the qualifications. Three firms scored high enough to be short-listed for on-site interviews, including Zapata, ADW Architects, and Stewart-Cooper-Newell. The professional team led by ADW Architects is well-qualified in all required disciplines, with specific experience in fire station design. Scoring by the review team indicated ADW Architects as the highest-rated offeror.

Contract negotiations were undertaken with ADW, and the proposed contract is being structured so that the City must issue a Notice to Proceed (NTP) through each phase of the project before the Architect can proceed from one phase to the next. Cost estimates will be provided at each design phase so the City can assess the overall project budget before moving to the next step.

The value of the primary architectural & engineering service work is $366,801. In addition, there is a cost of $89,782 for the specialized design & related tasks needed to achieve LEED Gold Certification as required by Council Resolution 07-91. Therefore, the total proposed contract value is $456,583.

Pros:

- Allows design work to proceed on the Fire Station #13 project authorized in the CIP;
- Multi-disciplinary team includes architecture, engineering, interior design, LEED, and other professional disciplines needed to take this project from start to finish; and
- Flexible delivery of services that will allow the City to authorize work on a phase-by-phase basis that provides cost estimates and decision support at each step.

Con:

- None identified.

Project funding was approved by City Council in the Capital Improvement Program (CIP Project F1401), and the proposed expenditures are within the existing budget.

City staff recommends City Council adopt a resolution authorizing the City Manager to enter into a professional services contract with ADW Architects for the architectural & engineering services needed to design and support construction of Fire Station #13.

RESOLUTION BOOK NO. 40 - PAGE 105

H. RESOLUTION NO. 18-236 - RESOLUTION ACCEPTING MCKINLEY AVENUE AS A CITY STREET

Summary: The consideration of a resolution to accept McKinley Avenue as a City street.

Asheville Area Habitat for Humanity has recently completed a 10-unit single-family residential community that is served by McKinley Avenue in the Shiloh Community and is offering this street for dedication to the City for public use.

McKinley Avenue from Taft Avenue to its dead-end is a developer-constructed street that has an average width of 20 feet with valley curb, a length of 0.09 mile, and a variable right-of-way width of 30 to 40 feet. In addition, street lights are in place along the entire length of the street.

Transportation Department staff, Fire Department staff, Planning Department staff, and Public Works Department staff inspected the subject street and determined that it was constructed according to current standards as indicated in the City of Asheville's Standard Specifications and Details Manual.

Following City Council's approval of this resolution, the subject street will be added to the official Powell Bill List.

Pros:

- The City of Asheville will receive Powell Bill Funds from the North Carolina Department of Transportation (NCDOT) to help maintain the street.
- The street provides access to residential properties.

Con:

- Powell Bill Funds will not cover 100% of the total cost to maintain the street.

There will be no initial financial impact to the City, although the responsibility of maintenance will belong to the Public Works Department. The City will receive Powell Bill Funds in the future to help maintain the street.

Staff recommends that City Council accept McKinley Avenue as a City street.

RESOLUTION BOOK NO. 40 - PAGE 106

I. RESOLUTION NO. 18-237 - RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE EXCESS LIABILITY AND WORKERS' COMPENSATION AND DAM INSURANCE POLICIES FOR SEPTEMBER 1, 2018, THROUGH AUGUST 31, 2019

Summary: The consideration of a resolution authorizing the City Manager to purchase excess Liability and Workers' Compensation and Dam insurance policies for September 1, 2018 through August 31, 2019.

Since 1993, the City of Asheville (City) has administered a self-funded insurance claims program. The self-funded program has provided significant savings in the overall cost of risk management for the City. The City Risk Management Division ensures provision of insurance and funding reserves to resolve liability and workers' compensation claims. The following proposed excess insurance policies protect the City from liability claims exceeding $500,000 and workers' compensation claims exceeding $600,000. The policies provide a stop-loss value for the City should compensable claims exceed the aforementioned amounts.

Line of Insurance	Coverage Limit	Deductible	Premium
Excess Liability (Primary)	$5,000,000	$500,000	$314,795
Excess Liability (Umbrella)	$10,000,000	Primary Deductible	$134,567
Dams	$15,000,000	$500,000	$190,890
Workers' Compensation	Statutory (No Limit)	$600,000	$234,681

Pro:

- Procuring insurance financially protects the City from losses exceeding $500,000 for liability claims and $600,000 for workers' compensation claims.

Con:

- None. The City's self-insured claims programs and excess insurance policies are sound financial and strategic risk management techniques.

The excess liability layered premium costs are $314,795 and $134,567. The dam insurance premium costs $190,890. The excess workers' compensation premium cost is $234,681. All premiums are included in the adopted FY19 budget.

City staff recommends City Council adopt a resolution authorizing the City Manager to purchase excess liability and workers' compensation and dam insurance policies.

RESOLUTION BOOK NO. 40 - PAGE 108

J. RESOLUTION NO. 18-238 - RESOLUTION RESCINDING APPOINTMENT TO CIVIL SERVICE BOARD AND AUTHORIZING THE POSTING OF NOTICE SOLICITING NEW APPLICANTS

Summary: The City Council has authority to appoint two members of the five members of the Civil Service Board pursuant to 2009 N.C. Sess. Laws ch. 401, § 2(a) ("the Civil Service Act"). The Civil Service Act provides that such appointees "shall serve at the pleasure of the Council." On June 28, 2017, the City Council approved Resolution No. 17-90 appointing Mr. Alan Escovitz to the Civil Service Board until May 21, 2019. The City Council wishes to appoint a new member to the Civil Service Board in lieu of Mr. Escovitz. Therefore, (1) Resolution No. 17-90, appointing Mr. Alan Escovitz, 102 Macon Avenue, Asheville, NC, to the Civil Service Board, is hereby rescinded; and (2) the City Clerk is hereby authorized to post notice soliciting applications for appointment to the Civil Service Board to fill the remainder of Mr. Escovitz' term.

RESOLUTION BOOK NO. 40 - PAGE 109

K. RESOLUTION NO. 18-243 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MCGUIRE, WOOD & BISSETTE FOR LEGAL SERVICES AT AN HOURLY RATE, WITH CONTRACT NOT TO EXCEED 200,000

T Summary: The consideration of a resolution authorizing the City Manager to sign a contract with McGuire Wood & Bissette for legal services at an hourly rate, with contract not to exceed $200,000.

With the resignation on the City Attorney, Deputy City Attorney and Assistant City Attorney, the City is in need of general legal services until these positions are filled. Sabrina Rockoff, with McGuire Wood & Bissette has been working with the City on legal matters for the past several years.

Sabrina Rockoff has agreed to maintain office hours in City Hall and service as the Interim City Attorney until a new City Attorney is hired. Peter Kanipe, in addition to other staff with McGuire, Wood & Bissette will be assisting as needed. In no case will any attorney with McGuire Wood & Bissette advise staff on matters where there is a potential for a conflict of interest.

Pros:

- Provides much needed resources to the City during this interim period.
- Ms.Rockoff has been working for the City for several years and is representing the City in current matters.

Con:

- None identified.

The funding for these services will be realized from salary savings from vacant positions.

City staff recommends that City Council adopt a resolution authorizing the City Manager to sign a contract with McGuire Wood & Bissette for legal services at an hourly rate, with contract not to exceed $200,000.

RESOLUTION BOOK NO. 40 - PAGE 135

L. RESOLUTION NO. 18-244 - RESOLUTION APPOINTING SABRINA ROCKOFF AS INTERIM CITY ATTORNEY

Summary: Pursuant to N. C. Gen. Stat. sec. 160A-173, the City is required to have a city attorney to serve as legal adviser. Current City Attorney Robin Currin has resigned, effective September 27, 2018. With the resignation of Ms. Currin, the City is in need of an interim City Attorney until her position is filled. Sabrina Rockoff, with McGuire, Wood & Bissette, has agreed to maintain office hours in City Hall and serve as the Interim City Attorney until a new City Attorney is hired. Now, therefore, Ms. Sabrina Rockoff be and she is hereby appointed to the position as Interim City Attorney for the City of Asheville, effective 5:00 p.m. on September 27, 2018, until such time as the new City Attorney has been appointed; said appointment to be at the pleasure of the City Council and subject to all applicable law.

RESOLUTION BOOK NO. 40 - PAGE 136

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilman Young moved for the adoption of the Consent Agenda, with the addition of Consent Agenda L. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. HURRICANE FLORENCE UPDATE

Interim Fire Chief Chris Budzinski provided a brief update to City Council on how the City of Asheville is preparing, and how the public should be preparing, for the upcoming anticipated Hurricane Florence. Key information includes (1) Hurricane Florence has strengthened and is a major hurricane; (2) indications that the storm may linger over the southeast through next weekend; (3) the forecast is subject to change; (4) impacts could be more significant if the track storm moves more westward; (5) greater impacts could be increased winds and especially heavy rain and flooding; and (6) we are expecting an increase in traffic and visitors due to coastal evacuations. He said the City of Asheville department status includes (1) departments are coordinating planning internally and with Buncombe County/NC Emergency Management to insure operational readiness; (2) staying connected and informed with local, state and federal partners; (3) working with the Community & Public Engagement Division for messaging; (4)

documenting all storm related activities (Hurricane Florence 2018); (5) preparing our workforce; and (6) currently, the Asheville Fire Department has been requested by NC Emergency Management to deploy or make preparations to deploy several resources to assist. He then reviewed with Council the City's Comprehensive Emergency Management Plan. Suggestions for resident preparations include (1) prepare their homes and family; (2) sign up for AVLAlerts; (3) download Ready NC app; and (4) follow City of Asheville and Asheville Fire Department on Twitter and other social media. Public Works Director Greg Shuler and Water Resources Director David Melton also explained how their respective departments are preparing.

B. UPDATE ON THE ASHEVILLE POLICE DEPARTMENT OPEN DATA

Assistant to the City Manager Jaime Matthews updated City Council on the Asheville Police Department (APD) Open Data requests. She said that three community meetings have been held, they have released traffic stop data and crime data; and the APD has created an Open Data web page. Datasets upgrades include (1) Citizen Complaint Data - final review by APD; (2) Use of Force Data - based on feedback from the community group, we are working on making the data more clear; (3) Emergency Calls - resolving issues to filter out records that have investigative holds; (4) Citation and Arrest Data - estimated release in mid-November; and (5) Demographics Information on all City Employees - working with Human Resources to determine how to release. Next steps include a follow-up meeting with community partners; continued work with APD and Information Technology Department to release remaining data; and continued work to validate and improve data sets that have been released.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER RENAMING A 500' PORTION OF RIVERSIDE DRIVE TO RIVER ARTS PLACE

RESOLUTION NO. 18-239 - RESOLUTION RENAMING A 500' PORTION OF RIVERSIDE DRIVE TO RIVER ARTS PLACE

E911 Addressing Coordinator Stuart Rohrbaugh said that this is the consideration of a resolution to rename a 500' portion of Riverside Drive to River Arts Place. This public hearing was advertised on August 31, 2018.

A portion of Riverside Drive is slated for realignment with major enhancements detailed in the River Arts District Transportation Improvement Plan (RADTIP). The realignment of streets and the construction of a new roundabout at the Lyman St intersection will reroute a newly constructed section of Riverside Drive to the west. It is the approximate 500' section remnant of existing Riverside Drive proposed to be renamed as River Arts Place. The street is currently a City maintained street. Changes to existing public street names shall be approved through a resolution of the City Council following a public hearing. Notice of the public hearing has been posted prominently on each end of the street, published at least once in a newspaper and mailed to all property owners adjoining the affected right-of-way. Several community groups and organizations located in and around this neighborhood have been involved and support the proposed renaming.

Buncombe County Emergency Services Department, Buncombe County Planning Department, City of Asheville Traffic Engineering Division, Asheville Police and Fire Departments have confirmed that River Arts Place will not duplicate another street name elsewhere in Buncombe County in away that would impair the delivery of municipal or emergency services. The Public Safety Committee reviewed the request at their July 2, 2018, meeting and recommended to change the name of a section of Riverside Drive to River Arts Place.

Pro:

- Potential emergency response enhanced with a specific unique street name.

Con:

- Cost and labor of replacing two street name signs.

Material, fabrication and installation costs of the new street signs is included in the Transportation Department annual operating budget.

City staff recommends City Council change the name of a section of Riverside Drive to River Arts Place.

Mayor Manheimer opened the public hearing at 5:29 p.m.

Ms. Pattiy Torno spoke in support of the renaming, stating that there is overwhelming support from of the other associations in the River Arts District as well. She asked for help from City staff when the transition occurs for the public to be able to locate the artists.

Mayor Manheimer closed the public hearing at 5:32 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of Resolution No. 18-239. This motion was seconded by Councilman Hayes and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 110

B. PUBLIC HEARING TO CONSIDER THE REZONING OF PROPERTY LOCATED AT 643 AND 99999 (FORMERLY 647) BREVARD ROAD FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO HIGHWAY BUSINESS DISTRICT (CHANGED OFFICIALLY TO COMMUNITY BUSINESS II DISTRICT)

ORDINANCE NO. 4699 - ORDINANCE TO REZONE PROPERTY LOCATED AT 643 AND 99999 (FORMERLY 647) BREVARD ROAD FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO COMMUNITY BUSINESS II DISTRICT

Mr. Robert W. Oast Jr., attorney for the applicant, said that the applicant has officially requested the rezoning be changed from Highway Business District to Community Business II District. .

Urban Designer David Hazzard said that this is the consideration of an ordinance to rezone 643 and 99999 (formerly 647) Brevard Road from RS-8 Residential Single-Family High Density District to Highway Business District (which applicant has requested it be changed to Community Business II District). This public hearing was advertised on August 17 and 24, 2018. On August 28, 2018, this public hearing was continued to this date at the request of the applicant.

Mr. Hazzard said that the applicant is requesting to rezone properties from Residential Single Family High Density District (RS8) to Community Business II District located at 643 and 99999 (formerly 647) Brevard Road. The properties are identified as PINS 9627-92-4999 and 9627-93-8189. Note that on 8-9-2018 these two parcels were recombined as per a condition of the Planning and Zoning Commission approval. This recombination is recorded in Deed Book

5691, Page 858; however, as of the time of this report Buncombe County GIS has not been updated and so two property identification numbers (PIN) are referenced.

The parcel identified in Deed Book 5691, page 858 is zoned RS8, is approximately 5.23 acres, and currently has an existing structure that is vacant as per the applicant.

To the east is Brevard Road with adjacent parcels that are zoned RS8 and Office; some of these parcels are vacant, others contain residential single family structures and one appears to contain a dental office. Parcels to the north are zoned RS8 and some appear to contain residential single family structures while others are vacant. Parcels to the south are zoned RS8 and Commercial Industrial (CI) and some appear to contain residential single family structures while others are vacant. To the west is Hominy Creek and across the creek is a parcel zoned CI that contains Southern Concrete Materials.

The subject parcel is also located within a Manufactured Housing Community Overlay (MH-CO) and Manufactured Housing Overlay (MH-O) districts.

The city's Greenways Master Plan proposes the Hominy Creek Greenway to the west of the subject site and the Bent Creek Greenway to the east.

The applicant originally requested a standard rezoning of the two parcels to Commercial Industrial (CI); however, the request was amended to Highway Business (HB) at the Planning and Zoning Commision meeting on June 6, 2018. No specific development plans are proposed with this request. The applicant has now officially requested the rezoning be Community Business II District.

Two parcels located at 655 Brevard Rd. were rezoned from Office CZ to Office and RS8 on January 23, 2018, and the large 191 acre parcel of land located at 1568 Brevard Road (south of this site) was rezoned from CI to RM16 on November 28, 2017.

The Brevard Road corridor has been transitioning faster than zoning has kept up with. The subject parcels along with a number of the adjacent parcels are zoned RS8, which staff feels is no longer appropriate for this area. It is staff's opinion that the lots fronting on Brevard Road should be developed in a more mixed-use, higher density, pedestrian-friendly fashion as supported by City Council's goals and adopted plans.

Rezoning applications are reviewed by the Planning and Zoning Commission with final consideration by City Council. The Planning and Zoning Commission meeting was held on June 6, 2018, and the Commission voted 5-0 in favor of the rezoning. One resident spoke against the proposed rezoning. He had concerns about the compatibility with the existing single family residences adjacent to this parcel.

Living Asheville: A Comprehensive Plan for our Future, identifies this area as an Urban Corridor which are workhorse streets for transportation and commercial activity in Asheville and recommends redevelopment over time in the form of mixed-use residential, commercial and office uses that place emphasis on pedestrian-friendly amenities and access. The application was submitted when the Asheville Development PLan 2025 was in effect and similar goals were expressed with the redevelopment of corridors in a more mixed-use format over time.

This action does align with the 2036 Council Vision in the following areas (1) *A Well-Planned and Livable Community* - The proposed rezoning would allow for mixed-use developments; and (2) *Quality Affordable Housing* - The proposed rezoning would allow for higher density residential which normally is associated with affordable housing.

Considerations:

- The CB II zoning district allows for a mix of uses that are consistent with existing city goals and plans for this area.
- The CB II zoning allows for use that are appropriate for this corridor.
- The CB II zoning requires a vegetated buffer when adjacent to residentially zoned properties.

Based on the above findings and the analysis provided in the report, staff recommends approval of the proposed rezoning to Community Business II District, finding that the request is reasonable and consistent with City-adopted plans and strategic goals for development in this area.

The Planning and Zoning Commission reviewed this request at their meeting on June 6, 2018, and voted 5-0 in support of the project.

Mr. Oast explained how the area is transitional and is close to Council's goals for this area. He asked for Council's support for the Community Business II District zoning.

Mayor Manheimer opened the public hearing at 5:42 p.m., and when no one spoke, she closed the public hearing at 5:42 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the zoning map amendment from Residential Single Family High Density District (RS8) to Community Business II (CBII) and find that the request is reasonable, is in the public interest, and is consistent with the Comprehensive Plan and other adopted plans in that: (1) The CBII district allows for use that are appropriate for this corridor, (2) The CBII district allows for higher density residential, and 3) Is compatible with current land uses and desired goals and future land uses as indicated in the new Comprehensive Plan. This motion was seconded by Councilman Haynes and carried unanimously.

ORDINANCE BOOK NO. 32 – PAGE 210

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 18-240 - RESOLUTION APPROVING REVISIONS TO THE LAND USE INCENTIVE GRANT POLICY

Interim Community Development Director Jeff Staudinger said that this is the consideration of changes to the Land Use Incentive Grant Policy (LUIG), as recommended by the Housing and Community Development Committee. .

Upon review of changes recommended by the Affordable Housing Advisory Committee, and the results of staff polling of local developers, the HCD Committee is recommending the following amendments to the current LUIG:

1. Change language to emphasize "grant;"
2. Amend the current minimum period of affordable housing from 15 years to 20 years;
3. Adding a new section with a a 10 or 20 point incentive for units serving low-income households (60% AMI or less);

4. Allowing 5 points for projects on transit routes served by one hour frequency with plans for expanded services via Transit Master Plan, maintaining 10 points for those on twice-hourly frequency;
5. Expanding the definition of designated "Job Centers" to include Urban Centers as defined by the comprehensive plan and/or applicant making a case for large concentrations of employment within 1 mile radius - job calculations demonstrated by the applicant (a minimum threshold was not designated);
6. Including 20 points for permanent affordability (50 years or more);
7. Add 10 points for Brownfield Developments;
8. Give 20 points for downtown development; and,
9. Point system adjustment based on the changes above to a 200 point maximum (previously 140);
10. Require that applicant submit maps and documentation to demonstrate the location efficiency.

Pros:

- The proposed amendments will extend the period of affordability for a minimum of 20 years (as opposed to current policy minimum of 15 years).
- The proposed amendments recognize the benefit to the community of providing housing for those with low incomes, and creating significantly longer periods of affordability than the minimum requirements;
- The proposed amendments clarify and enhance the definition of locational efficiency;
- The proposed amendments extend the maximum term of the grant to 20 years.

Con:

- Some developers may feel that the minimum period of affordability is too long. However, staff notes that developers consulted about this did not generally object.

The proposed increase in the term of the grant could defer the net increase of City of Asheville property taxes for affordable housing developments for as much as 20 years.

Staff recommends that Council approve the proposed changes in the Land Use Incentive Grant Policy, as recommended by the Housing and Community Development Committee.

Mr. Staudinger said that he would bring Councilman Kapoor's recommendation (that overall net affordable housing units be more than they are the beginning) and Councilwoman Mayfield's recommendation (to use same language in the Housing Trust Fund regarding criteria and points around energy efficiency) to the Affordable Housing Advisory Committee for their thoughts.

Ms. Sabrah n'haRaven supported most of the revisions; however, she explained why she felt Council should reject the language awarding developers points for building within a ½ mile of a bus stop that only gets hourly service.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Mayfield moved for the adoption of Resolution No. 18-240. This motion was seconded by Councilman Kapoor and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 112

B. RESOLUTION NO. 18-241 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE MOUNTAIN COMMUNITY CAPITAL FUND AND MANAGEMENT & TECHNICAL ASSISTANCE PROGRAM ALLOCATION OF SERVICES AND DUTIES AGREEMENT FOR THE ASSOCIATED DEPOSIT NOTE

Community & Economic Development Director Sam Powers said that this is the consideration of a resolution authorizing the City Manager to (1) execute the Mountain Community Capital Fund and Technical Assistance Program Allocation of Services and Duties Agreement ("Agreement"); (2) to release funds for the Deposit Note described in the agreement; and (3) to formalize an interim Steering Committee to launch implementation of the fund.

As part of Asheville City Council's Strategic Operating Plan/Vision 2036 in the Thriving Local Economy focus area, City Council adopted a goal to develop and implement a Buncombe Community Capital loan program with an emphasis on minority business. The plan states, "A variety of economic tools is critical in building the ladder of social and economic mobility and sustainability of our community. There is a perceived gap in the existing business and service provider network regarding access to capital for small and minority business. The City can support a strong public-private partnership to help diversify our business ownership by participating in this initiative."

Since the adoption of City Council's Strategic Operating Plan, City staff has been working with three lending agencies — Mountain BizWorks, Self Help and the Carolina Small Business Development Center — and Buncombe County to design a program to help minority businesses gain access to funds to start or grow a business. The City and its partners worked with Trade Street Advisors, LLC, a financial services advisory group, to design the Mountain Community Capital Fund and Technical Assistance Program. Through this process, the City and its partners have designed the program's governance and reporting requirements, legal documents, roles and responsibilities, and key services. These components are summarized in the Allocation of Services and Duties Agreement.

MCCF partners are now processing the agreement through their respective internal channels to gain final approval so that program implementation can begin. Once the agreement has been executed by all parties, partners will begin to market the fund and process loan applications.

As part of the MCCF partnership, each lender will provide quarterly reports with financial performance and data about their borrowers - including demographic, business and jobs information - to the City of Asheville Program Metrics Data Manager (Rosanna Mulcahy). Staff will provide a summary of these reports to the Finance Committee each quarter. The MCCF Operating Committee will make a report about overall performance to the Finance Committee on an annual basis.

The City Council Finance Committee approved this item at its meeting on August 28, 2018.

Pros:

- Provides the opportunity for the City to work with lenders that have experience in providing financing to small businesses in underserved areas and markets, and are committed to assisting the growth and development of small business enterprises, especially minority-owned enterprises
- Creates a partnership with Buncombe County to provide access to capital for small businesses by pooling funds to serve as collateral for loans

Con:

- This is a new program for the City of Asheville that will require ongoing staff support and coordination.

The City will make a 0% forgivable loan to Self-Help in the amount of $250,000 to provide additional collateral for loans to small businesses as part of the program, which will enable the participating lenders to make loans that they would otherwise not have made. The funds for this loan were included in the City's adopted FY 2016-17 General Fund budget and have been carried forward since then as part of the City's Assigned Fund Balance. Buncombe County is considering making a similar loan to the program in the amount of $200,000.

Staff recommends the City Council (1) authorize the City Manager to execute the Allocation of Services and Duties Agreement; (2) authorize the City Manager to release the funds for the Deposit Note as described in the agreement; and (3) formalize an interim Steering Committee made up of non-voting representatives from Mountain BizWorks, Self Help, the Carolina Small Business Development Center and two voting members from Buncombe County and the City of Asheville to launch the fund. After 180 days, City staff will seek a City Council's appointment of a permanent Operating Committee pursuant to the terms of the Agreement, including three community stakeholders.

Vice-Mayor Wisler said that if Buncombe County isn't able to participate with this program that she hoped the committee would focus on giving businesses within the City of Asheville priority.

Vice-Mayor Wisler and Councilman Young both thanked former Councilman Gordon Smith for his vision on this program several years ago.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Young moved for the adoption of Resolution No. 18-241. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

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C. RESOLUTION NO. 18-242 - RESOLUTION UPDATING CITY COUNCIL'S 2036 VISION AND ADOPTING CITY COUNCIL'S 2018-19 STRATEGIC PRIORITIES

Acting City Manager Cathy Ball said that this is the consideration of a resolution updating City Council's 2036 Vision and adopting City Council's Strategic Priorities for Fiscal Year 2018-2019.

In February 2018, Asheville City Council met at their annual retreat to reaffirm the 2036 Vision, and to update the strategic priorities for Fiscal Year 2018-2019. At that retreat, Council determined the need to amend the language of the vision categories. The amended language is as follows:

- An Equitable and Diverse Community
- A Well-Planned and Livable Community
- A Clean and Healthy Environment
- Quality Affordable Housing

- Transportation and Accessibility
- Thriving Local Economy
- Connected and Engaged Community
- A Financially Resilient City

Additionally, Council updated the strategic priorities from Fiscal Year 2017-2018 to develop the Fiscal Year 2018-2019 Strategic Priorities.

Pros:

- Provides Council and City staff with an overall direction and goals of the organization.
- Provides Council and City staff with a measure of success.

Con:

- None.

The updated 2036 Vision and Fiscal Year 2018-2019 Strategic Priorities will provide direction for Council and the Executive Management Team throughout the budgeting process.

City staff recommends that City Council adopt the resolution adopting the updates to Council's 2036 Vision and Fiscal Year 2018-2019 Strategic Priorities.

Acting City Manager Ball said that this is typically something Council would have been in March or April after their retreat; however, at this time we wanted to bring this forward to Council for their approval. She pointed out some major topic changes. She said that after Council approves these items, staff develops action actions. Staff will update those action items and bring back a report to Council.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of Resolution No. 18-242. This motion was seconded by Councilman Kapoor and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Richard Fireman spoke to Council about the City Manager criteria and urged them to make sure that the new manager has experience in all aspects of sustainability.

Closed Session

At 6:13 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit, or potential lawsuit involving the following parties: City of Asheville vs. Parkway Court LLC. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3); and (3) To consider the qualifications of appointment of an individual public officer or employee. The

statutory authorization is contained in N.C.G.S. 154-318.11(a)(6); and to prevent the disclosure of information that is confidential pursuant to N.C.G.S. 160A-168, the Personnel Privacy Act. The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 7:27 p.m., Councilman Young moved to come out of closed session. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:27 p.m.

Magdalen Bowlesson
CITY CLERK

Edward G Manheimer
MAYOR

Tuesday – September 25, 2018 - 3:00 p.m.

Budget Worksession

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Interim City Manager Peggy Rowe; and City Clerk Magdalen Burleson

Budget Director Tony McDowell said that we are starting the budget process differently this year by sharing with Council and the public detailed budget information for each department earlier in the process. As you might recall from the previous budget workshop Asheville has unique challenges around its cost of living, demographics, affordable housing, as well as significant daytime growth in the city population. At this worksession, Council will continue to hear about how these challenges are impacting departmental budgets. Council will also continue to hear about the impact of the national economy on the City as an employer, and also hear about our focus on equity and how that is changing our service delivery models.

The City also continues to experience significant community interest in planning and zoning as we address growth and the impact of non-residents. All of these and other factors demand changes in how services are delivered, in the kind of technology and the equipment needs that exist. Keeping pace with changes in these areas allows us to have the best facilities and equipment to provide quality services to our residents and visitors.

As important as our facilities, equipment and technology needs are, people are still the organization's most important resource. The people we hire here are integral to quality of the service delivery. Throughout the presentations last month, we noted that a large part of the budget is dedicated to the employees who provide the services.

Department Directors from the Fire Department, Human Resources Department, Parks & Recreation Department, and Community & Public Engagement each reviewed their organizational chart; overview of core services; key partners; budget and Fiscal Year 2018-19 budget drivers; prior year spending trends; Fiscal Year 2018-19 budget changes; department challenges; and Fiscal Year 2018-19 department goals from their respective department.

Various staff responded to several questions/comments raised by Council, some being, but are not limited to: are some of the critical incident programs in the Fire Department shared with all other departments; why is the Fire Department's pay cycle different than other City departments; what is the cost of providing fire control for Biltmore Forest; do people take advantage of childcare services at community meetings; are additional resources needed for the audio/visual/graphic design services; what was the idea behind a citizen academy; clarification on the swim program at the YWCA; how much land does Buncombe County own in Pack Square Park and why don't they contribute to the maintenance of that Park; interest in reviewed the operation of Riverside Cemetery; how is it decided on which department maintains which facility; have there been adjustments to the fee structure for the different park facilities; how are we controlling health insurance costs; what is the internal process of selecting each health care carrier; why does our health plan look the way it does; outline the health plan features that help protect employees and reduce cost savings to the taxpayers; and describe the City's wellness program and what are the benchmarks to make sure that the wellness programs are working. For those questions not readily answered, they will be provided to Council via a memorandum.

Due to time restraints, it was the consensus of Council to hear the Planning & Urban Design Department budget information at their next budget worksession.

Vice-Mayor Wisler asked the Finance & Human Relations Committee receive a report on the cost of having all Fire Department specialized services vs. the cost of buying them on an as-needed basis.

Mayor Manheimer adjourned the worksession at 4:41 p.m.

Tuesday – September 25, 2018 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Acting City Manager Peggy Rowe; City Attorney Robin T. Currin; and Deputy City Clerk Sarah Terwilliger

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. RECOGNITION OF DEPUTY CITY CLERK SARAH TERWILLIGER IN OBTAINING HER CERTIFIED MUNICIPAL CLERK DESIGNATION FROM THE INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS

B. ANNOUNCING THE LAST CITY COUNCIL MEETING OF CITY ATTORNEY ROBIN T. CURRIN WHO HAS ACCEPTED THE POSITION AS RALEIGH CITY ATTORNEY; AND WELCOMING INTERIM CITY ATTORNEY SABRINA ROCKOFF

C. PROCLAMATION PROCLAIMING OCTOBER 5, 2018, AS "ENERGY EFFICIENCY DAY"

Councilwoman Mayfield read the proclamation proclaiming October 5, 2018, as "Energy Efficiency Day" in the City of Asheville. She presented the proclamation to Mr. Sam Ruark-Eastes from Green Built Alliance, who briefed City Council on some activities taking place during the day.

D. PROCLAMATION PROCLAIMING OCTOBER 7-13, 2018, AS "FIRE PREVENTION WEEK"

Vice-Mayor Wisler read the proclamation proclaiming October 7-13, 2018, as "Fire Prevention Week" in the City of Asheville. She presented the proclamation to Fire Marshal Kelly Hinz and Fire & Life Safety Educator Charley Cox, who briefed City Council on some activities taking place during the week.

E. PROCLAMATION AGAINST GUN VIOLENCE IN ASHEVILLE

Mayor Manheimer read the proclamation against gun violence in Asheville. She presented the proclamation to Derrick Lee Jr.'s grandparents Rev. Eddie and Mrs. Tolbert, his parents Neisha Mitchell and Derrick Lee Sr., Mr. Jack Logan, and Rev. L.C. Ray.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 11, 2018

B. RESOLUTION NO. 18-245 - RESOLUTION AUTHORIZING THE ISSUANCE OF THE WATER REVENUE BOND ANTICIPATION NOTE

RESOLUTION NO. 18-246 - RESOLUTION FOR THE APPROVAL OF THE WATER REVENUE BOND ANTICIPATION NOTE FINANCING FOR CAPITAL PROGRAMS ASSOCIATED WITH CITY'S WATER SYSTEM

Summary: The consideration of the resolutions authorizing the issuance of the Water Revenue Bond Anticipation Note ("Water BAN") and directing the Interim City Manager and Chief Financial Officer to pursue debt financing for capital projects associated with City's water system. Such program includes the issuance of an interim, variable rate Water BAN in an amount not to exceed $40,000,000. The interim Water BAN will provide financing for projects which, upon completion, will be permanently financed through longer-term, fixed rate Water Revenue Refunding Bonds.

The City has reimbursement resolutions for Council approved capital projects associated with the City's water system authorized as part of the Fiscal Year (FY) 2019 Budget. The Water BAN draw program will reimburse the City for costs incurred to date and for costs that occur approximately over the next two years, and allow the City to complete many of the projects.

As a next step in the process, staff is seeking City Council's approval to complete the Water BAN financing with Bank of America, as the purchaser of the debt, which provided the lowest cost financing for the draw program interim financing. A summary of the proposals submitted by the competing banks was provided.

The resolution seeking approval of the Water BAN financing also authorizes the Interim City Manager and Chief Financial Officer to proceed with the Water BAN financing and execute and deliver the necessary documents to complete the financing.

Pro:

- Allows the City to move forward with the capital projects associated with the City's water system and Draw Program financing.

Con:

- None noted.

The initial draw on the Water BAN facility for costs incurred through to October's closing date is approximately $10,200,000. At current variable rates associated with this facility (roughly 2%), the annualized interest expense on the initial draw is $204 thousand. As further draws are made on the facility, the interest expense will increase accordingly. Funds are included in the City's FY 2018-2019 proposed debt service budget to cover these costs. They are also included in the City's multi-year capital improvements debt model.

Staff recommends that City Council approve the resolutions as they are proposed.

RESOLUTION NO. 18-245 - RESOLUTION BOOK NO. 40 - PAGE 137
RESOLUTION NO. 18-246 - RESOLUTION BOOK NO. 40 -PAGE 139

C. RESOLUTION NO. 18-247 - RESOLUTION MAKING PROVISIONS FOR THE

POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BLUE RIDGE PRIDE FESTIVAL ON SEPTEMBER 29, 2018

Summary: The consideration of a resolution authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Blue Ridge Pride Festival.

Blue Ridge Pride has requested through the City of Asheville Community & Economic Development Department that City Council permit them to serve beer and/or unfortified wine at the Beer City Cup and allow for consumption at this event.

The Blue Ridge Pride Festival will be held on Saturday, September 29, 2018, from 11:00 a.m. to 7:00 p.m. within the boundaries of Pack Square Park as per the area limits referenced on the accompanying site map.

Pro:

- Allows fundraising opportunities for Blue Ridge Pride

Con:

- Potential for public safety issues

There is no fiscal impact.

Staff recommends City Council adopt a resolution authorizing the City Manager to approve a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the Blue Ridge Pride Festival.

RESOLUTION BOOK NO. 40 - PAGE 142

D. RESOLUTION NO. 18-248 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT 2018-19 CONTINUUM OF CARE GRANT CONSOLIDATED APPLICATION AND ACCEPT ANY SUBSEQUENT AWARD OF PROJECT FUNDING

Summary: The consideration of a resolution authorizing submittal of the Fiscal Year (FY) 2018 U.S. Dept. of Housing and Urban Development Continuum of Care (CoC) Consolidated Grant Application for annual CoC Competition on behalf of NC-501 Asheville-Buncombe Continuum of Care (CoC), accepting any funds subsequently awarded, and authorizing the City Manager to sign awarded HUD contracts.

The City of ASheville serves as the Continuum of Care Lead for the Asheville-Buncombe CoC (NC-501). Each CoC Lead is responsible for submitting the community's Consolidated Application for project funding during the CoC Competition. For FY 2018-19, the Asheville-Buncombe CoC is eligible to apply for $1,254,274 in renewal funding. The renewal projects currently assist in housing more than 150 formerly homeless individuals with case management support. HUD CoC funding also provided the financial support necessary to operate the Homeless Management Information System (HMIS) in NC-501. Additional bonuses are available for $75,256 and $59,044 for a Permanent Supportive Housing expansion project and a project targeted to serve survivors of domestic violence (DV). There is also $37,628 available for a CoC Planning Grant. The Planning Grant assists the Community and Economic Development Department in staff costs for CoC responsibilities related to homelessness.

The Homeless Initiative Advisory Committee (HIAC) annually appoints an ad-hoc Finance Subcommittee, comprised of individuals and agencies who did not apply for CoC funds, to review, score, and rank the Continuum of Care project applications and make funding recommendations to the HIAC with an order of project priority. The Finance Subcommittee's funding and ranking recommendations were approved unanimously by the HIAC. The HIAC recommended the following projects and order of priority to the Housing and Community Development Committee for the 2018 CoC Consolidated Grant Application.

At their September 18, 2018, meeting, the City Council Housing and Community Development Committee reviewed the application, and voted to recommend that City Council approve the application and associated actions.

Tier 1			
Project Application	**GIW/ Funding**	**Project Type**	**Project Score/Rank**
Permanent Supportive Housing Extreme Needs 2: Homeward Bound of WNC	$ 59,388	Permanent Supportive Housing	1
Shelter Plus Care Asheville-Buncombe: Homeward Bound of WNC	$315,748	Permanent Supportive Housing	2
Bridge to Recovery: Homeward Bound of WNC	$ 303,069	Permanent Supportive Housing	3
Permanent Supportive Housing Extreme Needs: Homeward Bound of WNC	$ 218,798	Permanent Supportive Housing	4
Homeless Management Information System: City of Asheville	$ 67,500	HMIS	5
Permanent Supportive Housing Extreme Needs 3: Homeward Bound of WNC	$ 73,311	Permanent Supportive Housing	6
Permanent Supportive Housing Extreme Needs 5: Homeward Bound of WNC	$ 141,204	Permanent Supportive Housing	7
Tier 2			

Permanent Supportive Housing Extreme Needs 5: Homeward Bound (Straddle)	$ 20,065	Permanent Supportive Housing	-
Rapid Rehousing Domestic Violence Bonus: Helpmate	$59,044	Bonus Project	8
New Project Expansion for PSH: Homeward Bound	$75,256	Bonus Project	9
Not Ranked			
Project Application	**Funding**	**Project Type**	**Not ranked**
CoC Planning Project: City of Asheville	$37,628	Planning Grant	n/a

Pro:

- Continuum of Care funding is a key resource for permanent supportive housing for homeless individuals and families, as well as operating the Homelessness Management Information System, which is necessary for NC-501 to receive this votal funding.

Con:

- Program funding does not meet the full demand for the housing subsidy needed to assist all the low-income homeless households in the community that need secure permanent housing.

Program funding is entirely from the U.S. Department of Housing and Urban Development. Existing Community Development division staff will administer the program. Matching funds for the CoC Planning Grant will come from Buncombe County. No general funds are requested to support this program.

Staff recommends City Council adopt a resolution authorizing the submission of the FY 2018 Continuum of Care Consolidated Grant Application and authorizing the City Manager to sign all necessary documents with the U.S. Department of Housing and Urban Development to accept the funds subsequently awarded.

RESOLUTION BOOK NO. 40 - PAGE 145

E. RESOLUTION NO. 18-249 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE US GEOLOGICAL SURVEY APPLICATION TO NAME A CREEK IN WEST ASHEVILLE "ORCHARD CREEK"

RESOLUTION NO. 18-250 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN THE US GEOLOGICAL SURVEY APPLICATION TO NAME A CREEK NORTHEAST IN DOWNTOWN ASHEVILLE AS "GORDON'S BRANCH"

Summary: The consideration of a resolution authorizing the City Manager to sign the US Geological Survey applications to name a creek in West Asheville "Orchard Creek" and a creek off Murdock Avenue "Gordon's Branch."

RiverLink's Name that Creek program is a local, grassroots program in which communities submit name suggestions for unnamed creeks and vote for the most fitting name. After a name is chosen, it is submitted first to the Asheville City Council for approval, and then to the U.S. Geological Survey (USGS) Board of Geographical Names for consideration. Once approved, the creek name will appear on official USGS maps.

Recently, RiverLink worked with residents to select names for two nameless creeks in Asheville city limits. The first naming campaign initiated by a West Asheville resident, focused on a small tributary of Rhododendron Creek that flows through West Asheville Park. The second campaign focused on a tributary of Reed Creek, and was led by a North Asheville resident. RiverLink create an online poll (Google Doc) for both campaigns to collect potential names from neighbors who live along the creeks and along with flyers being distributed by RiverLink. Additionally, a North Asheville resident volunteered to distribute more flyers to their neighbors regarding the online poll. After a month, RiverLink gathered the name suggestions and created a city-wide poll to select the official name. City residents were made aware of the poll through RiverLink's website, newsletter, and social media pages.

In order to complete the application to the United States Geological Survey (USGS) to name the two unnamed creeks noted in this report, it is submitted first to the Asheville City Council for approval and then signed by a local government official to demonstrate support and to certify that the naming process followed USGS guidelines.

Staff presented information on the two campaigns for creek naming to the Council Planning and Economic Committee on September 10, 2018, with an unanimous vote to move it forward for approval by City Council based on the documentation by RiverLink on the outreach and voting for the naming of the two aforementioned unnamed creeks.

Pros:

- Naming of a creek or stream can bring attention to its existence, help identify it as a part of neighborhoods ecosystem, and encourage environmental stewardship that enhances quality of life.
- Supporting this community-driven effort further develops partnerships between groups like RiverLink, West and North Asheville neighborhoods and the City.

Con:

- None identified.

There is no fiscal impact related to this item.

City staff recommends City Council authorize the City Manager to sign the USGS form to name the creek in West Asheville to "Orchard Creek" and the creek in North Asheville off Murdock Ave. to "Gordon's Branch."

RESOLUTION NO. 18-249 - RESOLUTION BOOK NO. 40 - PAGE 146
RESOLUTION NO. 18-250 - RESOLUTION BOOK NO. 40 - PAGE 147

F. RESOLUTION NO. 18-251 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY FOR THE HIGH INTENSITY DRUG TRAFFIC AREA 2017 GRANT

ORDINANCE NO. 4700 - BUDGET AMENDMENT THROUGH THE OFFICE OF NATIONAL DRUG CONTROL POLICY TO MODIFY THE HIGH INTENSITY DRUG TRAFFIC AREA 2017 GRANT

Summary: The consideration of (1) a resolution authorizing the City Manager to accept grant funds under the Executive Office of the President, Office of National Drug Control Policy, for the High Intensity Drug Traffic Area (HIDTA) 2017 grant in which the Asheville Police Department (APD) serves as the fiduciary for the Asheville Area HIDTA Task Force; and (2) a budget amendment in the City's Special Revenue Fund in the amount of $55,639.69.

This modification of $55,639.69 is an increase to the previously approved award of $47,335.00 for a new total of $102,974.69 which reflects the full fiduciary responsibility assumed by APD.

The mission of the HIDTA program - authorized by the Anti-Drug Abuse Act of 1988 and administered by the Office of National Drug Control Policy - is to reduce drug trafficking in the most critical areas of the county, thereby reducing the impact of illegal drugs in other areas. Asheville has for many years been designated as a HIDTA site. Asheville's HIDTA serves as a key drug trafficking reduction effort, critically positioned between the Atlanta HIDTA and the Appalachia HIDTA.

The Asheville HIDTA is comprised of members of the United States Drug Enforcement Administration (DEA), Asheville Police Department, Buncombe County Sheriff's Office, Henderson County Sheriff's Office and McDowell County Sheriff's Office. The Asheville HIDTA is a component of the Asheville DEA Task Force. The HIDTA task force primarily concentrates on high volume, high value drug trafficking. As an example, the task force was recently involved in a case involving the large seizure of controlled substances from persons with local and National ties, involved in the trafficking of narcotics in this region and beyond.

The City of Asheville currently serves as the partial fiduciary for the Asheville HIDTA and has recently agreed to expand this service to include all program expenses. The allotted funds from the Federal government will be used for investigative purposes and other program expenses including employee overtime, mobile phones and miscellaneous supplies. The expenditure of all funds are tracked and audited by both local and Federal authorities.

This request for a budget amendment will be presented to the Finance and Human Resources Committee on September 25, 2018, and any response other than unanimous approval to move forward to the full City Council will be noted at that meeting.

Pros:

- Federal HIDTA funds will be used for investigative purposes and program expenses.
- Continue to foster partnerships with Federal and local law enforcement agencies.

Con:

- Funding from the Office of National Drug Control Policy is awarded annually.

There is no impact to the City's General Fund Budget.

Staff recommends City Council adopt (1) a resolution authorizing the City Manager to accept the grant funds; and (2) a budget amendment in the amount of $55,639.69 through the Office of National Drug Control Policy to modify the HIDTA 2017 Grant.

RESOLUTION BOOK NO. 40 - PAGE 148
ORDINANCE BOOK NO. 32 - PAGE 213

G. ORDINANCE NO. 4701 - BUDGET AMENDMENT FOR DWI TASK FORCE 2019 YEAR #06 GRANT

Summary: The consideration of budget amendment, in the amount of $232,438.25, from the North Carolina Governor's Highway Safety Program (NCGHSP) for a grant extension to fund 1 year of the multi-jurisdictional DWI Task Force involving the Asheville Police Department (APD) and Buncombe County Sheriff's Office (BCSO)

In Asheville and Buncombe County, the number of impaired drivers has been a serious concern to citizens and law enforcement for many years. In October 2013, the North Carolina Governor's Highway Safety Program granted the Asheville Police Department a four year grant to combat impaired driving incidents within Buncombe County. The Asheville Buncombe DWI Task Force (DWI Task Force) was developed and put into action August 2014. Since then, the DWI Task Force has made 920 Driving While Impaired arrests and has conducted 54 drug evaluations.

Public education on the dangers of impaired driving is a focus area of the DWI Task Force. Through partnerships with the Asheville Police Department Traffic Safety Unit and the Asheville Downtown Business Association this educational effort has been directed to some key audiences. These educational efforts have included presentations at local high schools and downtown festivals. These educational efforts have included the following:

- Distribution of information on the impaired driving laws and alternative ways to get home.
- Surveying festival participants anonymously about their willingness to drive at a point where they believe their blood alcohol levels exceed the legal limit.
- Allow festival goers to use roadside instruments to check their breath to determine their level of intoxication.

These interactions allow the team to engage the public in conversations and educate them on what the Illegal Per Se law is and what a 0.08 BAC feels like. The DWI Task Force efforts have directly resulted in a 40 % reduction with impaired driving fatalities in Buncombe County as of October 2016. The DWI Task Force is also a member of the board for Buncombe County Sobriety Court. Members actively assist defendants assigned to this program through direct interaction following a DWI charge.

In reviewing these statistics, the NCGHSP contacted APD and suggested the DWI Task Force continue with its efforts of reducing the number of DWI related collisions, injuries and deaths in Asheville and Buncombe County, as well as educating the public on impaired driving and its effects. NCGHSP has recommended the continuation of the existing grant and authorized additional funding in the amount of $451,278.90 in FY 2019. This funding covers the cost to train and pay for six officers focused on DWI enforcement and training. The City of Asheville will match this grant at 75% for a cost of $232,438.25. Buncombe County will match their portion of the grant at 75% for a cost of $106,020.93. Under this grant, APD would continue to supply one sergeant and three officers while BCSO would continue to supply two deputies. These six officers would continue to conduct DWI enforcement throughout Asheville and Buncombe County and conduct Traffic Safety Checking Stations throughout the County. The appointed officers will also continue to hold educational events for the public.

This action was recommended unanimously by the Finance and Human Resources Committee on December 19, 2017.

Pros:

- NCGHSP grant funds used to pay for 25% of the costs of salary, benefits and training for officers participating in the DWI Task Force.
- Potential reduction in impaired driving collisions, injuries and deaths throughout Asheville and Buncombe County.

Con:

- Funding from NCGHSP is evaluated annually and not fully guaranteed beyond this year.

The City match for this grant was included in the Adopted FY 2018-2019 General Fund Police Department budget. An additional match amount will need to be included in the FY 2019-2020 budget.

City staff recommends City Council adopt a budget amendment in the amount of $232,438.25 to establish a budget for this year's DWI Task Force 2019 Year # 06 grant.

ORDINANCE BOOK NO. 32 - PAGE 215

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilman Young moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. ACTIONS ITEMS FROM 21ST CP SOLUTIONS REPORT

Police Chief Tammy Hooper and Community & Public Engagement Director Dawa Hitch provided Council with the following report: Below are present actions and updates from the Asheville Police Department and City

Manager's Office undertaken to implement recommendations from the 21 CP Solutions Report.

In April 2018, 21 CP Solutions, LLC was hired by the City of Asheville to conduct a policy and procedure review of the excessive force incident involving the arrest of Johnnie Jermaine Rush in August 2017. The city requested an assessment that included: a review of the incident that gave rise to arrest, the tactics utilized in affecting the arrest, the police department response, the city administration response, and the community response. The report with recommendations delivers on the police and city administration components. Representatives from 21 CP Solutions presented the key findings and recommendations to City Council on August 28, 2018. This memo serves as an update on the recommendations made to the Asheville Police Department, City Manager's Office, and City Council.

Update:

Recommendation: Revise the Field Training Officer (FTO) selection and recruitment process.

- APD has finalized the comprehensive review and revisions to Field Training Program Policy and the Field Training Manual.

- The revised manual includes a more robust application and selection process for FTO, including the following:

  - Field Training Officer Selection Selection processes will be announced by the Recruitment and Career Development Section, with the announcement outlining all eligibility requirements. Interested eligible officers must submit an Application for In-House Reassignment (P-14) accompanied by a Supervisor Recommendation Form (P-16) endorsed by their chain of command. The selection process will include, at a minimum, a panel interview and an applicant review by the department's FTO committee. The FTO committee should consider each applicant's quality of work, work ethic,and disciplinary/safety record. A final banded list will be supplied to the Patrol Operations Commander. The list will be forwarded through the chain of command to the Chief of Police for final approval.

Recommendation: Officers returning to patrol from another assignment should be re-assessed prior to resuming FTO duties

- The revised Field Training Manual and Policy states the following:

  - FTOs who have been inactive or on assignment outside of patrol for an extended period of time will be reviewed for suitability as a FTO before returning to active status. Returning FTOs may be required to attend refresher training prior to the assignment of a trainee.

  - Removal of Field Training Officers from the FTO program is at the discretion of the Chief of Police.

Recommendation: APD should routinely assess its early intervention system triggers, adjusting when necessary.

- APD has updated and revised its Early Intervention System policy. This policy establishes guidelines for a Personnel Early Intervention System (EIS), a pro-active, non-disciplinary system that seeks to identify and positively influence conduct or performance related problems exhibited by individual employees. The purpose is to provide systematic reviews of specific, significant events involving agency employees. Revisions include:

  - Lower thresholds that trigger review

  - Added review of body worn camera if appropropriate

  - All reviews go to Deputy Chiefs and Chief

  - Professional Standards will ensure that the employee's progress is monitored until the established end date regardless of changes in the employee's assignment or supervision.

Recommendation: Consider adopting a peer intervention program.

- 21 CP Solutions will assist APD in coordinating EPIC, Ethical Policing is Courageous, training. EPIC is a peer intervention program developed by the NOPD, in collaboration with community partners, to promote a culture of high-quality and ethical policing. EPIC

educates, empowers, and supports the officers on the streets to play a meaningful role in "policing" one another. EPIC is a peer intervention program that teaches officers how to intervene to stop a wrongful action before it occurs.

At its core, EPIC is an officer survival program, a community safety program, and a job satisfaction program. EPIC represents a cultural change in policing that equips, encourages, and supports officers to intervene to prevent misconduct and ensure high-quality policing. Everyone benefits when potential misconduct is not perpetrated or when a potential mistake is not made. See more: http://epic.nola.gov/home/

Recommendation: All APD personnel and Asheville EMS should be notified and trained regarding medical treatment requirements in the use of force policy.

- This is included in the Use of Force policy. All officers have been reminded of the following portion of the policy:
    - 402.5 RENDERING AID A. Following any use of force, and/or apprehension when safe to do so officers will evaluate the subject for injuries and render appropriate medical aid within their training as soon as practical. Officers will observe the subject for any possible changes. [4.1.5]
    - B. Officers must immediately request an ambulance, paramedics or other appropriate medical personnel for all subjects who show signs of injury or complain of injury following any use of force and/or apprehension. [4.1.5]

Recommendation: APD should implement a more structured policy regarding BWC audits, particularly for officers identified as possibly being problematic.

- A more robust Body Worn Camera policy incorporates viewing of body worn camera footage in coordination with the Early Interventions System.

Recommendation: APD should prioritize the timely release of information and response to the release of information.

- PIO working on crisis communication templates and will complete a SWOT analysis, to include public input, to inform a plan for release of information in coordination with City Council and the City Manager's Office.

Recommendations: APD should consider developing a policy and training for appropriate engagement with community members on social media, particularly with regard to police events.

- APD has adopted a new Social Media policy that provides guidelines to department members on the professional and personal use of social media. The policy is intended to address only such social media activity that is fundamentally inconsistent with agency values, bears on an employee's official duties, or suggests that the employee is posting on behalf of the APD. This policy does not prohibit department members from engaging in any social media activity protected by the First Amendment.

Recommendation: Develop clear protocols for when individuals at different levels of city government should be informed about particular events.

- This task has been added to Communication and Public Engagement (CAPE) Department's work plan as a priority for this fiscal year.

Recommendation: Develop clear notification procedures to inform individuals on the City Council of possible high-profile issues in a way that is consistent with policy and allows the information to remain confidential if necessary

- In the coming weeks, a SWOT analysis will be performed. This analysis will be used to provide a foundation for standard operating procedures (SOP) for high-profile issues. The City will engage outside resources to complete the SOP which will include standards and procedures for departments, City Manager and City Council.

Recommendation: Implement a crisis communication policy within the City Council, City Manager, and Mayor's office to coordinate press releases and correspondence in concert with APD's PIO when communication with the media.

- A SWOT analysis, which will be used to inform the development of standard operating procedures (SOP) for high-profile issues, will be performed in the coming weeks. The analysis will provide foundational information for the outside resource the City engages to complete the (SOP) for high-profile issues. The SOP will include but not be limited to a statement of roles, responsibilities and decision-making authority for information shared in press releases.

Recommendation: The City should consider retaining a firm to provide crisis response services to the APD and the City of Asheville in the future.

- This recommendation is being discussed as a priority in the current budget process.

In response to Councilwoman Mayfield, Police Chief Hooper said that they would review all complaints of excessive force prior to initiating any type of internal or administrative investigations or actions. In addition, they are working with the District Attorney on a document that lays out a process for this.

When Councilman Kapoor asked if it was a fair statement to say that for all the recommendations the 21st CP Solutions made, the Police Department has either adopted them or is in the process of adopting them as it relates to the Police Department, Police Chief Hooper replied yes.

Acting City Manager Rowe said that regarding the recommendation regarding the Civil Service Board, they are continuing to work with the City Attorney's Office to differentiate what takes legislative action and what we can do in-house. We will report back to Council in the near future.

In response to Councilwoman Mayfield, Ms. Hitch said that there are now templates in place for communication with the Council and the public if we find ourselves in an unfortunate

situation.

B. UPDATE ON EQUITY & TRANSPARENCY ITEMS FROM MARCH 20, 2018, WORKSESSION

Interim City Manager Cathy Ball updated Council on equity and transparency items from the Council's March 20, 2018, worksession. She said that on March 20, 2018, Mayor Manheimer and Council held a special work session for the purpose of reaching consensus regarding direction they would give staff to explore and make changes to increase equity and transparency following the Mr. Johnnie Rush and former Officer Hickman incident that took place in August 2017. An initial update was provided to Council on the status of those requests on May 22, 2018. The purpose of this memo is to provide an additional update (shown in bold) on the status of these requests.

- The first topic discussed was a third-party review of the Asheville Police Department (APD). Specifics include implementation of any recommendations of the review, to include:

    1. All excessive use of force complaints to be reviewed criminally, immediately.
    UPDATE: This change has been implemented.

    2. Change administrative procedures to ensure Council notification of excessive use of force occurrences and/or complaints, and adopt a plan for notifying the DA and the SBI in all cases.
    UPDATE: A formalized process has been initiated with the DA.

    Next steps: In coordination with City's Legal Department, APD will be entering into a formal agreement with the DA in the near future.

- A third-party will conduct a review around Mr. Johnnie Rush and former Officer Hickman and to give Council a set of recommendations around that incident.
UPDATE: 21CP completed their report and presented their findings to Council at their August 28, 2018 meeting.

    Next steps: An update will be provided by Chief Hooper at the September 25, 2018 Council Meeting on the recommendations made in this report.

- The next topic discussed was the establishment of the Human Relations Commission of Asheville (HRCA) per the Blue Ribbon Task Force recommendations, to include:

    1. HRCA or Police Advisory Subcommittee to review all use of force occurrences and excessive use of force complaints.
    UPDATE: HRCA has been formed and is meeting regularly.

    2. Enhance Equity and Inclusion Department staffing.
    UPDATE: Three additional positions were approved and budgeted. The office is in the interview process for the Inclusive Engagement and Leadership Manager position, which is expected to be filled in October 2018. The Training Consultant for Equity and Inclusion position is currently posted and interviews will begin in October.

Next steps: The Human Relations Analyst position is expected to be filled in January 2019.

- Council instructed City Attorney Currin to explore whether a staff person from the Equity and Inclusion Department is allowed to review APD body camera footage.
  UPDATE: Person in the Equity and Inclusion Department is not allowed to to view body camera videos under NC General Statute 132-1-4A.

  Next steps: Council is consider requesting a change in this legislation.

- It was the consensus of Council that the third-party review of the APD include a review of the APD policy of auditing body cam footage, along with a revisit of the 60-day retention of body cam footage.
  UPDATE: The completed 21CP report includes this APD policy. The body cam footage retention period was revisited and has now been changed to 90 days.

  Next steps: An update will be provided by Chief Hooper at the September 25, 2018 Council Meeting on the recommendations made in this report.

- It was suggested that the City explore how it might fund an outside legal position to advocate for individuals filing complaints against law enforcement. At the time, Mayor Manheimer stated the idea is to fund an attorney, perhaps at a non-profit like Pisgah Legal Services, who could represent people who are bringing complaints against law enforcement - APD and/or Sheriff's Department. Some preliminary discussions with the Chairman of the Buncombe County Commissioners and the Mayor about the possibility of co-funding this position had taken place as of the date of the worksession.
  UPDATE: In the report provided to you in May we stated that some meetings have taken place to explore this concept. City and County Officials met to discuss options. The Interim City Manager, Mayor Manheimer, and County staff met with local nonprofits to evaluate their ability to provide this service, but no service provider has been identified at this time.

  Next steps: The Interim City Manager will continue to work on this item.

- The next topic discussed was review of City of Asheville Personnel Policies and Civil Service Board Rules to allow the city to remove employees who demonstrate terminatable conduct.
  UPDATE: The City's Personnel Policies are still in the process of being reviewed and updated. Human Resources is working with legal to move forward.

  Next steps: Once finalized, the updated Personnel Policies will be adopted.

- The next topic discussed was to create an aggressive plan to hire minority officers. As Mayor Manheimer stated during the worksession, work is well underway to do this.
  UPDATE: Human Resources and the Office of Equity & Inclusion have been working together to address City-wide recruiting policies, practices and procedures that are barriers. All job postings include a statement about the equity, inclusion and diversity values of City government. Additionally, minimum

qualification are be reviewed and changed for accuracy, and open positions are being posted where more diverse applicants will see opportunities.

The Equity Action Plan includes specific items to eliminate disparities in citywide hiring, promotion and retention over time. Recruiting and retaining people of color to live and work in Asheville is a challenge for all major employers. Barriers include affordable housing, a reputation for an unwelcoming and exclusive environment and culture, lacking a visible and thriving People of Color middle class, and low wages, and lack of People of Color in Leadership roles being visible. A recruiting plan, plus actions to address the challenges listed is necessary to see change in the future.

The Equity and Inclusion Office, Human Resources Department and community members have provided feedback on APD's Recruiting Plan.

Next steps: APD will continue to implement its recruiting plan.

- The next topic discussed suggested that the City encourage and educate citizens about the process of bringing forward complaints against law enforcement coupled with the use of an unbiased policing hotline.
  UPDATE: The complaint form (which can be submitted in person, by email, or online) and other contact information are currently available on the APD homepage. APD has made this information more visible and accessible. In 2018, APD developed a professional standards brochure that explains how to file a complaint and the complaint process.

  Next steps: CAPE and APD will continue to explore viable options for a hotline and other ways to provide the community with additional access to the complaint process.

- The final topic discussed was to support legislative changes, to include (1) Support for HB 165 (citizen review of police complaints); (2) Civil Service Board changes; and (3) Personnel law changes (not just for police, but any employee) to allow complainants to learn the results of their complaint. Council voted to support legislative changes to (1) support HB 165; (2) Civil Service Board changes; and (3) Personnel law changes to allow complainants to learn the results of their complaint.
  UPDATE: These considerations are underway. A meeting with legislative delegate has taken place and language was proposed.

  Next steps: This will likely be revisited prior to the next legislative session.

In response to Councilwoman Mayfield, Acting City Manager Rowe said that staff is still working with the City Attorney's Office on the personnel policy changes. It is anticipated that the Civil Service Board will review and adopt their Rules in October and then onto City Council for their consideration.

IV. PUBLIC HEARINGS:

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 18-252 - RESOLUTION ADOPTING THE BURTON STREET NEIGHBORHOOD PLAN

Planning & Urban Development Director Todd Okolichany said that this is the consideration of adoption of the Burton Street Neighborhood Plan.

The proposed I-26 Connector project (State Transportation Improvement Project (STIP) I-2513) is a seven mile interstate freeway that would connect I-26 in southwest Asheville to U.S. 19/23/70 in northwest Asheville. The Burton Street neighborhood is one of 10 communities being impacted by the proposed I-26 improvements and has been classified as an Environmental Justice population that has incurred reoccurring impacts. With an Environmental Justice designation, the N.C. Dept. of Transportation (NCDOT) can provide additional mitigation opportunities to lessen the burden of the project on the Burton Street neighborhood.

To address and remedy the anticipated impacts to the Burton Street community as a result of the I-26 improvements, a community driven mitigation strategies plan was initiated by NCDOT. At the request of the City of Asheville Planning and Urban Design Department, a neighborhood planning component was added to the project scope. The goal of the project was to develop a *Burton Street Neighborhood Plan* that would be adopted by the city as a revision to the 2010 *Burton Street Community Plan* and that includes a list of mitigation strategies related to the I-26 Connector project, as well as other neighborhood goals and strategies. NCDOT retained Public Participation Partners ("the consultant") to prepare the plan and act as the liaison between the Burton Street community, NCDOT and City of Asheville.

In partnership with the Burton Street Community Association and Burton Street neighborhood, the consultant developed a neighborhood plan over an approximately 10-month long period. The initial draft was released for public review on April 29, 2018, and updated in June and August 2018 based on input from the public, City of Asheville staff, the Planning and Economic Development (PED) Committee and the NCDOT. A number of community meetings and surveys were also conducted during this time. At its July 2018 meeting, PED members recommended moving forward with the plan for review and consideration by the Planning and Zoning Commission and the full City Council.

The plan is organized by the following sections:

- Introduction
- Burton Street History
- Existing Conditions
- Local Area Plans
- Burton Street Neighborhood
- Themes, Goals and Strategies
- NCDOT Mitigation
- Implementation

The main strategies are found in the Themes, Goals and Strategies chapter of the plan. This section also includes an analysis of how the plan's goals and strategies align with the recently adopted *Living Asheville Comprehensive Plan*. All strategies have been designed in accordance with NCDOT and National Environmental Policy Act (NEPA) policies and procedures.

The Implementation chapter includes a list of all the plan's strategies, including those to be coordinated and/or implemented by NCDOT to mitigate community impacts resulting from the I-26 Connector project, by the City of Asheville or Burton Street Community Association. As part of the process, community members were also asked to priority strategies in the plan. The following strategies were ranked the highest:

- Improve Community Center infrastructure
- Improve existing sidewalks to meet ADA standards
- Support design guidelines and policies that aim to preserve or enhance neighborhood character
- Expand Community Center programming
- Construct a new park and community gathering space at Smith Mill Creek that will include an access point to the future greenway
- Install historic markers throughout the neighborhood
- Install Burton Street community gateway signs
- Establish and implement programs to reinvest into current residential properties
- Stabilize property tax rates by promoting affordability by design principles in new development

This project was funded by NCDOT as part of the I-26 Connector Project. Staff resources were used throughout the project to provide technical assistance, review materials and during community engagement.

The *Burton Street Neighborhood Plan* aligns with the 2036 Council Vision in the *A Well-Planned and Livable Community area.* The *Burton Street Neighborhood Plan* includes recommended mitigation measures for impacts related to the I-26 Connector project, while also including a neighborhood plan element that includes updated information and strategies for the Burton Street neighborhood that will align with city goals. The plan also aligns with Goal 23: Continue to work toward achieving goals on I-26, which includes minimizing impacts adjacent to neighboring communities.

The Planning and Zoning Commission held a public hearing on September 5, 2018, to review the plan. The commission voted unanimously (7-0) to recommend approval of the *Burton Street Neighborhood Plan*.

He then introduced Simone Robinson, project consultant, who said that over the course of the I-26 project planning process, the N.C. Dept. of Transportation (NCDOT) met with the Burton Street community to discuss and develop ways to minimize and mitigate project impacts. The Burton Street Neighborhood and Mitigation Strategies Plan project was established to address the anticipated I-26 Connector impacts to the Burton Street community and provide residents with an opportunity to be involved in the mitigation development process. And in an effort to ensure the inclusion of a Burton Street neighborhood plan in the comprehensive plan update, the City of Asheville Planning and Urban Design Department requested that a neighborhood planning component be added to NCDOT's mitigation planning process for the Burton Street neighborhood.

Since the projects inception in 2017, 3 community meetings and one stakeholder group meetings were held to obtain feedback from Burton Street neighborhood residents, businesses and community organizations on their priorities and concerns.

Based on the community feedback provided during the Burton Street community open houses, stakeholder group meeting and online community survey, a neighborhood vision, plan themes, community goals and strategies were developed. These components serve as the framework for the draft Burton Street Neighborhood Plan.

The Burton Street Neighborhood Plan was developed by the Burton Street Community Association in partnership with NCDOT and the City of Asheville to address potential impacts resulting from the I-26 Connector project and current community concerns, enhance the quality of life of the Burton Street community, and preserve the strong sense of community among Burton Street residents.

The Burton Street Neighborhood Plan is comprised of the following components: a project background, plan development process overview, neighborhood overview including: history, existing conditions, community resources and demographic data; 2 Themes – A livable built environment with 6 goals and 15 strategies addressing infrastructure needs and improvements, and A Healthy community with 6 goals and 12 strategies addressing community resource improvements, affordable housing, and measures to increase community safety. Each goal details its compatibility with the Living Asheville Comprehensive Plan.

The plan also includes a section dedicated to NCDOT mitigation, and plan implementation that outlines Burton Street community priorities, the responsible agency and necessary coordination for each strategy. NCDOT anticipates that the strategies that they are responsible for will be incorporated into the I-26 project contract for completion.

Mr. DeWayne Barton, resident of the Burton Street community, Ms. Vivian Conley, President of the Burton Street Association, and Ms. Margaret Fuller hoped that the plan will be implemented soon.

Councilwoman Mayfield felt it would be helpful to have the neighborhood association to provide to Council their top three priorities that the City can work on in order to begin implementation of the plan.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of Resolution No. 18-252 to adopt the *Burton Street Neighborhood Plan* in that the plan: (1) Includes mitigation strategies related to the I-26 Connector project; (2) Was developed with community input and reflects the Burton Street neighborhoods' vision for the future; (3) Provides guidance on goals and strategies that aim to improve the neighborhood; and (4) Aligns with the *Living Asheville Comprehensive Plan*. This motion was seconded by Councilman Young and carried unanimously.

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B. RESOLUTION NO. 18-253 - RESOLUTION APPROVING A TUNNEL ROAD/SOUTH TUNNEL ROAD CORRIDOR STUDY (FROM BEAUCATCHER TUNNEL TO SWANNANOA RIVER ROAD)

Urban Planner Vaidila Satvika said that this is a report on the upcoming two-year pilot for corridor studies and a consideration of a resolution authorizing the City Manager to select Tunnel Road for a corridor study that would be managed by the Transportation Department and the Department of Planning and Urban Design.

During the Fall of 2017, the French Broad River Metropolitan Planning Organization (MPO) presented an opportunity to member jurisdictions to conduct corridor studies to better inform local priorities and needs. The MPO demonstrated that there is a missing gap for priority projects that are identified as significant corridors in planning documents that fail to have the data

and conceptual framework to be able to advance projects for funding in the State Transportation Investment Program.

The MPO's federally mandated Congestion Management Process (CMP) highlights priority congestion corridors to inform local planning work, aiming to transcend the historical reaction to add capacity to the system by providing more lane miles, which has been demonstrated to induce demand that over time adds to the problem. The problem is not insignificant as the conventional response to congestion has been to plan for more automobiles, leading to fewer transport options, more suburban land development, increased parking and more dispersed development patterns. It is understood now that, if left unchecked, this cycle continues to lead to more automobile dependency and sprawl. By better understanding our priority corridors we can plan for an alternative to the auto-oriented cycle.

Asheville and Buncombe County have each agreed to an increase in dues paid to the MPO to provide a local match to fund a corridor study in each jurisdiction. Asheville and Buncombe County will each receive a total of $157,500 for a corridor study of their choosing (with $17,500 per study set aside for MPO staff administrative and operations costs to manage the studies; each study totals $175,000).

The recently adopted Living Asheville Comprehensive Plan has also prioritized corridor studies/small area planning as a way to achieve several of the plan's strategies, such as the creation of transit-supportive corridors and more robust neighborhood planning (see Goal #34). By collaborating with the Transportation Department, we ensure that land use and zoning considerations dovetail with transportation issues.

The Planning and Urban Design Department with Transportation Department and MPO support, ranked corridors throughout the city using several criteria, including crash rates, traffic volumes, equity, redevelopment potential, growth projections, and various transit data. Based on this criteria the highest ranked priority corridors are Patton Ave (Haywood Rd to I-240), Tunnel Rd/S Tunnel Rd (Beaucatcher Tunnel to Swannanoa River Rd), and Hendersonville Rd (I-40 to Mills Gap Rd). He reviewed the highest ranked corridor locations. Buncombe County is selecting Hendersonville Road for their preferred corridor study, focusing the study on the area from the Blue Ridge Parkway to Mills Gap Road.

He showed the context of the corridors in relation to the Future Land Use map that was developed through Living Asheville. The Patton Avenue corridor would link two Urban Centers (near Haywood Rd and K-Mart) with large parcels interconnected by the Urban Corridor future land use designation. If selected, this corridor study would need to coordinate the intersection of the future I-26 reconfiguration where I-240 meets the Jeff Bowen Bridge. The Tunnel Road corridor would link an Urban Center (Innsbruck Mall area) with a larger Town Center future land use designation (the Asheville Mall) that is already beginning to attract mixed-use residential development. The two nodes are connected by the Urban Corridor future land use designation.

Both corridors are served by current and future high frequency transit that by 2022 will provide 15-20 minute service frequency. Staff has identified the following considerations:

Patton Avenue

- Wider right-of-way (~150 Ft)
- Potential synergy with I-26 Project design/build and other planning efforts (e.g. Burton Street Neighborhood Plan)
- More potential to improve safety (greater number and more severe crashes)

- Higher volumes (~46,000 AADT)

- Further from downtown (~1.3 Miles)
- Uncertainty with future I-26 Project alignment and related land use impacts
- Smaller commercial nodes (~66 Acres)
- Floodplain and stormwater challenges (south side of Patton Ave)

Tunnel Road/South Tunnel Road

✓
- Lower volumes (~20,000 AADT)
- Closer to downtown (~0.5 Mile)
- Larger commercial nodes (~183 Acres), including the Innsbruck and Asheville malls
- Recent growth and development trends
- Historical lack of planning in this area

✗
- Narrower right-of-way (~100 Ft)

Once a corridor has been selected, the MPO will collaborate with city staff to develop a request for qualifications to select a team of transportation engineers and planning and land use professionals. Likely deliverables include a study area that defines the corridor and reviews existing conditions, detailed review of constraints and opportunities that explain the need for the study, public participation component, real estate and demographic analysis, land use and urban design analysis, transportation analysis, and implementation plan, which would might include short- and long-term transportation infrastructure recommendations, policy recommendations for land use and zoning, and marketing, housing, and real estate considerations).

On August 13, 2018, City Council's Planning and Economic Development Committee (PED) recommended that staff move forward with the first study focused on the Tunnel Road corridor.

This project aligns with the 2036 Council Vision in the following areas: (1) A Well-Planned and Livable Community. Corridor studies will support community planning that results in pedestrian-oriented development for all ages and abilities, harmonized with an integrated transportation system. This project would also help to implement the Living Asheville Comprehensive Plan; and (2) Transportation and Accessibility. Corridor studies will help to make getting around easier, whether you drive a car, take the bus, ride a bike or walk. The studies will support the recent Transit Master Plan and Living Asheville Comprehensive Plan, which aim to create urban corridors that support transit and walkability.

Asheville's local share for the first year of the corridor studies pilot has already been approved and is reflected in the FY 2019 budget (Transportation Department). Over the two years of the study, Asheville is contributing 36.6% of the $70,000 local match, a total of $25,593. Additional staff resources may be required for neighborhood planning and engagement, land use and zoning analyses, and other planning-related tasks.

Staff recommends that City Council consider a resolution to authorize the City Manager to select Tunnel Rd/South Tunnel Rd for a corridor study and to direct staff to conduct a comprehensive review and analysis in order to enhance safety, multimodal transportation, and to recommend zoning changes to guide development that aligns with Living Asheville, the City's Comprehensive Plan.

Vice-Mayor Wisler said that what convinced the Planning & Economic Development Committee to recommend Tunnel Road is there is just so much that looks like it will happen very soon that we did not want to miss the opportunity to look at the corridor before things changed.

Councilwoman Mayfield noted that the MPO is paying the bulk of this cost. Another reason to choose Tunnel Road is that a piece of that segment (Tunnel to the Mall) is also a project that we are trying to get prioritized for funding in terms of access management. That wouldn't happen for at least 5 years out so if we can do the study and figure out the recommendations, then funding from the N.C. Dept. of Transportation could be close behind that.

In response to Councilman Kapoor, Planning & Development Director Todd Okolichany said that Planning staff is negotiating working with the MPO on the Tunnel Road Request for Proposals (RFP) and we also waiting to receive the draft RFP for Hendersonville Road. In the meantime we have been in contact with Buncombe County Planning staff to coordinate our efforts. As we work on the RFP process, we will determine whether Buncombe County can also allocate some of their resources to help us with the community engagement efforts for Hendersonville Road. But nonetheless, Planning staff is available to conduct that community engagement portion for Hendersonville Road as well as Tunnel Road.

One individual felt the City should be thinking of adapting our corridors for emergency situations.

Mr. Timothy Sadler suggested the City should back up our corridors with solar power for when the electricity goes out.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Mayfield moved for the adoption of Resolution No. 18-253. This motion was seconded by Councilman Kapoor and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Ms. Carolyn Anderson, member of the WNC Renewables Coalition, urged City Council to hire a City Manager who has expertise and experience in sustainability.

Ms. Ashley Cooper made suggestions for other details to be included in Council's future budget worksessions.

Mr. Jonathan Wainscott spoke about gentrification in Asheville.

Closed Session

At 6:22 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including litigation involving the following parties: James Robert West v. City of Asheville. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3); and (3) To consider the qualifications of appointment of an individual public officer or employee. The statutory authorization is contained in N.C.G.S. 154-318.11(a)(6); and to prevent the disclosure of information that is confidential pursuant to N.C.G.S. 160A-168, the Personnel Privacy Act. The statutory authorization is

contained in N.C.G.S. 154-318.11(a)(1). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 8:59 p.m., Vice-Mayor Wisler to come out of closed session. This motion was seconded by Councilman Kapoor and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:59 p.m.

Magdalen Fouresson
CITY CLERK

Esther E. Manheimer
MAYOR

Thursday – October 4, 2018 - 8:45 p.m.

Special Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; and City Clerk Magdalen Burleson

Mayor Manheimer opened the special meeting.

At 8:45 a.m. Councilman Kapoor moved to go into closed session to consider the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee pursuant to N.C. Gen. Stat. sec. 143-318.11 (a)(6) and to prevent the disclosure of information that is confidential pursuant to N. C. Gen. Stat. sec. 160A-168, the Personnel Privacy Act, pursuant to N. C. Gen. Stat sec. 143.318.11 (a)(1). This motion was seconded by Councilwoman Smith and carried unanimously.

At 3:55 p.m., Vice-Mayor Wisler moved to go out of closed session. This motion was seconded by Councilwoman Mayfield and carried unanimously.

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Friday – October 5, 2018 - 8:15 p.m.

Special Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; and City Clerk Magdalen Burleson

Mayor Manheimer opened the special meeting.

At 8:15 a.m. Councilman Young moved to go into closed session to consider the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee pursuant to N.C. Gen. Stat. sec. 143-318.11 (a)(6) and to prevent the disclosure of information that is confidential pursuant to N. C. Gen. Stat. sec. 160A-168, the Personnel Privacy Act, pursuant to N. C. Gen. Stat sec. 143.318.11 (a)(1). This motion was seconded by Councilwoman Mayfield carried unanimously.

At 3:31 p.m., Councilman Young moved to go out of closed session. This motion was seconded by Councilman Kapoor and carried unanimously.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Tuesday – October 9, 2018- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Acting City Manager Cathy Ball; Interim City Attorney Sabrina Rockoff; and City Clerk Magdalen Burleson

Absent: Councilman Vijay Kapoor

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION OCTOBER 6, 2018, IN MEMORY OF MARIE COLTON

Mayor Manheimer read the proclamation proclaiming October 6, 2018, in memory of Marie Colton. She presented the proclamation to Elizabeth Colton; and Marie Colton Woodard and her husband Dave Woodard.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 25, 2018

B. SECOND AND FINAL READING OF ORDINANCE NO. 4685 - ORDINANCE GRANTING A FRANCHISE AGREEMENT TO TUK IT, LLC, FOR THE OPERATION OF AN ELECTRIC VEHICLE SHUTTLE SERVICE WITHIN THE CITY OF ASHEVILLE

Summary: The consideration of an ordinance granting a franchise agreement for the operation of an electric vehicle shuttle service within the City of Asheville.

Staff has been working with an individual that is interested in starting an electric vehicle shuttle service within the City of Asheville under the business name of Tuk It, LLC that would operate in the Central Business District, Biltmore Village, the River Arts District, and the Historic Montford District. The shuttle service can only use public streets that have a speed limit of 35 mph or lower. Service stops may not exceed three minutes on any public right-of-way, except as necessary to embark and debark passengers, or with the written permission of the City Traffic Engineer. All service stops shall be made in a way to minimize any possible disruption to the flow of vehicular traffic. Loading/unloading zones may be used for service stops but actual travel lanes should not be used.

The shuttle service will provide various tours throughout the service area for individuals, groups, and special events. They will also provide transportation services for participating hotels and businesses for their guests in an effort to minimize traditional vehicle travel within the service area. The hours of operation are Monday through Wednesday 10:00 am until 9:00 pm and Thursday through Sunday 10:00 am until midnight. Typically, each vehicle will provide one tour on Mondays and Tuesdays, two tours on Wednesdays, three tours on Thursday, and four tours on Fridays, Saturdays, and Sundays.

A total of three fully electric vehicles will be available with a maximum capacity of six passengers plus the driver per vehicle. The vehicles are manufactured in the United States and they are US DOT compliant and street legal. The vehicles are registered and "tagged" by the North Carolina Division of Motor Vehicles.

The business owner understands and acknowledges that he/she will comply with all applicable Federal, State, and local laws in the operation of its business including, but not limited to, the City of Asheville open container ordinance, and the State of North Carolina Alcoholic Beverage Control (ABC) laws. In addition, the business owner understands and acknowledges that third-party advertising is not allowed on the outside of the vehicles.

The Asheville Police Department and the Transportation Department have reviewed all of the information that has been provided by the owner and we believe that the shuttle service will not have a negative impact on efficient traffic flow or safety.

Approval of a franchise agreement requires action by City Council at two official meetings with the first meeting on July 24, 2018, and the second meeting on October 9, 2018.

The Public Safety Committee reviewed this franchise agreement on July 2, 2018, and they unanimously endorsed it to move forward to City Council for consideration and approval. The committee members expressed concern about the possibility of alcoholic beverages onboard and according to the business owner, there are no plans on alcohol being consumed on the vehicles.

The MultiModal Transportation Commission reviewed this franchise agreement on September 26, 2018, and they recommended that it move forward to City Council for the second and final reading provided clarifying language was added to the section in the agreement regarding stops and parking. This language has been added to the agreement.

Pros:

- Provides various tours within the Central Business District, Biltmore Village, the River Arts District, and the Historic Montford District which could relieve and/or minimize traffic congestion.
- Provides transportation services for hotels and retail businesses which should relieve and/or minimize traffic congestion.

Con:

- There are no known cons.

There is no known fiscal impact for the subject franchise agreement.

Staff recommends that City Council approve an ordinance granting a franchise agreement to Tuk It, LLC for the operation of an electric vehicle shuttle service within the City of Asheville.

ORDINANCE BOOK NO. 32 - PAGE 165

C. RESOLUTION NO. 18-254 - RESOLUTION PROPOSING TO ACCEPT/APPROVE LEASE AGREEMENTS WITH THE N.C. DEPT. OF PUBLIC SAFETY, DIVISION OF LAW ENFORCEMENT, STATE HIGHWAY PATROL, FOR ANTENNAS AND EQUIPMENT FACILITY SPACE AT 130 RESERVOIR ROAD AND PEACH KNOB DRIVE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASE AGREEMENTS

Summary: The consideration of a resolution proposing to accept/approve lease agreements with N.C. Dept. of Public Safety, Division of Law Enforcement, State Highway Patrol, for antennas and equipment facility space at 130 Reservoir Road and Peach Knob Drive, and authorizing the City Manager to execute the lease agreements.

The property at 130 Reservoir Road known as White Fawn Reservoir is on a knoll at the western end of the Beaucatcher Mountain ridge. It has exceptional range for telecommunication with approximately 300° coverage from northeast to west to southeast. Two telecommunication towers are located on the property and the City of Asheville leases antenna space on the towers and ground space for related equipment.

The lower tower has recently been rebuilt to allow for greater equipment loading. The N.C. Dept. of Public Safety has proposed a reciprocal facility sharing agreement whereby the State would operate a NC Highway Patrol radio site at the City's new tower at Lower White Fawn. The State would likewise provide the City with equipment space in their new facility to be located at the base of the tower, and provide the City space for equipment and tower antennas at their Meadows Mountain facility at Peach Knob Drive. The proposed Lease Agreements are based on the following terms:

- Per the proposed lease agreements, the City and State would utilize each other's radio tower sites for a term of 30 years with a total payment of $1 per lease.

Pros:

- New Highway Patrol VIPER Radio site will serve as a redundant radio system for Police and Fire Departments.
- Long term commitment from NC Highway Patrol will insure future public safety inter-agency coordination and communication in the region.

Con:

- None noted

City staff recommends City Council adopt the resolution proposing to accept/approve the leases with the N.C. Dept. of Public Safety, Division of Law Enforcement, State Highway Patrol, and authorizing the City Manager to execute the lease agreements.

Ms. Jan Howard Kubinek, resident on Reservoir Road, was concerned about adding additional traffic on Reservoir Road.

RESOLUTION BOOK NO. 40 - PAGE 151

D. RESOLUTION NO. 18-255 - RESOLUTION APPROVING A TACTICAL URBANISM PROJECT ALONG COXE AVENUE BETWEEN HILLIARD AND SOUTHSIDE AVENUES AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ASHEVILLE ON BIKES FOR THE PROJECT

Summary: The consideration of a resolution to approve a tactical urbanism project along Coxe Avenue between Hilliard and Southside Avenues, that seeks to enhance the public realm and improve multi-modal transportation safety in the South Slope and authorize the City Manager to execute an agreement for the project.

Last Fall, the city was approached by Asheville on Bikes and Blue Ridge Bicycle Club to consider implementing a Tactical Urbanism project in the City of Asheville. Tactical Urbanism projects aim to make temporary active transportation infrastructure enhancements on a street in

an effort to demonstrate possible long-term multimodal infrastructure improvements. These two groups raised funds to hire a consultant, have a community process and build an installation. Since that time, their partnership, which is known as the Street Tweaks Partnership (STP), has grown to include AARP, and conversations with City staff have led the team to select Coxe Avenue (between Southside Avenue and Hilliard Avene) for the project.

This past summer, there was a design workshop held on June 21st to look at possible reconfigurations of Coxe Avenue for the project build. After the consultant took community feedback and did some analysis, they returned in August and presented refined designs for additional input. A wider meeting with relevant city department representatives happened in August as well.

Throughout the process both Planning and Transportation Department staff have been closely involved with the project. Since the design has been finalized, additional meetings with key Public Works staff have taken place to ensure that the project is feasible and supportable by their departments with respect to maintenance.

The proposed design for the tactical urbanism project includes extending the curb line on both sides of the street through the use of paint and adding small delineators called "armadillos" as guidance to clearly separate the spaces identified for pedestrians/bicycles as separate from automobile parking areas . Additionally, there will be vertical delineators and planters to further clarify spaces and to add safety. The design also includes reducing oversized driveways for some parcels. Mike Sule, Executive Director of Asheville on Bikes, has been in contact with property owners to let them know about the project and how it might impact them. Lastly, part of the design is the inclusion of a street mural between Banks and Buxton Avenues and in the middle of the intersection of Hilliard Avenue and Coxe Avenue.

This design builds on the work that has already been done by city staff and the community in the South Slope process. Moreover, the exciting part of this project is the opportunity to build an alternative and test it in real life to see how it works. Due to the temporary materials, adjustments can be made to the design if needed. While the project is in place, staff will begin working with a consultant to plan the long-term re-design for Coxe Avenue. In the meantime, staff will also be pursuing funding of construction dollars to rebuild the street. The installation date is scheduled for November 1-4, 2018 and includes volunteers from the community.

An agreement has been developed for the project. In the agreement, responsibilities are outlined for both the city and Asheville on Bikes (on behalf of the Street Tweaks Partnership). The city is primarily responsible for maintenance of the street, and Asheville on Bikes will be providing supplementary maintenance and monitoring. Asheville on Bikes will inspect quarterly for debris, litter and other maintenance needs. Staff and the partners will meet regularly to evaluate the project and ensure that it continues to be effective and safe. The intent is for the installation to be in place until it is time to reconstruct the street unless both parties agree that it needs to be removed.

The Planning & Economic Development Committee reviewed this project on July 23, 2018, and recommended that it move forward to City Council for review and approval. Also, the Finance & Human Resources Committee reviewed this project on September 25, 2018, and unanimously recommended that it move forward to City Council for review and approval.

Pros:

- Provides an opportunity for the city and community to work on a project together.
- Should provide a safer experience for all modes of active transportation.
- Provides an opportunity to test out ideas being proposed in the South Slope Vision Plan.

- Design and installation funds provided by private sources.

Cons:

- City is responsible for typical street maintenance including snow removal activities.
- City is responsible to provide before and after traffic counts.
- City is responsible to provide general assistance including staff time.

The Street Tweaks Partnership has raised $150,000 to fund the design and building of this project. The city has not contributed any funding to this process, but there are in-kind contributions in the form of staff time, traffic counts and general assistance.

Staff recommends that City Council adopt a resolution to approve a tactical urbanism project along Coxe Avenue between Hilliard and Southside Avenues, that seeks to enhance the public realm and improve multi-modal transportation safety in the South Slope and authorize the City Manager to execute an agreement for the project.

Councilwoman Mayfield said that in our ongoing effort to advance good bike and pedestrian infrastructure and safety, she supported this great strategy that has been used in other communities.

RESOLUTION BOOK NO. 40 – PAGE 152

E. RESOLUTION NO. 18-256 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO INCREASE THE ENGINEERING DESIGN SERVICES CONTRACT WITH CDM SMITH FOR THE 2015 NEIGHBORHOOD ENHANCEMENT AREA 3 PROJECTS

Summary: The consideration of a resolution authorizing the City Manager to execute a change order in the amount of $160,000 to increase the engineering design services contract for CDM Smith from $672,572 to $832,572 for the 2015 Neighborhood Enhancement Area 3 Projects.

Through a qualifications based selection process for engineering services, the City of Asheville selected four engineering firms to provide on-call professional services for Water Distribution and Storage Projects. CDM Smith was one of the selected firms and the City of Asheville entered into a master agreement with them on May 27, 2015, for On-Call Professional Services for Water Distribution and Storage Projects. On November 10, 2015, City Council awarded the engineering design services contract to CDM Smith for the 2015 Neighborhood Enhancement Area 3 Projects.

The contract originally consisted of a survey, a hydraulic analysis, engineering design, construction administration, and other related professional services for approximately 26,500 Linear Feet (LF) of predominately 6 and 8-inch water main and appurtenances along various streets within the Kenilworth and Malvern Hills neighborhoods. Additionally, the project included approximately 1,000 LF of new 30-inch water main along Tunnel Road near the Kenilworth neighborhood.

The original project scope of work assumed a single construction bid package combining the 6 and 8-inch water main replacements in the Kenilworth and Malvern Hills neighborhoods with the 30-inch water main improvements along Tunnel Road. During preliminary design development, it was determined that special and previously unknown conditions for the proposed 30-inch water main would have to be addressed, greatly increasing the complexity of the design. The special conditions that were found required a change in the design scope consisting of: (1)

an additional 200 LF of 30-inch water main; (2) relocation of 200 LF of existing 24-inch water main; (3) adjusting the proposed alignment of the proposed 30-inch waterline into and under NCDOT-maintained Tunnel Road; (4) revising the original plan of removing an existing abandoned bridge over Ross Creek to create the pipe corridor to utilizing the bridge for both the 30 and 24-inch crossing of Ross Creek; and (5) the addition of specialized thrust / surge analysis to determine pipe restraint needs and (6) additional design parameters related to having to install the new water mains significantly deeper than typical to avoid existing conflicts. As a result of the additional time and money needed for the development of the 30-inch water main design, Water Resources staff requested that the overall project be phased in order to keep the replacement of the water infrastructure in the Kenilworth and Malvern Hills neighborhoods on schedule. Thus, the 30-inch water main project on Tunnel Road became NEP 3 Phase 2 and the Kenilworth and Malvern Hills neighborhoods piece of the project is referred to as NEP 3 Phase 1. Additionally, this created the need for a separate construction bid package and a duplication of professional services for the development of the bid packages for Phase 1 and Phase 2 projects.

Originally, it was planned that all areas of the construction for the singular project, prior to the requested phasing, would occur simultaneously. This would have allowed for a shortened time period for the professional services contracted task of construction administration and construction observation, resulting in cost savings due to the maximized effort. Additionally, the previously noted alignment change for the 30-inch water main into and under NCDOT maintained Tunnel Road required revised Encroachment Agreements with NCDOT. This change ultimately resulted in a requirement from NCDOT for construction of the water main within all NDDOT right-of-way to occur at night. This requirement to work at night and the schedule change associated with constructing it as a separate project from NEP Phase 1 substantially increased the required construction administration and observation services during construction.

Construction of NEP 3 Phase 1 has reached Final Completion stages, with Record Drawing preparation extending into late October. The NEP 3 Phase 2 construction contract was awarded in April 2018 and a Notice to Proceed (NTP) was established by the City on August 27, 2018. CDM Smith has been tracking the aforementioned scope changes and invoicing for additional design and construction services as incurred. With the NTP for NEP 3 Phase 2 now established, the full impact to the scope, timeline and overall NEP 3 budget has been determined. It is summarized as an increase in time of six months for the construction services task, which results in the need for an additional $160,000. This will fund all of the additional design services previously completed and the cost of additional time to provide construction-related services. Therefore, a change order is needed to increase the contract amount by an additional $160,000 for a revised total contract amount of $832,572.

Pros:

- Approval of the change order will allow the city to complete the engineering services for the entire project.
- This project is aligned with the City and the WRD goal of continued investment and improvement of the City's water system through Capital Improvement Projects in order to provide safe and reliable service.

Con:

- Failure to approve the change order would prevent the completion of the water system improvements.

The funding needed for the construction agreement is currently allocated within the 2015 NEP Area 3 project in the Water Resources Capital Improvement Projects fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a change order in the amount of $160,000 to increase the engineering design services contract for CDM Smith from $672,572 to $832,572 for the 2015 Neighborhood Enhancement Area 3 Projects.

Acting City Manager Ball said that questions have been raised about Mr. Wiseman working with CDM Smith and the City's interactions with Mr. Wiseman. CDM Smith has approximately 5,000 employees, and the City of Asheville has not had any interaction with Mr. Wiseman when he worked for CDM Smith. The work that we are proposing does not include any work with Mr. Wiseman. We have been able to work with CDM Smith successfully in the past and have procured those services according to state statutes.

RESOLUTION BOOK NO. 40 - PAGE 153

F. RESOLUTION NO. 18-257 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PATTON CONSTRUCTION GROUP, INC. FOR THE SKYVIEW PLACE RETAINING WALL

Summary: The consideration of a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of $575,270 plus a contingency of 15.0% ($86,290) with Patton Construction Group, Inc. for the project known as Skyview Place Retaining Wall.

This contract covers the construction of a retaining wall between Skyview Place and Sunset Terrace to repair a slope failure caused by excessive runoff.

The existing retaining wall was built in two phases to correct two separate slope failures. The new wall will be a approximately 160 feet long extension of the existing wall. This contract also includes the extension of the existing storm drainage system on Skyview Place. This extension will reduce the amount of runoff this slope will see in the future.

The project was advertised on August 16, 2018, and bids were opened on September 20, 2018, with the following results:

Patton Construction Group, Inc. of Asheville, NC	$575,270
Thomas Construction Company of Johnson City, TN	$856,835
Wright Brothers Construction of Charleston, TN	$903,576
Buchanan and Sons of Whittier, NC	$1,034,554

A 15.0% contingency ($86,290) has been added to allow payment for any unforeseen costs that typically arise during projects.

Pros:

- Will repair a slope failure and allows the City to reopen Skyview Place.
- Will extend the existing storm drain system and help prevent runoff from hitting the slope.

Con:

- Project management and contract administration will consume staff time.

Funding for this project is already included in the adopted Capital Improvement Program (CIP).

City staff recommends City Council adopt the resolution awarding the contract to Patton Construction Group, Inc.. and authorizing the City Manager to execute a contract in the amount of $575,200 plus a contingency of $86,290 (15.0%) for the Skyview Place Retaining Wall.

RESOLUTION BOOK NO. 40 - PAGE 154

G. RESOLUTION NO. 18-258 - RESOLUTION TO ESTABLISH AN EQUITY-BASED VISION ZERO TASK FORCE TO REDUCE THE NUMBER OF TRAFFIC-RELATED FATALITIES AND SEVERE INJURIES OCCURRING IN ASHEVILLE

Summary: The consideration of a resolution endorsing and authorizing the City Manager to direct staff to form an Equity-Based Vision Zero Task Force that would work on establishing strategies and policies to help reduce the number of traffic-related fatalities and severe injuries occurring in Asheville.

According to the N.C. Dept. of Transportation (NCDOT), Asheville is consistently ranked as a top crash city in North Carolina, with approximately 5,000 crashes and 10 fatalities in the city every year. The costs associated with fatalities alone is estimated to be close to $100 million per year. These facts contrast with City Council's long-term Vision that transportation in the city should be reliable and safe.

Recognizing the need to improve the safety of Asheville's streets for all users, the City's adopted Asheville in Motion (AIM) recommended the the City pursue the adoption of a Vision Zero policy and strategies. Vision Zero is a transportation safety philosophy developed in Sweden in the late 1990s to eliminate traffic fatalities and serious injuries. The core principles of Vision Zero are the following: 1) Traffic deaths and severe injuries are acknowledged to be preventable, 2) Human life and health are prioritized within all aspects of transportation systems, 3) Acknowledgement that human error is inevitable, and transportation systems should be forgiving, 4) Safety work should focus on systems-level changes above influencing individual behavior, and 5) Speed is recognized and prioritized as the fundamental factor in crash severity. .

More recently, cities across the US who have implemented Vision Zero initiatives have recognized that an important first step to building a successful Vision Zero program is to establish a leadership team that is diverse and representative of the wide array of interests and communities involved in order to ensure that an equity-based approach is front and center, as data confirms that economically-challenged and minority groups bear a disproportionate burden of traffic violence.

At the Multimodal Transportation Commission's April 2018 meeting, the Commission recommended that the Public Safety Committee ask Council to consider establishing a Vision Zero Task Force, as well to "establish safety as the primary goal for projects on City streets." However, today's request seeks only to establish a Vision Zero Task Force, which will be charged with developing a Vision Zero policy(ies) and strategies with the support of staff, and which will be brought forward for Council consideration at a future date.

It is envisioned that the Task Force could include representatives from (but not limited to) the Multimodal Transportation, Neighborhood Advisory, and Human Relations Commissions; members of the Citizens Police Advisory, Transit, Greenway, and Homeless Initiative Advisory Committees; representatives of non-profit organizations, such as Just Economics, Asheville On Bikes, Pisgah Legal, and Disability Partners; as well as others from health, school, and business sectors. Transportation Staff will work with the Multimodal Commission to further develop and refine the list and reach out to potential Task Force members.

During the first 6 to 12 months, the Task Force would likely achieve the following activities (with staff support):

1. Creation of vision, goals, objectives
2. Identification of data needs and gaps (crash statistics, locations, contributing crash factors, etc.), including assembling data and information so that it can be easily understood and viewed by the Task Force and the public
3. Compilation and review of existing/current City activities related to traffic-safety (i.e. existing bike/ped committees/actions, TRC project review, budget prioritization of capital projects, UDO regulations, City Standards and Specifications, educational initiatives, NCDOT programs and practice, etc.)
4. Possible focus groups/public input opportunities related to transportation safety concerns/needs to seek broad-based input
5. Development of communication strategies, including what Vision Zero is and what it is not, and how equity will be addressed, including related marketing campaigns to inform the public

These activities are not expected to result in a direct fiscal impact to the City budget with the exception of staff time and existing resources. Following these initial steps, the Task Force would identify areas of concern and develop a Vision Zero Action Plan, including strategies and action steps to improve traffic-related safety, which may or may not involve budget impacts that would be taken to the City Council for consideration.

While Transportation will serve as the lead for the effort, it is expected that additional City departments/divisions will be involved in supporting and providing information to the Task Force, including Equity and Inclusion, Public Works, Planning, Sustainability, Risk Management, Asheville Police and Fire Departments, and Communications and Public Engagement.

This action was reviewed by the Planning and Economic Development Committee on November 21, 2017, and by the Public Safety Committee on August 28, 2018, and both committees recommended that it move forward to City Council for review and approval.

Pros:

- Will lead to an equity-based traffic-safety initiative
- Will lead to reductions in the number of severe injuries and deaths in Asheville
- Will reduce public costs as the number of crashes declines over time
- Make Asheville a safer, more livable community

Con:

- Staff time will be used to develop and support the ongoing efforts of the Task Force

There will be no impact to the City budget except current staff time and existing resources that would be used to develop and support the efforts of the Task Force.

Staff recommends that City Council adopt a resolution endorsing and authorizing the City Manager to direct staff to form an Equity-Based Vision Zero Task Force that would work on establishing strategies and policies to help reduce the number of traffic-related fatalities and severe injuries occurring in Asheville.

Councilwoman Mayfield said that in our ongoing effort to advance good bike and pedestrian infrastructure and safety, she supported this Task Force as it's a first step in the right direction to make our City safety for everyone.

Mr. George Webb, spoke in favor of this Task Force and with his experience and background he hoped that he could be appointed to this Task Force.

RESOLUTION BOOK NO. 40 - PAGE 155

H. RESOLUTION NO. 18-259 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH 21ST CENTURY PC SOLUTIONS LLC FOR THE PURPOSE OF TRAVEL FOR THEIR PRESENTATION OF FINDINGS FOR THEIR FINAL SITE VISIT ON AUGUST 28, 2018

Summary: The consideration of a resolution authorizing the City Manager to execute an amendment to the contract with 21st CP Solutions, LLC.

The City of Asheville entered into a contract with 21CP Solutions, LLC on April 12, 2018, to review the Hickman incident and make recommendations to APD and to Council. The original contract was $87,500. Due to the timing of the consultants' trips to Asheville and how those coincided with City Council meetings, an additional trip was added for two of the 21CP consultants to return to Asheville for a public presentation of findings and recommendations. Additional funding is needed to pay for travel expenses for the additional trip to present to City Council on August 28, 2018.

Pro:

- In addition to having 21 CP Solutions present findings and recommendations to the APD and to Council, the report from 21 CP Solutions was also presented to the Council in a public meeting.

Con:

- None identified.

The additional $5,000 in funding for this contract will come from the existing Police Department budget.

City staff recommends City Council adopt a resolution authorizing the City Manager to amend the 21CP Solutions Contract to include payment for the presentation that occured at the August 28, 2018 Council meeting.

RESOLUTION BOOK NO. 40 - PAGE 156

I. RESOLUTION NO. 18-260 - RESOLUTION DEDICATING A SECTION OF HAYWOOD ROAD IN MEMORY OF ROB BINGAMAN

Summary: Announcement of a request to dedicate a section of Old Haywood Road near the Traffic Safety Unit Office in memory of Sr. APD Officer Robert Bingaman.

The Asheville Police Department is proposing to dedicate a section of Old Haywood Road near the Traffic Safety Unit Office in memory of Sr. APD Officer Robert Bingaman.

On Tuesday, October 29, 2013, the City tragically lost a member of the Asheville Police Department family in the line of duty. Officer Bingaman was driving across the French Broad River when the patrol vehicle he was driving left the Captain Jeff Bowen Bridge. Despite the great efforts of emergency personnel and APD officers who responded to the scene, Officer

Bingaman succumbed to his injuries. He honorably served his country as a member of the Marine Corps and his city as a well respected police officer.

Pursuant to the City's policy on naming public property, suggestions for the naming of any public property or portion thereof may come to the Council from any City of Asheville Department Director or official. The Asheville Police Department and the Fraternal Order of Police have brought this request to the council for consideration.

The fiscal impact would be $500 for signage to dedicate portion of the street. This is included in the Transportation Department's operating budget.

Staff recommends City Council approve the dedication of a section of Old Haywood Road near the Traffic Safety Unit Office in honor of Sr. APD Officer Robert Bingaman.

RESOLUTION BOOK NO. 40 - PAGE 157

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Mayfield and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. UPDATE ON COMMUNITY EMT PROGRAM

Assistant Fire Chief Barry Hendron said that the Community EMT Program goals are as follows: (1) To enhance the safety of the public in the Central Business District and South Slope; (2) To build relationships with the people in the downtown and south slope areas including business owners; (3) Improve patient outcomes for medical emergencies in the designated areas by having firefighters actively engaging with community members; (4) Gather information and data to help inform future programs and possible solutions; and (5) Help to gather data for First Due Size Up pre-planning system.

The program overview consists of 16 days in service; 117 Interactions; 2 - 2 person teams; days of operation; and hours of operation.

Interactions are classified in 4 Main Categories:

- Assistance - 30%
- Outreach - 62%
- Interaction with Business Owner - 3%
- Interaction with Concerned Member of Public - 4%

He then reviewed the coverage area and interactions.

Overall costs include $7,000 labor; and $5,000 equipment - Bikes, EMS Equipment, and Uniforms.

He said they have had a very fruitful initial meeting with the BeLoved street medics earlier this week where they discussed further opportunities to collaborate and work together as a group. The City's Homeless Program Manager Brian Huskey did an excellent job of facilitating the meeting and they are planning to meet again soon.

He shared with Council the resources they use along with the challenges of consistent staffing and weather.

Mr. Hendron responded to various questions from Mayor Manheimer concerning staffing and cost sharing.

Mayor Manheimer hoped that the as this pilot program continues, that the teams will have an opportunity to build relationships with the business owners as well.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS SMATHERS LANE

RESOLUTION NO. 18-261 - RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS SMATHERS LANE

Interim City Attorney Rockoff recused herself from this matter due to a conflict of interest. Senior Assistant City Attorney Jannice Ashley was seated for this discussion.

Public Works Director Greg Shuler said that this is the consideration of a resolution to permanently close an unopened right-of-way known as Smathers Lane. This public hearing was advertised on September 14, 21, 28 and October 5, 2018.

N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.

Pursuant to this statute, adjoining property owner, Duke Energy, owner of parcel 9648-19-0490, has requested the City of Asheville to permanently close an unopened r/w known as Smathers Lane.

The Multimodal Transportation Commission reviewed this request at their May 23, 2018, meeting and recommended approval of the closure.

On August 28, 2018, the City Council adopted a resolution of intent to permanently close the right-of-way and calling for a public hearing on said closure for October 9, 2018. Copies of the resolution of Intent were properly served and posted, in accordance with N.C. General Statute 160A-299.

Pros:

- There will be no future compromise of ingress/egress to other property
- The closure would allow for more efficient use of the existing adjacent properties
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con:

- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt a resolution ordering the permanent closure of an unopened right-of-way known as Smathers Lane.

Mayor Manheimer opened the public hearing at 5:31 p.m.

Mr. Robert Oast, attorney for the applicant, spoke in support of the street closure and asked for Council's support.

Mayor Manheimer closed the public hearing at 5:32 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of Resolution No. 18-261. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 158

B. PUBLIC HEARING TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY LOCATED NEAR THE INTERSECTION OF HENDERSONVILLE ROAD AND SWEETEN CREEK ROAD

RESOLUTION NO. 18-262 - RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY LOCATED NEAR THE INTERSECTION OF HENDERSONVILLE ROAD AND SWEETEN CREEK ROAD

Interim City Attorney Rockoff recused herself from this matter due to a conflict of interest. Senior Assistant City Attorney Jannice Ashley was seated for this discussion.

Public Works Director Greg Shuler said that this is the consideration of a resolution to permanently close an unopened right of way located near the intersection of Hendersonville Road and Sweeten Creek Road. This public hearing was advertised on September 14, 21, 28 and October 5, 2018.

N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.

Pursuant to this statute, adjoining property owner, Dena Yamalis, owner of parcels 9654-40-6970 and 9654-40-6803, In addition 2506 Hendersonville Rd LLC, owner of parcel 9654-40-6526,, has requested the City of Asheville to permanently close an unopened r/w near the intersection of Hendersonville Road and Sweeten Creek Road.

The Multimodal Transportation Commission reviewed this request at their May 23, 2018, meeting and recommended approval of the closure.

On August 28, 2018, the City Council adopted a resolution of intent to permanently close the right of way and calling for a public hearing on said closure for October 9, 2018. Copies of the resolution of Intent were properly served and posted, in accordance with N.C. General Statute 160A-299.

Pros:

- There will be no future compromise of ingress/egress to other property

- The closure would allow for more efficient use of the existing adjacent properties
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con:
- None

There will be no fiscal impact related to this closure.

City staff recommends City Council adopt a resolution ordering the permanent closure of an unopened right-of-way near the intersection of Hendersonville Road and Sweeten Creek Road.

Mayor Manheimer opened the public hearing at 5:32 p.m.

Mr. Robert Oast, attorney for the applicant, spoke in support of the street closure and asked for Council's support.

Mayor Manheimer closed the public hearing at 5:33 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Mayfield moved for the adoption of Resolution No. 18-262. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 160

C. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 28 AND 32 MAXWELL STREET FROM RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT TO LODGING EXPANSION/CONDITIONAL ZONE TO ALLOW SHORT-TERM VACATION RENTAL USE AND AN AMENDMENT TO THE FUTURE LAND USE MAP TO CHANGE 28 AND 32 MAXWELL STREET FROM TRADITIONAL NEIGHBORHOOD TO TRADITIONAL CORRIDOR

Councilman Young moved to recuse Mayor Manheimer from this matter due to a conflict of interest. This motion was seconded by Vice-Mayor Wisler and carried unanimously. At this time, she handed over the gavel to Vice-Mayor Wisler to preside over this matter and left the meeting room.

Urban Planner Jessica Bernstein said that this is the consideration of conditionally zoning 28 and 32 Maxwell Street from RM-8 Residential Multi-Family Medium Density District to Lodging Expansion/Conditional Zone to allow short-term vacation rental use. In addition, this will also require an amendment to the Future Land Use map to change 28 and 32 Maxwell Street from Traditional Neighborhood to Traditional Corridor. This public hearing was originally scheduled for public hearing on August 28, 2018, and advertised on August 17 and 24, 2018; however, on August 28, 2018, this public hearing was continued to this date.

Ms. Bernstein said that the applicant is requesting review of a conditional zoning to allow short-term vacation rental (STVR) use for two properties located at 28 and 32 Maxwell Street with a zoning change from Residential Multi-Family Medium Density District (RM-8) to Lodging Expansion (LODG EXP) District. This project is considered under conditional zoning pursuant to Sections 7-7-8 and 7-8-45 of the Unified Development Ordinance (UDO). Pursuant to a recent amendment to N. C. Gen. Stat. sec. 160A-383, an approval of the rezoning request would result

in an amendment to the Future Land Use Map, from Traditional Neighborhood to Traditional Corridor.

The subject properties (PINs 9649-33-4037 & 9649-33-4069) are currently owned by Parkway Court, LLC; the petitioner/project contact is Joe Minicozzi.

The project site consists of two properties located at 28 and 32 Maxwell Street. The parcels are 0.12 and 0.09 acres respectively and both are developed with two-story single-family home structures (ca. 1920). The sites front onto Maxwell Street and are currently zoned RM-8, as are properties to the north, east and west, which are occupied by residential and office uses. Across Maxwell Street to the south are commercial and residential uses, zoned Community Business II and Neighborhood Commercial District. There are a number of legally-permitted homestays in the immediate neighborhood.

The applicant is proposing to rezone the properties to allow short-term vacation rental use (STVR) as well as the flexibility for the units to be rented as long-term residential uses. Per the applicant at the Technical Review Committee (TRC) meeting the structure at 28 Maxwell Street is currently operating as a triplex with three one-bedroom units; 32 Maxwell Street contains one unit at this time but the applicant requests to increase the building to house three units, for a total of six units between the two properties. This would be an increase in the allowed density for the lot area at number 32, which would only be permitted to have one unit by-right under the current zoning.

At the Planning & Zoning Commission hearing, the applicant offered a condition that one of the six units (the ground-floor unit in 32 Maxwell) would be rented long-term and the other five would be available for STVR use.

There is an existing driveway easement running between the two structures that can provide parking for two vehicles. Sidewalks and on-street parking exist along Maxwell Street; however, the parking is residential-permit only and not for commercial use and therefore would not be open to users of the STVR units under the current policy.

Based on the number of bedrooms proposed in the application, between two and a half and five off-street parking spaces are required for the lodging use. The applicant is not proposing any off-street parking for the uses other than the two vehicular spaces in the driveway easement that operate in a "first-in, last-out" configuration. Also, at the Planning & Zoning Commission meeting, the applicant's representative indicated that parking in the driveway would be used by the long-term rental unit, leaving only one space designated for the five proposed lodging units.

Landscaping is required for uses in this district and would include a 30 foot wide, type B property line buffer along the east, west and north property lines adjacent to residential zoning. Additionally, street trees are required at a minimum of every 40 feet. There are trees on number 32 that can be used as credits but none on number 28. The applicant is proposing a modified five foot property line buffer around the rear and part of the sides, with no additional planting other than the garden plots and yard currently in place, *see conditions below.*

Fifteen percent of the parcel area is required to be dedicated as open space. The existing rear yards would provide sufficient land area provided that no accessory structures are built in the future *(see conditions).*

There are standards relating to building orientation and fenestration in the proposed zoning district and the plans appear to comply with the possible exception of ground level fenestration.

Conditions - The following standards related to the Lodging Expansion district do not appear to be met. There are additional conditions noted in the draft B.1 exhibit.

1. *Lot Size* - The minimum lot size for the district is 0.75 acres; the subject lots are 0.12 and 0.09 acres as an existing condition.
2. *Lot Width* - The minimum lot width for the district is 100 feet; the subject lots have approximately 42 feet of width as an existing condition.
3. *Setbacks* - The minimum front setback is 35 feet; the existing structures have a front setback of approximately 38 feet. The minimum side setback is 15 feet; the structures are approximately two feet from the side property lines on the west side of each parcel.
4. *Landscaping* - A 30 foot wide, type B property line buffer is required for this commercial use adjacent to residential zoning and would be required along the the rear and both sides; a partial five-foot wide property line buffer is proposed along a portion of the site. There are two trees that could count for street tree requirement on 32 Maxwell but not on 28 Maxwell.
5. *Open Space* - 15% of the lot area is required to be dedicated open space. This standard can be met by preserving the existing rear yard areas, however any future expansion of the structures or construction of accessory buildings may render the open space area non-compliant so future building would need to be restricted.
6. *Parking and Loading* - Guest drop off is not permitted along the primary access corridor; the applicant proposes to use driveway and on-street parking for guest use and does not propose compliant or additional off-street parking. *On-street parking is currently restricted for residential permit holders only and would not be available for a commercial (lodging) use; therefore, the applicant's proposal for STVR users to park on-street would not be permitted.*
7. *Sidewalks* - Sidewalks exist on Maxwell Street but do not meet the 10 foot standard.
8. *Design and Operational Standards* - The applicant proposes to retain the existing structures, which were constructed circa 1920 as single-family homes. The design and operational standards in the district may not be met as far as fenestration (50% ground floor required) but comply with the height and orientation standards.
9. *Density* - Since the applicant has requested to have flexibility for five of the six units to be either STVR or long-term rental, the residential density in the Lodging Expansion District are applicable. The maximum is 20 units per acre without dedicated affordable units. Based on this, three units in each building exceeds the maximum allowable density of 2.4 units in 28 Maxwell and 1.8 units in 32 Maxwell. *If the applicant dedicates a long-term affordable unit in each structure, the proposed density would comply.*

Projects undergoing conditional zoning review are required to hold a neighborhood meeting; the meeting for this project was held on March 1, 2018. The project was approved with conditions by the TRC on April 16, 2018.

The Planning and Zoning Commission discussed this proposal at two meetings, on May 2nd and July 19th, ultimately recommending approval by a 5-2 vote at their July 19, 2018, meeting. Commissioners of the majority recommendation opined that Maxwell Street is subject to negative impacts from the commercial grocery neighbor and that current enforcement efforts do not seem to be remedying those impacts. However, there was not unanimous agreement that allowing whole-house STVRs are the appropriate use for the subject sites. One Commissioner requested that the applicant dedicate a long-term residential unit in each house to more closely resemble the legal homestay use in the vicinity; the applicant did not agree with this condition. Staff also previously asked the applicant to consider including one long-term affordable unit in each building in order to further the city's affordable housing goals; the applicant was unwilling to agree to this condition.

The site is currently zoned Residential Multi-Family Medium Density (RM8) and the STVR

lodging use is prohibited in that district, thus requiring the conditional zoning request. Commercial zoning (Community Business II) and uses are present across Maxwell Street; however, STVRs are also prohibited in that district. Residential Single-Family High Density (RS8) zoning is located to the north, along E Chestnut Street, while the Neighborhood Corridor District (NCD) is located to the west and southwest of the subject sites. The suitability of the request at the subject sites are evaluated below.

In 2017 - Level II project approved for a mixed-use building on Broadway, approximately two-tenths of a mile north.

The whole-house STVR use has long been prohibited in residentially-zoned neighborhoods for a number of reasons, including the need to preserve and increase the supply of long-term residential units, the desire to limit commercial activity in residential neighborhoods and to preserve the character of residential neighborhoods in Asheville. On January 9, 2018, the Asheville City Council approved zoning changes that prohibit STVR uses except in the Resort zoning district and other applicable expansion districts, providing a clear directive that the lodging use is to be evaluated only by City Council to determine compatibility through the conditional zoning process. Standards were created at that time to mitigate impacts of the higher intensity of the STVR use, including but not limited to, providing off-street parking for guests, buffering the use from adjacent properties through landscaping and requiring the operator to obtain annual permits, inspections and insurance.

The subject properties are located directly across from an active commercial use (Greenlife) and the property adjacent to the east operates as an office, which are examples of limited office and neighborhood-serving commercial uses in the vicinity. However, there are standards that are required when commercial uses are proposed adjacent to residential uses to lessen the impacts of the increase in intensity and these are not included in this application.

Maxwell Street is currently operating under a residential parking permit program that reserves spaces only for residents of the units on the street as a result of past issues from the impact of nearby commercial uses previously utilizing these spaces and not leaving enough parking for the residents. This program has been in place since 2011 and was initiated by the residents of the area, including the applicant. With on-street parking spaces restricted for use by residents on the street and very limited off-street parking proposed for guests, there is no plan for lessening the impact of this use in that regard.

Similarly, landscape buffers are required on property lines shared with residential uses. This occurs on three sides of the project area but there is insufficient space due to existing conditions of the smaller, historical lot development; leaving very little buffer to mitigate the intensity associated with multiple STVR units in a small area.

As noted in the City's conditional zoning application materials, conditional zoning permits are "uses which are *generally compatible with other land uses permitted in a zoning district* but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the city as a whole, require individual consideration of their location, design, configuration, or operation at the particular location proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and welfare." In this case, the STVR use has long been established to be incompatible and prohibited in residential zoning districts and this use is also prohibited in the nearby commercial zoning districts. Neighbors are operating legal homestays in the vicinity, which maintains some of the long-term community nature of the neighborhood while still allowing those property owners or residents to make limited commercial use of their properties. This would be an avenue open to the applicant.

The petitioner has been cited for illegally operating STVRs on the site and is seeking this zoning change to legitimize this infraction. In the city's application materials, it is stated that the conditional zoning tool *"is available to promote land uses and activities that benefit the public in general. If there is only private benefit, the tool should not be used."* There is no community benefit noted by changing the zoning of these two properties; furthermore, there is anticipated to be a negative impact due to the increase in intensity of use without compliance with mitigating standards such as off-street parking, landscaping and density. The applicant's representative stated at the Planning and Zoning Commission hearing that the desire to use these properties for STVR rather than long-term residential or another non-residential use is to recoup the greatest financial benefit.

Staff finds the STVR use as proposed by the applicant to be incompatible with the neighborhood.

Pending Litigation: The applicant is currently operating three illegal STVRs on the property and has been doing so since at least August 2016. The City issued Notices of Violation and a citation in the fall of 2016. The applicant did not bring the property into compliance and did not pay the assessed fines. On March 22, 2017, the City filed a civil action in Buncombe County Superior Court seeking to enforce the requirements of the UDO and recover the fines accrued, which at that time totaled $232,500. They are now approaching $1 million dollars. The applicant filed several counterclaims in that case. The case was mediated on September 5, 2018, and impassed. Questions relating to this lawsuit and proposed settlement should be directed to the City Attorney.

Compliance with Comprehensive Plan: This project was submitted prior to adoption of Living Asheville: A Comprehensive Plan For Our Future ("Living Asheville"); however, it is not aligned with goals in the Asheville City Development Plan 2025 as that plan stresses the need to preserve, protect and maintain residential uses and neighborhood character. Land Use Goal I indicates that adaptive reuse of existing structures should only be done when neighborhood compatibility and viability can be protected. The 2025 Plan recognizes that there are areas where more intense development may be appropriate close to downtown; however, it must be done in a way that "protect(s) the neighbors from inappropriate non-residential encroachment and further states that "protection, preservation and enhancement of existing neighborhoods must be as much a part of our development pattern as promoting new construction [or uses]".

The applicant has stated in the public hearings several times that the 2002 Broadway Corridor Action Plan indicates this is an area for mixed-use development; however, the subject properties are actually outside of the study area included in the plan so this is not applicable to this proposal. The study area for the action plan only included parcels on Maxwell Street up to Marcellus.

Although not adopted at the time of application, Living Asheville provides guidance that allowing the conversion of existing residential homes into STVRs contributes to the lack of affordable housing options and does not recommend this use in applicable future land use designations such as this area (Traditional Neighborhood). The applicant has stated that they believe the subject properties are erroneously included in the Traditional Neighborhood future land use category and should be a part of the Traditional Corridor future land use designation. Staff contends that the proposed zoning and STVR uses are inconsistent with the Future Land Use Map. Maxwell Street is a local street and not an arterial corridor (such as Broadway, Merrimon, Charlotte Street, Haywood Road and others) that have received the future land use designation of Traditional Corridor, in which the intent is to establish a transit-supportive corridor. Staff believes the subject properties are appropriately designated as Traditional Neighborhood on the Future Land Use Map and that the character of Maxwell Street and the surrounding block are

consistent with the intent and purpose of the Traditional Neighborhood future land use designation. Pursuant to N.C. Gen. Stat. § 160A-383(b)(3), approving the proposed application would automatically amend the Future Land Use Map, from Traditional Neighborhood to Traditional Corridor.

The proposal does not align with the 2036 Council vision in that it eliminates residential units for lodging use (*Quality Affordable Housing)* and has the potential to negatively impact the neighborhood (*A Well-Planned and Livable Community).*

Considerations:

- The use is not permitted in the surrounding residential districts nor in surrounding commercial zoning districts. Lengthy public discussion surrounding this restriction has taken place resulting in the deliberate action to prohibit whole-house STVR uses and to increase the availability of the homestay permit as a balanced option.
- Due to the historic residential development pattern, there is not sufficient room on the properties to provide compliant landscape buffering or adequate off-street parking.
- If permitted, the applicant should be required to provide an off-street parking plan to mitigate the impact on other residents on the street (perhaps remote parking), which utilizes a residential-only permit parking system due to past commercial overuse.
- Approval of this change from residential to STVR to legitimize an ongoing illegal use may set a precedent to the community that is contrary to the ongoing efforts of the City to prohibit this use in whole-house structures in residential and other zoning districts and may open the door to other applicants expecting this change to be allowed throughout other residential neighborhoods.
- It has been requested of the applicant to provide a long-term affordable residential unit in each house to more closely mirror the homestay use that is allowed and existing along this street, and to meet city affordable housing goals; the applicant was unwilling to commit to this request.
- The density of three units in each structure exceeds the minimum allowed residential density in the Lodging Expansion district, without the inclusion of dedicated affordable units.
- While the applicant has stated that he in unable to keep a long-term tenant, properties immediately adjacent to Greenlife on Maxwell Street is consistently rented at at least $1,250 per the property management group.

Staff does not recommend approval of the conditional zoning to allow STVR use on these properties. This is based on directives from City Council on prohibiting the use in both residential and commercial zoning districts. Further, the applicant has not provided a plan for mitigating the increased impact of the use or a plan to reasonably accommodate parking for the proposed non-residential uses, the proposed conditional zoning is only for the benefit of one property owner and does not provide any benefit to the long-term residential neighbors or community, and the proposal does not align with goals and strategies in the 2025 Comprehensive Plan and City Council's 2036 Vision.

Staff agrees that the residential character of the street is impacted by the commercial use of trucks and loading; however, staff does not agree that allowing the STVR use is the best and most appropriate use. The homestay use within a long-term, occupied residential dwelling is afforded to and utilized by residents along the street to maintain residential consistency. Also there are other non-residential uses that can be integrated into the periphery of a neighborhood (such as office uses similar to along Chestnut Street or Arlington) that provide community benefits. The applicant disagrees that this would be available to him due to the limited ability of the properties to comply with non-residential requirements and standards such as off-street parking, but they are similarly not proposing to comply with standards through this application.

The Planning and Zoning Commission reviewed this request at their meeting on July 19, 2018, and voted 5-2 in support of the project. As stated above, Commissioners opined that the street faces negative impacts from the commercial grocery neighbor and that current enforcement efforts do not seem to be remedying the conflicts from large truck traffic on this street. However, there was not unanimous agreement that allowing whole-house STVR use is the appropriate use. One Commissioner requested that the applicant dedicate a long-term residential unit in each house to more closely resemble the legal homestay use in the vicinity; the applicant did not agree to this condition.

Mr. Joe Minicozzi, representing the applicant Parkway Court and Reid Thompson, used a PowerPoint for his presentation. He showed the two houses in question, noting that Mr. Thompson had three other houses on Maxwell Street that he was forced to sell during this entire process, which started in 2004. From a Google earth image you can see the trucks on Maxwell Street. In 2004 Greenlife converted an office into a grocery store, showing an image that did not show two loading bays. They went to two loading bays in the initial site plan and there was supposed to be a buffer that is acknowledged in the image shown. The buffer was removed without a public process and a second loading bay was added, to which the City removed parking on the street and forced the loading into the street. The intent of the law is to have buffering between residential and commercial. The law states that there should be five feet of landscaping between the fence and the sidewalk. He showed a view from Mr. Thompson's property from many years ago. What is notable is that the City has identified that the issue is there because they have put visibility triangles in the street, essentially making the street a loading area. There is acknowledgement that the street has become commercialized. For all intent and purposes, the street is the loading area by neglect of the existing rules which require the street to be residential and protected by buffering. From a non-compliance standpoint, the City asked Dr. David Owens, who is an expert of zoning law from UNC-Chapel Hill, for a report. In his report he basically cited that the site is non-compliant and does not meet the qualifications of what the law is. He essentially told City Council they have to follow certain requirements. He showed a video of former City Attorney Bob Oast in 2006 saying "our code is fairly specific in terms of timelines for compliance with respect to notices of violation and it's my suggestion that we just follow that code." Former Mayor Bellamy said "that works for me." The notice of violation to be delivered to the property owner never happened. He showed a copy of a letter from UNC-Chapel Hill where it stated "... it should be equal to or better than regular compliance." He said there should be a 20 foot buffer there or something equal to or better than that for it to be legal. In 2007, the City brought forward the "either/or" plan, either Greenlife fixes it's loading bay with a buffer added in or the City move forward with traffic calming. He alleged that former Mayor Bellamy said to put it in writing and make it so. When the Mr. Owens' report came in, the City was notified of the non-compliance and several different times the seated City Council asked for Greenlife to come back and gave several different deadlines. Using a video, Mr. Minicozzi said that in 2007, then Interim Planning Director Shannon Tuch presented before the seated City Council, showing the drawings and plans saying "no application has been made at this time but this is very typical of a conditional zoning process and this is what we would expect to see at this point." Using a video, in 2007 former Councilwoman Robin Cape is shown speaking with Mr. Swann saying "...partners in other places who aren't as committed to our community as you are and that has been part of the issue for you. Do you feel like you have their support to move this forward?" Mr. Swann replied "Absolutely, we wouldn't have these prints on the table if we didn't have full support of management and ownership of the company." He said Mr. Swann was supposed to have brought plans forward to City Council. There is also the issue of the side parking lot that wasn't part of the original plan. He asked the Planning Department to show him where Greenlife got their permit to use the lot without paving it or meeting the standards. When he first talked to John Swann about this in 2004 Mr. Swann said it was a loading area and they didn't own that property. Somehow they have been using that with a notice of violation or compliance. City staff even says "the city finds that the property and land use occurring on Greenlife are largely in compliance." You can't be largely in compliance - you're legal or you're not. There are nuisance issues and we have

been before the Noise Board. There are frequent noise complaints, frequent sounds and noise disturbances. City Council receives these emails. 4:00 a.m./3:00 a.m. there are trucks on this street every single day ignoring the No Truck signs and driving right past them. This is Mr. Thompson's everyday experience on the street. Trucks drive over telephone lines. He showed a picture of the morning of the Planning & Zoning Commission meeting. Neighbors deal with beeping of the trucks and would anyone live with this? The sidewalk is blocked. From a video, former Councilman Mumpower says "Do that for a week, and if you don't get response, start calling us." The reason why Mr. Thompson has been calling is because he was directed by council to do so if he didn't get responses. Showing pictures, he said Greenlife blows their garbage down the street and have had snow plowed in front of Mr. Thompson's property. They do not care about their neighbors. Yet, the City allows them to sponsor that street. Using a photo, he said that staff sends memos that they are enforcing laws that no trucks will block the sidewalk, but you can see from a picture that a truck is blocking the sidewalk. There are trucks that are not allowed on the street. There are private services being delivered on Maxwell Street (showing a private garbage truck on the street three times a week) - the law only allows for public contracted garbage trucks to be operated on the street. He said Mr. Thompson was even cited for a shrub violation in June for the shrubs growing over the sidewalk. He provided Council with a 2005 petition from 11 people on Maxwell Street requesting enforcement of the City's Code. He also provided Council with letters from neighbors in 2004 (and one from 2018) who complained about Greenlife, noting they were paying $850/month rent. Even Airbnb people complain. The ethical principles of planners say we have to deal with the related issues - we can't ignore them. He noted that the Comp Plan for 2025 was not presented by staff, but it clearly contemplates a mixed-use environment.

Vice-Mayor Wisler opened up the public hearing at 6:03 p.m.

The following individuals spoke in support of the conditional zoning; however, most voiced concerns relating to Greenlife acknowledging that this seated Council is not responsible for the inactivity of the past but should be responsible for the solution. Some concerns expressed were, but are not limited to: Maxwell Street is no longer a residential street, but a commercial street; precedent is set that the City chooses large businesses over residents; unable to live or rent on Maxwell Street due to constant traffic, noise and nuisances every day; City staff abused their power to ignore and marginalize this community and Mr. Thompson in particular; the City needs to enforce the buffering requirement of Greenlife; in 2007 the seated City Council gave Greenlife 45 days to mitigate concerns, but 11 years Greenlife made no changes; the City has issued no violations to Greenlife; there is flagrant commercialism on Maxwell Street that the City has allowed; the fines accrued by Mr. Thompson should be dropped; even with low rent, people will not want to live on Maxwell Street due to the noise of the trucks; the residences are no longer suitable for long-term rental; there are community benefits to having short term rentals as those people spend money in our city; if the properties are allowed to be short-term rentals, the reviews by customers might contain damaging comments about loud truck traffic and Mr. Thompson might not be able to rent them short-term even; problems in accessing homes on Maxwell Street due to trucks; cars parked on Maxwell Street are getting hit by trucks; the large trucks create a lot of dust; trees have been damaged by the large trucks maneuvering on Maxwell Street; even legal homestays on Maxwell Street are having a hard time getting customers due to the truck activity on Maxwell Street; Mr. Thompson is being denied due process and equal protection of the law; and the residents on Maxwell Street might be treated the way the have been treated is because the property is owned by State representative Brian Turner and he makes money off of this lease:

Former City Councilman Cecil Bothwell
Ms. Meg Jamison, former resident of 17 Maxwell Street
Ms. Karen Ramshaw
Former resident of 32 Maxwell Street
Mr. Jonathan Wainscott

Mr. Michael McDonough, Montford resident
Mr. Pat Whalen, President of Public Interest Projects
Mr. William Huxley, resident
Ms. Hope Trammel, employee of Mr. Thompson
Ms. Velvet Hawthorne, resident of 17 Maxwell Street
Mr. Sidney Bach
New City resident
Mr. James John, resident of Asheville
Ms. Brandee Boggs, resident on Maxwell Street
Ms. Jan Howard Kubinek, resident on Reservoir Road

Mr. Peter Landis, downtown resident, felt City Council should deny Mr. Thompson's request for short term rentals as it would set a terrible precedent. He requested Council to either drop or suspend the fines accumulated by Mr. Thompson because of inaction by the City. Finally, because Greenlife is owned by the world's richest person the City should put pressure on Greenlife to find a solution.

Mr. Reid Thompson, applicant, said that residents on Maxwell Street have lived with 14 years of an illegally operated commercial alley and loading in the street that has been completely unenforced. For 12 years, the City has had a report from the School of Government so everyone has known Greenlife has not be in compliance. He has been threatened, assaulted and arrested. He has been banned from public buildings without due process. In 2015 he was removed off a field trip with his daughter because of staff's actions. When you look at the record, it shows he was banned after he had been promised corrective action by Council. All he did was ask staff for the plan to get the trucks off the street. It's obvious to him now that all that was was misdirection by our government. He and his neighbors have been intimidated from speaking out. He would have had more realtor friends at this meeting but they were afraid to be singled out like he has been singled out. He sold three houses and dealt with continuous nuisances. One of his tenants went to Europe and when she returned the rats had eaten the wiring in her car. She moved out and he sold the property. He asked Council to do the right thing and help mitigate this situation. If he were asking for special treatment, he would be asking for what Greenlife got 14 years ago. He put in his application prior to the change in zoning. Ms. Shannon Tuch, who was directed to get the commercial traffic off Maxwell Street a decade ago, is the same person that denied his application. One of two that were denied out of 36. Mr. Joe Minicozzi put in his application and by his peers he is ranked as one of the top 100 urbanists that have ever lived. He works with governments across the country and around the world. It puzzles him that he was unable to complete an application that was acceptable to Ms. Tuch. In the 32 page report prepared by staff, Greenlife is mentioned one time in the minutes from the Planning & Zoning Commission meeting. The published Planning & Zoning Commission minutes are 7 pages. Quite by accident he ran into the woman who kept the minutes in a restaurant and she told him there were 9 pages. He didn't imagine that staff did him any favors with their edits. He feels like he's been singled out, like he's been treated unfairly by the City for standing up for himself. How can the Planning staff say the two issues are not related when that is what planning is all about - the interrelatedness of properties. Because of the same situation for all the residents on Maxwell Street, he felt we should rezone the whole street so everyone can do short term rentals. He said he has been the buffer to his neighbors for 15 years. Regarding Ms. Tuch, he showed a letter from North Carolina Real Estate Commission where Ms. Tuch made a statement about his activities, where she felt he was a "'loose cannon' in the community - in her opinion, he was not stable." In that same letter it said "she never felt threatened and did not actually see if he was going to follow her." He then showed an email from Mr. Cecil Bothwell where he had met with Gary Jackson and Bob Oast and read "When I showed them the letter from the BOR ... they said that the information in the letter was not what Tuch had told them about the incident." And then what he noticed was missing from the Planning & Zoning Commission minutes was the information he supplied about the Turner's. The Turner's own the property. Every morning they are woken up by the beep, beep,

beep from the garbage truck. He has sent Council a lot of pictures showing his daughter sitting in the window crying with the truck behind her. He has invited all of Council to come out and have coffee with him on his porch and none of them has taken him up on it. He was sorry that he seems upset but he has dealt with this for 15 years and he knows that he has not been treated fairly by staff because they can't see the interrelatedness. Using a map, he said what didn't get shown was this area used to be a part of the Broadway Corridor District. In that map he showed Kevin Kerr's building. That building is 20 units an acre but Council down-zoned it and now he can't ask for Airbnb on his other property. He doesn't know if that was directed by Council or done by staff. The same thing was done to Mr. Chris Peterson and to Mr. Jim Siemens.

Vice-Mayor Wisler closed the public hearing at 6:50 p.m.

Councilman Haynes said that the City has been wrong over the years and they have an obligation to make this right. Short term rentals may not be the solution here, but he wondered if the units can be rented for anything other than short term rentals. He felt that Maxwell Street is no longer a residential street. He felt this is a special case and City Council will not be setting a precedent because they will need to come before Council for approval.

Councilwoman Mayfield agreed that people are more important than companies, but this doesn't have anything to do with Greenlife or the Turner family. The truth is that the decisions the City made years ago were wrong, and it was wrong that it wasn't fixed. She doesn't understand why it hasn't been fixed. She believed that the City's actions have harmed, to some degree, everyone on Maxwell Street, particularly Mr. Thompson has been impacted and that has caused enormous distress and real damage. She apologized for that. We have been trying to figure out the solution, but she didn't think we have found the solution yet. She was equally troubled by the proposal mainly because turning these properties into short term rentals doesn't solve the problem. The problem is Greenlife and the fact that there is a loading dock where there shouldn't be a loading dock. The problem is there is a loading dock with no buffer, and the problem is there are trucks on that street that should be on that street. That's the problem we have to fix. Allowing these houses to be used as short term rentals, in complete violation of every direction this Council has gone in terms of that policy, doesn't fix the problem. Turning the street into a commercial street also doesn't solve the problem because short term rentals are illegal everywhere. In her view, we need to focus on Greenlife and said those conversations have opened. Our City staff is in conversations already with Greenlife about them coming to look at this problem and try to find a solution. There have been other options on the table for resolving this, i.e., a mediation and a number of options put on the table to try to alleviate the distress that Mr. Thompson is experiencing. We have not been able to come to an agreement on any of those things, but she remains convinced that the City has to actually solve the problem, which is Greenlife. She has committed to staff that she will put energy into trying to do that. Allowing these two houses to be used a short-term rental will not fix the problem.

Councilman Young felt that short term rentals is not the fix for this problem and this is not the end of trying to find a solution.

Vice-Mayor Wisler said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Young moved to deny the conditional zoning request for Parkway Court LLC for 28 and 32 Maxwell Street from Residential Multi-Family High Density District (RM-8) to Lodging Expansion District Conditional Zone (LODG EXP CZ) and find that the request is not consistent with the adopted comprehensive plan and that the denial is reasonable and in the public interest for the following reasons: (1) The use is not permitted in the surrounding residential districts nor in surrounding commercial zoning districts. Lengthy public discussion surrounding the restriction has taken place resulting in the action by City Council to prohibit whole-house STVR

uses and greatly limit the use elsewhere; (2) Due to the historic residential development pattern, there is not sufficient room on the properties to provide the buffering and parking required by code; (3) On-street parking along Maxwell Street is purposely reserved for long-term residential users only is a concerted effort to reduce the impact of commercial users in the vicinity; (4) In the city's application materials, it is stated that the conditional zoning tool *"is available to promote land uses and activities that benefit the public in general. If there is only private benefit, the tool should not be used."* This action is only for the financial benefit of the applicant; and (5) A change in the Future Land Use Map to Traditional Corridor is not appropriate as these properties are more suited to the Traditional Neighborhood designation and Maxwell Street would not be identified as a corridor (although it is noted that this is the edge of the neighborhood). This motion was seconded by Councilwoman Mayfield and carried on a 4-1 vote, with Councilman Haynes voting "no." (Mayor Manheimer recused).

At this time, Mayor Manheimer re-entered the meeting and presided over the remainder of the meeting.

H. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF PROPERTY LOCATED AT 511 BREVARD ROAD FROM HIGHWAY BUSINESS DISTRICT TO HIGHWAY BUSINESS DISTRICT/CONDITIONAL ZONE AND LODGING EXPANSION/CONDITIONAL ZONE FOR THE DEVELOPMENT OF A 4-STORY HOTEL BUILDING AND A FUTURE DEVELOPMENT PARCEL

ORDINANCE NO. 4702 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT 511 BREVARD ROAD FROM HIGHWAY BUSINESS DISTRICT TO HIGHWAY BUSINESS DISTRICT/CONDITIONAL ZONE AND LODGING EXPANSION/CONDITIONAL ZONE FOR THE DEVELOPMENT OF A 4-STORY HOTEL BUILDING AND A FUTURE DEVELOPMENT PARCEL

Urban Planner Sasha Vrtunski said that this is the consideration of an ordinance to conditionally zone 511 Brevard Road from Highway Business (HB) to Lodging Expansion Conditional Zone (LODG-EXP-CZ) for the development of a 106 room hotel with associated parking and an outparcel for future development on the property to Highway Business CZ (HB CZ) located on 3.03 acres at 511 Brevard Road in West Asheville. This project is considered a Level III Development, which requires a Conditional Zoning review pursuant to Section 7-5-9 of the city's Unified Development Ordinance (UDO). This public hearing was advertised on August 17 and 24, 2018. On August 28, 2018, this public hearing was continued to this date at the applicant's request.

The project proposes to build a 58,398 sf hotel with 106 rooms with 103 parking spaces. The building is shown at four stories and 62 feet to the top of the roof ridge. The height to the floor of the top occupied story is 32 feet. The building is placed to the rear of the lot, towards I-40.

The outparcel at the corner of South Bear Creek and Brevard Road is proposed to be conditionally zoned as HB-CZ. The benefit of this is to ensure proper connectivity between the two future parcels including sidewalks, and a sidewalk along South Bear Creek for the frontage of the outparcel. The applicant has agreed to prohibiting drive-thrus associated with uses for the outparcel.

The project site is 3.03 acres on Brevard Road and South Bear Creek Road, just north of I-40 in West Asheville. The site is located in an "island" of land between I-240 and I-40. The portion to be conditionally zoned is currently zoned Highway Business. The parcel to the north is outside of the city jurisdiction, and is zoned Commercial Services (CS) in Buncombe County.

The site is accessed via a driveway off of South Bear Creek Road. A secondary driveway

is shown going to S. Bear Creek Road closer to the intersection of Brevard Road, as required by the Fire Department. Sidewalks are shown along S. Bear Creek and Brevard Road. The applicant agreed to make these improvements with the development of the hotel instead of waiting for a development to occur on Lot 2.

The applicant has also agreed to provide the standard city transit shelter at the transit stop on Brevard Road. In addition, the applicant has agreed to install a pedestrian crossing signal at S. Bear Creek Road, which will assist anyone using the bus get to the northbound (inbound) bus stop on Brevard Road. The pedestrian crossing signal will be subject to the N.C. Dept. of Transportation approval.

The applicant has agreed to provide a ten foot easement along Brevard Road for a potential future Buncombe County greenway. Lastly, the applicant has agreed to provide shuttle services for guests to downtown and other destinations.

Plans show street trees, building impact, and Vehicle Usage Area landscaping. Screening for dumpsters is also noted. Open space is shown at 15% in compliance with UDO standards.

The current design as submitted does not fully meet the city's design standards for the Lodging Expansion District. The building orientation is oriented more to I-40 than S. Bear Creek and there is parking between the building at the primary facade that faces S. Bear Creek. The original design showed the building sides having very few windows. Since the Planning and Zoning Commission meeting, the design team has added windows to the Brevard Road facade (side of building).

The applicant is requesting the following condition to modify the standards.

1. Parking between the building at the primary access corridor.
2. Reduced fenestration on the side facades.

This project was approved with conditions by the city's Technical Review Committee (TRC) on February 19, 2018. As this is a Level III review, City Council review and approval is required. A Final TRC review is also required if approved by City Council.

Planning and Zoning Commission reviewed this project on August 1, 2018, and voted 6-1 in favor of the project. The Commission did discuss the side of the building facing Brevard Road and as a part of their approval recommended that the side be redesigned to look more like the front of the building. The applicant has added windows to a greater extent on the side facade facing Brevard Road.

At the Planning & Zoning Commission meeting there was one person who commented about the project. The speaker's concern was about the safety of the location of the hotel entrance drive with the RV Park just up the road, citing vehicle speeds and the curviness of the road. No comments were made in opposition to the project.

Current zoning is Highway Business District. The applicant is requesting Lodging Expansion Conditional Zone and has agreed to the outparcel being zoned Highway Business Conditional Zone.

In May 2017, City Council approved a Conditional zoning for the Buncombe County Transfer Station which is nearby. No other zoning actions have been taken for properties nearby.

The proposed project should be compatible with the surrounding context in part due to its separation from the surrounding area. To the rear of the site along South Bear Creek Road is a RV park. Further down South Bear Creek, the area transitions to a more residential community. The city zoning along the South Bear Creek corridor between the site and I-240 is Regional Business which would allow for much more intense and mixed uses than is there today. To the north of this property is one large parcel that is a older farm, which is outside the city jurisdiction and zoned Commercial Services (CS) by Buncombe County.

In the newly adopted Living Asheville Comprehensive Plan, the Future Land Use Map identifies this area as an Urban Corridor area. Urban corridors are appropriate for infill development and "redevelopment in the form of mixed-use residential, commercial and office uses that place emphasis on pedestrian-friendly amenities". Hotels are recognized as a compatible use in the Urban Corridor areas. At the same time, the Living Asheville plan does recommend further study on all lodging types and how they impact the local community, which would assist future reviews of hotel proposals.

The proposal aligns with the 2036 Council vision in the area of A Well-Planned and Livable Community – The project is located within a short driving distance of miles of stores, restaurants and Bent Creek/Lake Powhatan. The subject site is also located next to a highway exit and on the ART S3 bus line.

Considerations:

- Project makes use of land that is bordered by two N.C. Dept. of Transportation rights-of-way that may be less attractive for other uses such as residential.
- Traffic to the site will be primarily coming from I-40, I-240 and Brevard Road; should have limited traffic coming through the neighborhood via South Bear Creek Road.
- Improved sidewalk facilities along Brevard Road and South Bear Creek Road.
- Applicant has agreed to prohibit drive through uses on the outparcel.
- Applicant has agreed to a shuttle service and building a transit shelter on Brevard Road.

Staff supports the application. The hotel is an appropriate use for the area, close to highways, the Farmers Market and the North Carolina Arboretum/National Forest. The conditions on the outparcel in the form of HB-CZ zoning will ensure that future development will limit drive-throughs. Overall, the development will improve the pedestrian infrastructure and facilities.

Mr. Derek Allen, attorney representing the applicant, said that they have agreed to all the conditions staff has requested. He gave a brief description about the developer BlackStream Development noting that they have an office in downtown Asheville. The project complies with the Land Use Plan, and noted that the property is really an island bounded by Bear Creek Road, Brevard Road and I-40. There were no issues at the Technical Review Committee or at the Planning & Zoning Commission. We have agreed to sidewalks around the entire of the property, a bus stop, open space, greenway easement, interconnectivity between the out parcel and the hotel parcel, no drive-thrus on the out parcel, and shuttle service from the hotel to downtown, Airport and retail area on the other end of Brevard Road. Outside of those conditions, they have committed to provide a living wage. They have also committed to contribute at least $150,000 to the A-B Community Land Trust that the City is establishing for land-banking for affordable housing. That commitment is to be triggered in the first calendar year following occupancy of the hotel and pay it in six annual installments of $25,000. That is an acknowledgement that we do have an affordable housing issue, but housing on this parcel does not work.

Vice-Mayor Wisler asked that the condition regarding the shuttle service be revised to include the Asheville Outlets area at the other end of Brevard Road. Mr. Allen agreed to amending that condition.

Mr. Chris Day, representing Civil Design Concept, reviewed the proposed location. An effort was made to orient the building and place it up against the interstate. It helps to provide any type of shielding and buffering towards the uses and it also creates an out parcel. That out parcel will remain Highway Business and they are committing that to no drive-thrus. Whatever goes on the out parcel will provide a connectivity to the adjacent hotel use. The second vehicular access was a requirement by the Fire Marshal and while they have it shown in this particular location, as the out parcel is developed, it is their intention that it may adjust slightly to accommodate what retail or use that goes on that Highway Business tract. They propose to put in the sidewalk along the out parcel tract as well as sidewalks along Brevard Road. They propose a transit shelter along Brevard Road as well as pedestrian signals for a crossing across S. Bear Creek Road. The Planning & Zoning Commission requested additional fenestration on the Brevard Road side of the building and windows were added where feasible.

Vice-Mayor Wisler suggested that whatever is placed on the out parcel, when it is developed, that it be a local company.

Mr. Josh Howard, principle of BlackSteam Development, said they are committed to Asheville and that is why they are excited about this project. They recognize that affordable housing is an issue and while housing did not work for this site, they are committed to being good community stewards. That is why they are committing to contribute $150,000 to the A-B Community Land Trust.

Mayor Manheimer understood that the developer has worked with staff on a number of conditions to include the sidewalk piece around both parcels, prohibit a drive-thru on the out-parcel, and provide a shuttle service. The contribution to the A-B Community Land Trust is not a condition, but will be a separate non-profit entity working in partnership with the City and others. The City has two staff on the board for the A-B Community Land Trust. Her understanding that the commitment to the A-B Community Land Trust would begin in the year 2020 (or if the Community Land Trust takes longer to create) with $25,000 per year for six years.

Mr. Howard agreed to the commitment of $150,000 to the A-B Community Land Trust beginning within the calendar year after occupancy.

Mayor Manheimer thanked Councilman Young and Councilwoman Smith for thinking of this creative concept to try to help us marry the challenges we are having around tourism and hotel growth with this continuing affordable housing crisis we are experiencing in Asheville.

Mayor Manheimer opened the public hearing at 7:22 p.m., and when no one spoke, she closed the public hearing at 7:22 p.m.

Councilwoman Mayfield questioned what the value is of the pedestrian crossing signal at S. Bear Creek, a two-lane road, when we don't have one across Brevard Road, a five-land road. Ms. Vrtunski said the S. Bear Creek Road crossing was at the request of the Transportation Department. She said that Brevard Road and S. Bear Creek Road are both on N.C. Dept. of Transportation (NCDOT) right-of-way. It was the consensus of Council to ask the NCDOT to construct the pedestrian crossing on Brevard Road and to allow the applicant to construct the pedestrian crossing signal at S. Bear Creek Road. To the extent that we need any land on the northwest corner of the intersection of S. Bear Creek Road and Brevard Road for the purposes of creating a pedestrian crossing on Brevard Road, Mr. Allen said that they would be willing to provide an easement.

Councilwoman Mayfield appreciated all of the community benefits the applicant is willing to provide as a part of this project; however, she will not support this project because she felt this is a place where we need multi-family housing.

Mayor Manheimer said that she has personally considered if we should consider a moratorium on hotels for the City; however, legally moratoriums are very difficult in North Carolina and if you can get them passed, they are extremely temporary. That is not the answer. City Council we hold a worksession dedicated to just this topic and look at all the pieces of tourism that impact our community, especially how we are able to finance the needed infrastructure improvements to be able to host the number of people that are coming to the City, while balancing the level of growth we are seeing with preserving what makes our community wonderful. And also so that the people that live here can afford to live here. It's important that hotel applicants understand that we have to carefully review each application individually. We will need to understand how the particular project will contribute to our City. In this situation the applicant has worked hard to figure out a way to address some of the issues we are having, especially around housing. There is a tendency in the hotel industry to think they will generate property tax revenue, jobs, etc., and we have done a little research on the revenue side, noting that we will look at the whole picture. Asheville collects around $64 Million in property tax revenue every year (the majority revenue source that balances our budget) and of that, hotels contribute $3.25 Million. That means the taxpayers are subsidizing the infrastructure improvements needed to help maintain a City that hosts that many people that come to it everyday. There is an argument to be made about the economics around the hotel industry and the tourism industry that has helped keep this City strong for as many years as it has been. She understands that and it's valid. But when you realize how much it costs to fix sidewalks and to pave road and to keep a community safe, etc. and try to provide a forum that creates good quality jobs for the people that live here, everyday we struggle with it. We need developers that want to participate and invest in our community, and we will need to see that partnership piece of it.

Councilman Haynes will not support the conditional zoning and wanted to developers and investors in the City wanted them to realize what we are really looking for - we want housing and businesses that will add some diversity to our economy, not just aimed towards tourism.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Young moved approve the conditional zoning request for Highway Business District to Lodging Expansion Conditional zone for the Mainstay Suites Hotel at 511 Brevard Road with the requested conditions and find that the request is reasonable, is in the public interest and is consistent with the Living Asheville Comprehensive Plan in that: (1) the project is located in a well established commercial area; (2) increases pedestrian connectivity; and (3) a new shelter will be built at an existing ART stop on Brevard Road. This motion was seconded by Councilwoman Smith and carried on a 4-2 vote with Councilman Haynes and Councilwoman Mayfield voting "no."

ORDINANCE BOOK NO. 32 – PAGE 217

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

Regarding the Board of Electrical Examiners, since no applications for the layman seat were received, it was the consensus of Council to re-advertise for the position.

Regarding the Citizens-Police Advisory Committee, since no applications for the resident of property owned by the Housing Authority were received, it was the consensus of Council to re-advertise for the position.

Regarding the Neighborhood Advisory Committee, since no applications for the representative that resides in the 28806 or 28728 zip code, it was the consensus of Council to re-advertise for the position.

Regarding the Public Art & Cultural Commission, the following individuals applied for the vacancy: Cate Ryba, Mariana Llorente, Karven Depew, Valeria Watson, Karin Peterson and Travis Smith. It was the consensus of Council, as requested by the Public Art & Cultural Commission, to re-advertise for the vacancy while the Commission seeks a minority representative.

RESOLUTION NO. 18-263 - RESOLUTION APPOINTING A MEMBER TO THE CIVIL SERVICE BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Civil Service Board.

On September 9, 2018, City Council rescinded Alan Escovitz' appointment to the Civil Service Board, thus leaving an unexpired term until May 21, 2019.

The following individuals applied for the vacancy: Stephen P. Hyleck and Carter B. Webb.

Vice-Mayor Wisler moved to appoint Carter B. Webb to serve the unexpired term of Mr. Escovitz, term to expire May 21, 2019, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Ms. Kara Jahn was concerned about kudzu on the Reed Creek Greenway and suggested using goats which are eco friendly and cost effective. Mayor Manheimer suggested the Recreation Board would be a good place to start this discussion and said the City Manager would be in contact with her.

Mr. Sidney Bach was concerned that the Hospital Corporation of America may ask for the assessed value of the Mission property be reviewed. He pointed out that this happened in Sylvia and the value of the land dropped by more than 70%. Mayor Manheimer suggested the City Manager look into this possibility.

Mr. Joe Minicozzi spoke about his disappointment of how we operate in our community.

Mr. Jonathan Wainscott spoke about gentrification in Asheville.

Results of the September 25, 2018, Civil Service Board Employee Elections

One copy of the results of the Civil Service Board employee election held on September 25, 2018, is to be filed with the City Manager and one with the City Clerk, who shall present such certification to the City Council at its next regular meeting. The Board of Canvassers provided the following certified certificate on September 26, 2018: We do hereby certify, having opened,

canvassed, and determined the original returns of the Civil Service Board employee election, the results of the Civil Service Board Employee Election held on September 25, 2018, noting the name of each person voted for and the number of votes cast for each person as follows: Alan Escovitz - 128; and Steve Hayleck - 36.

Closed Session

At 7:49 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit involving the following parties: James Robert Wet vs. City of Asheville. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3);and (3) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6); and to prevent the disclosure of information that is confidential pursuant to N.C. Gen. Stat. § 160A-168, the Personnel Privacy Act. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 8:55 p.m., Vice-Mayor Wisler to come out of closed session. This motion was seconded by Councilwoman Mayfield and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:55 p.m.

Magdalen Bulteson
CITY CLERK

Esther E. Manheimer
MAYOR

Wednesday – October 17, 2018 - 4:00 p.m.

Special Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Acting City Manager Cathy Ball; Interim City Attorney Sabrina Rockoff; and City Clerk Magdalen Burleson

Mayor Manheimer opened the special meeting and said that City Council is holding this special meeting in order to vote on executing a contract with the anticipated City Manager candidate.

Mayor Manheimer explained the process City Council used in the City Manager selection process. City Council's initial intention had been to hold a community Meet and Greet for the finalists; however, the anticipated candidate was so well aligned with the input received from the community, City Council and staff that City Council has decided to move forward with the anticipated candidate. The anticipated candidate had strong support from community stakeholders, City Council and City leadership team.

RESOLUTION NO. 18-264 - RESOLUTION AUTHORIZING EMPLOYMENT AGREEMENT WITH DEBRA CAMPBELL AND APPOINTING DEBRA CAMPBELL AS CITY MANAGER

Mayor Manheimer read the resolution: "WHEREAS, the City Council began its search for a new City Manager in Spring of 2018; and WHEREAS, the City Council sought community and employee input regarding desired qualifications for the new City Manager; and WHEREAS, the City received 75 applications for City Manager; and WHEREAS, after a careful and deliberate process involving community members, City employees and City Council, City Council narrowed the candidates to six possible candidates; and WHEREAS, after conducting interviews of those six candidates, involving community members, City employees and City Council, and reviewing input from those groups, City Council deliberated and agreed that Debra Campbell was their unanimous choice for the role; and WHEREAS, Ms. Campbell has agreed to the terms of an Employment Agreement presented to Ms. Campbell contingent upon ratification by the City Council, whereby she will begin employment with the City of Asheville as City Manager on December 3, 2018; and WHEREAS, pursuant to Article III Section 19 of the City's Charter, City Council appoints the City Manager; and WHEREAS, pursuant to N.C. General Statute §143-318.11(a)(6) such appointment shall take place in an open meeting; and WHEREAS, this special meeting was properly noticed and called for the purpose of appointing Ms. Campbell as City Manager and ratifying the Employment Agreement; NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: Debra Campbell is hereby appointed City Manager as of December 3, 2018, and is so employed as of that date pursuant to the terms of the Employment Agreement she has signed, hereby ratified by City Council."

Councilman Young moved to adopt Resolution No. 18-264 appointing Debra Campbell as City Manager, effective December 3, 2018. This motion was seconded by Councilman Kapoor and carried unanimously.

Council welcomed Ms. Campbell to Asheville and looked forward to her leadership.

Ms. Campbell said she was blessed, honored and excited to be named Asheville's City Manager. She commended the Mayor and City Council, community partners who participated in the process, staff and the search firm for their inclusive, thorough process to recruit for this coveted position. She thanked her co-workers, elected officials, community and business partners in Charlotte for the amazing experiences that helped develop her skills professionally and prepared her for this incredible opportunity in Asheville. Now, she realizes that she has a lot of hard work ahead of her to convince Mayor and City Council, staff and the broader community that they should keep her as their City Manager. To do this, she hoped they will never have to question her competency, her character and her commitment to this position, to this organization and to this community. Asheville has a lot of positive momentum to build on, but there is a lot of heavy lifting ahead of us to address social, economic, environmental and trust issues. She is anxious to get started. This is about what we can get done together. She thanked her family and friends for their support, love and encouragement through this process. She will not let Asheville down.

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Mayor Manheimer adjourned the meeting at 4:17 p.m.

Magdalen Bowleson
City Clerk

Esther E. Manheimer
Mayor

Tuesday – October 23, 2018 - 3:00 p.m.

Worksession

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith (arrived in meeting at 3:48 p.m.); Councilman W. Keith Young; Acting City Manager Cathy Ball; and City Clerk Magdalen Burleson

Budget Director Tony McDowell said that we are starting the budget process differently this year by sharing with Council and the public detailed budget information for each department earlier in the process. As you might recall from the previous budget workshop Asheville has unique challenges around its cost of living, demographics, affordable housing, as well as significant daytime growth in the city population. At this worksession, Council will continue to hear about how these challenges are impacting departmental budgets. Council will also continue to hear about the impact of the national economy on the City as an employer, and also hear about our focus on equity and how that is changing our service delivery models.

The City also continues to experience significant community interest in planning and zoning as we address growth and the impact of non-residents. All of these and other factors demand changes in how services are delivered, in the kind of technology and the equipment needs that exist. Keeping pace with changes in these areas allows us to have the best facilities and equipment to provide quality services to our residents and visitors.

As important as our facilities, equipment and technology needs are, people are still the organization's most important resource. The people we hire here are integral to quality of the service delivery. Throughout the presentations last month, we noted that a large part of the budget is dedicated to the employees who provide the services.

Department Directors from the Planning & Urban Design Department, Police Department, Information Technology Department, Finance Department and non-departmental each reviewed their organizational chart; overview of core services; key partners; budget and Fiscal Year 2018-19 budget drivers; prior year spending trends; Fiscal Year 2018-19 budget changes; department challenges; and Fiscal Year 2018-19 department goals from their respective department.

Various staff responded to several questions/comments raised by Council, some being, but are not limited to: to what extent do we collaborate or interact with the Buncombe County Planning staff; do the smaller municipalities in Buncombe County pay their fair share of joint projects; what type of calls are included in Police Department calls for service; is the 5% increase in the Police Department's calls for service typical for a city this size; request for breakdown of the Police Department's calls for service; and has the security contract for City Hall and Public Works ever been handled in-house, and if so, what would that amount look like. For those questions not readily answered, and for any additional questions Council members submit, they will be provided to Council via a memorandum.

Mayor Manheimer adjourned the worksession at 4:15 p.m.

Tuesday – October 23, 2018- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Acting City Manager Cathy Ball; Interim City Attorney Sabrina Rockoff; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. RECOGNITION OF FLORENCE RESPONDERS

Acting City Manager Ball said that Hurricane Florence had an extreme impact in Eastern North Carolina and quickly overwhelmed the cities and counties of that region. These communities were in need of help due to damaged water infrastructure, communication systems and flood waters. NC requested assistance from less impacted communities and Asheville employees stepped up in a big way. City of Asheville Employees affected numerous rescues from boats and helicopters, evacuated dozens of hospital bound patients to safer locations inland, supported the communication infrastructure in the region, supported a large shelter for evacuees, coordinated and monitored social media to assist with community engagement, assessed and supported the mental health needs of responders in the region and helped to manage water infrastructure challenges. Numerous lives were impacted and saved by our amazing employees. In all, 37 employees assisted in the response to Hurricane Florence; we are very proud of the services that they provided and how they represented the City of Asheville. Those employees are: Chris Corl (US Cellular Center); Brandon Buckner and David Melton (Water Resources); Christy Edwards, Christina Hallingse, Ashley Traynum-Carson, and Polly McDaniel (Community & Public Engagement); and from the Fire Department Eric Johnson, Adam Wilson, Patrick Boland, Adam Hoffman, Eric Wardwell, Scott Hare, Patrick Crudup, Mike Webb, Nathan Miller, Ryan Anderson, Kevin Proffitt, David Sullivan, Ross Parkinson, Austin Hall, Spencer Tetrault, David House, Jeremy Knighton, Wallace Sexton, Norris Going, Isaac McCurry, Jackie Buckner, Jamie Bryson, Barry Sheppard, Brendan Flood, Trey Young, Brad Holmes, Jay Bettencourt, Dennis Ball, Josh Jenkins and Kelley Klope.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE SPECIAL MEETINGS HELD ON OCTOBER 4 AND 5, 2018; THE REGULAR MEETING HELD ON OCTOBER 9, 2018; AND THE SPECIAL MEETING HELD ON OCTOBER 17, 2018

B. RESOLUTION NO. 18-265 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE FISCAL YEAR 2019-20 METROPOLITAN TRANSPORTATION PLANNING GRANT, SECTION 5303 OF THE FEDERAL TRANSIT ADMINISTRATION, AND IF AWARDED, ENTER INTO THE AGREEMENT

Summary: The consideration of a resolution authorizing the City Manager to apply for and accept a grant from the N.C. Dept. of Transportation (NCDOT) to fund the Metropolitan Planning Program, Section 5303 of the Federal Transit Administration (FTA).

The FTA Section 5303 Metropolitan Planning Program is part of the annual Unified Planning Work Program (UPWP) of the French Broad River Metropolitan Planning Organization (FBRMPO), which outlines transportation planning tasks to be performed by the FBRMPO. The Metropolitan Planning Program is designated to pay exclusively for transit planning activities, such as grant administration and reporting activities, short-range and long-range transit planning, transportation improvement program preparation, Title VI and DBE programs, and planning and operational analyses. The funds are used to supplement the Transit Planning Manager position (90% of the grant) and other transit related positions (the remaining 10%) for time spent on transit planning.

This funding makes it possible to have dedicated staff developing and engaging in complex processes such as the transit master plan implementation, route changes, and to develop programs required by the Federal Transit Administration for Asheville, as designated recipient, and sub-recipients to ensure compliance with federal regulations. This resolution is required by the North Carolina State Department of Transportation.

FY 2019-20 funding totals $75,000. The subject grant will provide 80% of the anticipated funding ($60,000), the North Carolina Department of Transportation will provide 10% ($7,500), and the City of Asheville will provide the remaining 10% ($7,500). The grant funding and the City's local match are budgeted annually in theTransit Services Fund budget.

The Finance & HR Committee will review this action at their October 23, 2018, meeting and if there is any action other than a unanimous recommendation, it will be shared at the City Council meeting.

Pros:

- Supplements funding for multiple transit-related positions.
- Enables the City of Asheville to use $67,500 in Federal and State funds for transit planning activities.

Con:

- A 10% local match in the amount of $7,500 is required.

The total grant funding is $75,000. As noted above, the City is required to provide a 10% local match in the amount of $7,500. The anticipated grant funding and the City's local match in the amount of $7,500 are budgeted annually in the Transit Services Fund budget.

City staff recommends that City Council adopt a resolution authorizing the City Manager to to apply for and accept a grant from the North Carolina Department of Transportation to fund the transit planning program, Section 5303 Metropolitan Planning Grant of the Federal Transit Administration for FY 2019-20.

RESOLUTION BOOK NO. 40 - PAGE 164

C. ORDINANCE NO. 4703 - BUDGET AMENDMENT FOR DEVELOPMENT SERVICES TECHNOLOGY PROJECT

Summary: The consideration of a budget amendment in the amount of $100,000 to allocate revenue collected in the Development Services Technology Project to fund contracted services and supplies.

The Development Services Department assesses a four percent technology fee on most applications for development related permits and services. The revenue associated with this fee is intended to fund technology projects that improve service delivery to development related customers. Examples of previous technology improvement initiatives include implementation of the Accela permitting software system, replacement and upgrade of staff computers, the procurement of software, and ongoing technology consulting services.

This budget amendment proposes to allocate $34,500 to contract with Open Counter Enterprises, Inc. to provide software based services to create and maintain a Development Portal. This web based portal will function as a resource tool for development customers and as the submittal platform for digital plans and permits.

The amendment also proposes to allocate $15,000 to purchase staff subscriptions of BlueBeam plan review software, and support hardware such as scanners, to facilitate the implementation of a digital plans and permit submittal and review process.

Finally, the remaining allocation of $50,500 provides for ongoing software maintenance for the Accela permitting software system including related professional services, and needed upgrades/replacement of staff computers and related technology items.

This item is being reviewed by the Finance & Human Resources Committee on October 23, 2018, and if there is anything other than unanimous recommendation to move forward, it will be noted at the meeting.

Pros:

- Allows the department to continue implementing the electronic submittal and review of plans and permits, which is consistently the top priority of development customers.
- User fees are dedicated to funding technology improvements that directly benefit them.
- Reduces demand on the city's general fund.

Con:

- None noted.

The technology fee revenue to support this budget amendment has already been collected in the Development Services Technology Project, but has not been budgeted. Allocating these funds is an appropriate use of technology fee revenues and does not impact the general fund.

Staff recommends City Council adopt the budget amendment in the amount of $100,000 to allocate revenue collected in the Development Services Technology Project to fund contracted services and supplies.

ORDINANCE BOOK NO. 32 - PAGE 225

D. RESOLUTION NO. 18-266 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE AN EASEMENT FROM BUNCOMBE COUNTY FOR THE INSTALLATION AND MAINTENANCE OF PARKING AVAILABILITY SIGN

Summary: The consideration of a resolution authorizing the City Manager to acquire an easement from Buncombe County for the electrical infrastructure that will be needed to install and operate an available parking sign in front of the Downtown County Library on Haywood Street.

The Parking Services Enterprise Fund will provide the funding for a sign in front of the Public Library on Haywood to alert the driving public of the availability of parking spots in the US Cellular Center's lot. Parking Services will maintain the sign and ensure that the information provided is accurate. It is thought that this sign would significantly reduce the number of motorists who do not realize that the parking garage is full and have to find a way to turnaround in a very tight area. The actual sign will be placed in the City's right of way, but an easement is needed from the County for the electrical improvements that are needed to connect the sign to the electrical system in the current parking garage.

Buncombe County owns the property that is home to the library and it is identified as PIN # 9649-31-4051-00000. This parcel has .61 acres and the entrance on Haywood is actually the third floor of the building. The first floor is below street level and a retaining wall was needed to be able to construct the roadway between the Library and Vanderbilt Senior Housing building that acts as an entrance to the parking garage. The easement is approximately two (2) feet wide and extends from the intersection of Vanderbilt Place and Haywood Road to the US Cellular Center parking garage. The electrical conduit will be attached to the library side of the retaining wall with a metal covering in order to avoid cutting the concrete. The City will be requesting a permanent easement from the County for 520 square feet or .012 acres. Real Estate and Parking Services staff have met with the manager of the Buncombe County Libraries and their staff is amenable to the project. The easement is on the County's agenda for approval on October 16, 2018. Legal has been working with the County's attorney to develop the easement.

Pro:

- This easement will ease congestion on Haywood Street that is caused by motorists trying to turnaround when the parking garage is full.

Con:

- City resources will be needed to install and maintain the sign.

The Parking Services Department has budgeted the money in its Enterprise Fund to pay for the parking availability sign in front of the Public Library on Haywood Street. Buncombe County has not requested compensation for said easement.

Staff recommends authorizing the City Manager to acquire the electrical easement from Buncombe County to facilitate the installation of the parking sign on Haywood Street and Vanderbilt Place.

RESOLUTION BOOK NO. 40 - PAGE 165

E. RESOLUTION NO. 18-267 - RESOLUTION AUTHORIZING SUBMITTAL OF THE FISCAL YEAR 2018-19 EMERGENCY SOLUTIONS GRANT APPLICATION, ACCEPTING ANY FUNDS SUBSEQUENTLY AWARDED, AND AUTHORIZING THE CITY MANAGER TO SIGN AWARDED HUD CONTRACTS

Summary: The consideration of a resolution authorizing submittal of the Fiscal Year (FY) 2018-19 Emergency Solutions Grant (ESG) application, accepting any funds subsequently awarded, and authorizing the Interim City Manager to sign awarded HUD contracts.

ESG funds are made available from the US Dept. of Housing and Urban Development through the State of North Carolina Division of Aging and Adult Services (DAAS). The City of

Asheville has been the fiscal sponsor for Emergency Solutions Grant funding since 2012 to fund local agencies working to address homelessness.

In the FY 2017-18 cycle, the community received an initial award of $123,460. An additional allocation of $21,650 was granted for Emergency Shelter Operations.

The Homeless Initiative Advisory Committee appointed a Finance Subcommittee to review the ESG projects and application process. This subcommittee was comprised of individuals and agencies who did not apply for ESG funding. Each project was evaluated using the 2018 Scorecard for ESG funds developed by the North Carolina Balance of State Continuum of Care.

The following projects were recommended by the HIAC Finance Subcommittee for the 2018-19 ESG Grant Application. Both HIAC and the Homeless Coalition voted to approve the Finance Subcommittee's recommendations:

Agency	Project Type	Request	Award
Caring for Children	Emergency Shelter	$ 15,000	$ 12,000
Helpmate	Emergency Shelter	$ 32,000	$ 32,000
Helpmate	Rapid Rehousing	$ 35,000	$ 20,000
Homeward Bound	Homelessness Prevention	$ 65,306	$ 54,412
City of Asheville	HMIS	$ 10,000	$ 2,000
Total		**$ 157,306**	**$ 120,412**

This distribution provides level funding for emergency shelters, additional HMIS support, and includes housing assistance through Homeless Prevention activities. These projects are expected to maximize the use and ensure the expenditure of ESG funds.

At their October 16, 2018, meeting, the Housing and Community Development Committee reviewed the application, and voted to recommend that City Council approve the application and associated actions.

Pro:

- The Emergency Solutions Grant program is a key funding resource for emergency shelter and housing stability for persons experiencing homelessness.

Con:

- None noted.

Program funding is entirely from the US Dept. of Housing and Urban Development, through the State of North Carolina. Existing Community Development Division staff will administer the program. No general funds are requested to support this program.

Staff recommends City Council approve the HCD recommendation and staff request to make application for $120,412 in Emergency Solutions Grant funds to the State Division of Aging and Adult Services and accept funds awarded, including any additional allocations.

RESOLUTION BOOK NO. 40 - PAGE 166

F. RESOLUTION NO. 18-268 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH CAROLINA CORNERSTONE CONSTRUCTION INC. FOR THE MILLS RIVER WATER TREATMENT PLANT ROOF REPLACEMENT & STRUCTURAL

IMPROVEMENTS PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a construction agreement with Carolina Cornerstone Construction, Inc., for the Mills River Water Treatment Plant Roof Replacement and Structural Improvements Project for the bid amount of $1,932,782 plus a 15% contingency in the amount of $290,000 for a total project budget in the amount of $2,222,782.

On August 27, 2018, the Water Resources Department (WRD) issued an Advertisement for Bids for the Mills River WTP Roof Replacement and Structural Improvements Project. The scope of work for this project includes: (1) removal and replacement of the existing roof system to all buildings on-site; (2) corrections and improvements to the facade of all four buildings on-site; (3) addition of skylights above the chemical facility to allow for the removal of bulk chemical tanks, including structural modifications to the roof framing and relocation of some HVAC, electrical, fire protection, and plumbing equipment; (4) installation of roof access ladders on the raw and finished water pumping building and intake structure; and (5) replacement of five indoor air handling units and their associated outdoor condensing units, along with the electrical associated with removing HVAC units.

In response to the Advertisement for Bids, the department received one bid on September 24, 2018, and rebid the project due to the legal requirement that three bids must be received for formal construction projects. In response to the rebid, the WRD received two bids on October 3, 2018. The companies responding were:

1. Cityscape Roofing, LLC (Claremont, NC) - bid $2,378,875
2. Carolina Cornerstone Construction, Inc. (Asheville, NC) - bid $1,932,782

Following a review of the bids by City Staff and the project engineers, GHD Consulting Services, Carolina Cornerstone Construction, Inc., was selected as the lowest responsible, responsive bidder for the bid amount of $1,932,782. A contingency amount of $290,000 has been added for a total project budget in the amount of $2,222,782.

Pro:

- This project will replace the leaky roof at the Mills River WTP, make much-needed structural repairs and improvements, and make it easier to access and replace chemical storage tanks, which are housed inside the plant.

Con:

- If the construction agreement is not approved, the roof will continue to leak and cause additional structural damage that would be more costly to repair in the future.

The Water Resources Department currently has the funds needed for this construction agreement budgeted in the "Water Treatment Plant Project" in the CIP Fund.

City staff recommends City Council authorize the City Manager to execute a construction agreement with Carolina Cornerstone Construction, Inc., for the Mills River Water Treatment Plant Roof Replacement and Structural Improvements Project for the bid amount of $1,932,782 plus a 15% contingency in the amount of $290,000 for a total project budget in the amount of $2,222,782.

RESOLUTION BOOK NO. 40 - PAGE 167

G. RESOLUTION NO. 18-269 - RESOLUTION IN SUPPORT OF PROACTIVE STANCE ON HOW OPPORTUNITY FUNDS WILL AFFECT OUR LOCAL

OPPORTUNITY ZONES, INCLUDING PROMOTING EQUITABLE GROWTH, ECONOMIC OPPORTUNITY FOR ALL, AND AN IMPROVED QUALITY OF LIFE FOR RESIDENTS AS WELL AS SENDING SIMILAR COMMENTS UPON THE RELEASE OF THE PUBLISHED REGULATIONS

Summary: The consideration of a resolution in support of proactive stance on how Opportunity Funds will affect our local Opportunity Zones, including promoting equitable growth, economic opportunity for all, and an improved quality of life for residents as well as sending similar comments upon the release of the published regulations.

As part of the 2017 federal tax reform package (Tax Cuts & Jobs Act), Opportunity Zone Funds are designed to drive long-term capital into low-income communities (Opportunity Zones) by using tax incentives to encourage private investment into impact funds (Opportunity Funds). The hope is that these funds will ease the burden for the investor in the distressed community and the tax benefits derived from these investments will incentivize participation in the fund. The goal is to revitalize Opportunity Zones, lower income census tracts that have not benefited equitably in the economic recovery.

The City of Asheville worked closely with the N.C. Dept. of Commerce as well as state and national legislative representatives to insure that as many qualified low-income census tract designations (Opportunity Zones) could be nominated by NC Governor Roy Cooper and certified by the U.S. Treasury. Asheville received 5 census tract designations:

- Census Tract 2
- Census Tract 7
- Census Tract 9
- Census Tract 14
- Census Tract 20

Staff has an internal working group that is communicating with local developers and business owners that the City has these census tracts designations that can assist with funding, especially when it comes to affordable housing, business expansion, job creation and building rehabilitation. While there is excitement that Opportunity Zone Funds, an adjustment to the tax code not a program, can funnel up to $6 trillion in investment in lower income census tracts across the country, there is concern regarding displacement, gentrification, and equity if the resources are deployed without a focus on the residents in the Opportunity Zones.

On September 12, 2018, the Internal Revenue Service sent regulatory guidance on Qualified Opportunity Zones and Funds to the Office of Management and Budget. After review, the regulations will be released for public comment. Staff will work with CAPE to insure that those residents affected by Opportunity Zones, as well as investors and other interested parties, are aware upon public release of these published regulations as well as a link for public comment.

Pro:

If invested in projects with the community in mind, Opportunity Funds could spark catalytic development that creates economic opportunity and improves neighborhood quality of life.

Con:

If Opportunity Funds are deployed without a focus on improving opportunities and outcomes for residents living inside the zones, the investments could lead to displacement of low-income people and communities of color in addition to the loss of community assets and land.

Opportunity Zone revitalization could add significantly to property tax collection over time. There is no direct impact to the City budget.

Staff, after meeting with a group of local citizens who may be affected by Opportunity Funds, recommends that City Council adopt a resolution in support of proactive stance on how Opportunity Funds will affect our local Opportunity Zones, including promoting equitable growth, economic opportunity for all, and an improved quality of life for residents as well as sending similar comments upon the release of the published regulations.

Dee Williams and Matilda Bliss each spoke in support of the opportunity zones.

RESOLUTION BOOK NO. 40 - PAGE 168

H. RESOLUTION NO. 18-270 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH AAR OF NORTH CAROLINA INC. TO REPLACE THE ROOF AND PERFORM RELATED CONSTRUCTION ACTIVITIES AT THE LINWOOD CRUMP SHILOH CENTER

Summary: The consideration of a resolution authorizing the City Manager to execute a Construction Contract with AAR of North Carolina, Inc. to replace the roof and perform related construction activities at the Linwood Crump Shiloh Center.

The project will replace the roof of the whole building with components including new insulation to meet current energy code, positive drainage in all areas, 20 year roof warranty, fall protection system, building envelope masonry repairs, cleaning and sealing.

On August 31, 2018, the General Services Department issued an Invitation for Bids for Roof Replacement Construction Services (IFB # 298-19-Shiloh Roof) at the Linwood Crump Shiloh Center at 121 Shiloh Road. The department received six (6) bids on September 27, 2018. The companies responding were:

	Company	Location	Base Bid + Alternates 2-3-4
1.	TeamCraft Roofing	Salisbury, NC	$501,050.00
2.	WNC Roofing	Arden, NC	$422,100.00
3.	CityScape Roofing	Claremont, NC	$518,430.00
4.	J. Bartholomew Construction, LLC	Hendersonville, NC	$480,800.00
5.	Baker Roofing	Raleigh, NC	$423,845.00
6.	AAR of North Carolina, Inc.	Kernersville, NC	$381,200.00

The Invitation for Bids included line items for base bid and alternate bid items. The lowest total price for the base bid and selected alternates (2-3-4) was $381,200.00 submitted by AAR of North Carolina, Inc.

Pros:

- The new construction will provide a safer condition for the patrons of the recreational facility.
- The roof will be replaced before there is further leaking in the building.
- The exterior walls will be treated to prevent further moisture intrusion into the building and the new roofing system.
- Insulation will be increased to lower energy use and provide better occupant comfort.

Con:

- During the improvements, some modest disruption will be seen in the visitor experience at scheduled times.

Project funding was approved by City Council in the Capital Improvement Program (CIP Project B1801), and the proposed expenditures are within the available budget.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a Construction Contract with AAR of North Carolina, Inc. for the Roof Replacement at Linwood Crump Shiloh Center.

In response to Vice-Mayor Wisler, Director of General Services, said that they have designed the roof so solar panels can be added to the roof at a future date.

RESOLUTION BOOK NO. 40 - PAGE 169

I. RESOLUTION NO. 18-271 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE FOLLOWING THREE FEDERAL EMERGENCY MANAGEMENT AGENCY GRANTS: (1) ASSISTANCE TO FIREFIGHTERS GRANT; (2) STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT; AND (3) FIRE PREVENTION AND SAFETY GRANT; AND IF AWARDED, ENTER INTO SAID AGREEMENTS

Summary: The consideration of a resolution authorizing the City Manager to apply for the following three Federal Emergency Management Agency (FEMA) grants: (1) Assistance to Firefighters Grant; (2) Staffing for Adequate Fire and Emergency Response Grant; and (3) Fire Prevention and Safety Grant; and if awarded, enter into said agreements.

There are currently three federally funded grant programs that the Asheville Fire Department (AFD) has applied for in the past. The three programs are all administered by the Federal Emergency Management Agency (FEMA) and awarded after several different reviews, with the final decision being made by fire service members who review all the applications based upon the proposed expected outcomes and community needs. The three programs are:

- AFG - Assistance to Firefighters Grant
- SAFER - Staffing for Adequate Fire and Emergency Response Grant
- Fire Prevention and Safety Grant

All three programs are authorized annually by the United States Senate and Congress, and the amounts available vary from year to year. The application periods are established when the funding is secured, and are typically only a few weeks.

The AFG program's primary focus is firefighting safety equipment such as Self Contained Breathing Apparatus (SCBA), protective equipment and items to reduce cancer risks. AFD was successful in its last request for $36,000 to fund four sets of personal protective equipment washers and dryers. This grant includes a 10% match for the department.

The SAFER program is designed to help fire departments hire and retrain firefighters to provide for a safer emergency scene. Multiple studies over the past ten years have shown that the overall effectiveness of emergency scene operations increases significantly as minimum fire company staffing increases up to a level of four firefighters per company. AFD was successful in the last request for $1.3 million dollars which funds nine additional firefighters' salaries and benefits. This grant is for three years and requires a match in year one of 25%, year two of 25% and year three of 65%. The total cost to the City is approximately $500,000.

The Fire Prevention and Safety Grant program focuses on equipment and programs for community risk reduction. AFD was unsuccessful last year in the Fire Prevention and Safety Grant program. In 2017, the ADS was awarded $110,000 to purchase items for fire and life safety education programs and smoke alarms.

These programs' unpredictable and short application periods makes it difficult for staff to provide the City Council with adequate time to review needs and provide policy direction for grants prior to the application deadlines. AFD recommends policy direction from Council to apply for all of these grant opportunities as they become available.

The Public Safety Committees will review the grant requests on October 22, 2018; and the Finance and Human Resources Committee will review the grant requests on October 23, 2018. If there is not unanimous support to move them forward to City Council, that will be noted during the City Council meeting.

Pros:

- Firefighter and Citizen safety would be increased significantly
- Grant would bring COA into compliance with national consensus standards
- The grant would allow a much-needed infusion of protective gear
- AFD would not need to request funds to be spent from the Fund balance for added safety equipment

Con:

- The total match for all three grants could be between $5,000 and $862,500. This range of matching funds is explained in the fiscal impact section of this staff report.

The Assistance to Firefighters Grant (AFG):

- Requires a 10% local match.
- The grant amount, if awarded, would likely be between $50,000 and $100,000
- One time local match would be between $5,000 to $10,000.

The Staffing for Adequate Fire and Emergency Response Grant (SAFER):

- Awarded over a three year period.
- The first year and second year require a 25% local match, and the third year requires a 65% local match.
- The grant amount, if awarded, would likely be between $150,000 and $300,000 annually.
- The local match would be between $37,500 and $75,000 in years one and two. The local match for year three would be between $97,500 and $195,000.
- The grant does not require the City to maintain the higher level of staffing after year three. If Council direction at year four was to continue the higher staffing level, the cost in year four and ongoing would be between $150,000 and $300,000 (increasing annually with inflation). If the direction was to return to current level staffing after year three, the firefighters hired under the grant would be reassigned within the department and normal hiring in year four would be curtailed, with no ongoing staff or financial impact.

The Fire Prevention and Safety Grant:

- Requires a 5% local match.
- The grant amount, if awarded, would likely be between $100,000 and $200,000.
- One time local match between $5,000 to $10,000.

City staff recommends City Council authorize the City Manager to apply for the following three Federal Emergency Management Agency (FEMA) grants: (1) Assistance to Firefighters Grant; (2) Staffing for Adequate Fire and Emergency Response Grant; and (3) Fire Prevention and Safety Grant; and if awarded, enter into said agreements.

RESOLUTION BOOK NO. 40 - PAGE 170

J. **RESOLUTION NO. 18-272 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR $100,000 FROM FEDERAL HOME LOAN BANK OF ATLANTA "COMMUNITY HERO" PROGRAM FOR DOWN PAYMENT LOANS TO ENABLE LAW ENFORCEMENT OFFICERS, FIREFIGHTERS, OTHER FIRST RESPONDERS, AND PUBLIC SCHOOL TEACHERS EARNING BETWEEN 81% AND 120% (AS PUBLISHED BY HUD) OF AREA MEDIAN INCOME (AMI) TO PURCHASE A HOME UNDER LOCALLY STRUCTURED PARTNERSHIPS**

RESOLUTION NO. 18-273 - RESOLUTION AUTHORIZING THE AMENDMENT TO THE HOUSING TRUST FUND POLICY TO REFLECT THIS SPECIAL PARTNERSHIP WITH THE FEDERAL HOME LOAN BANK OF ATLANTA AND ITS TERMS FOR PARTICIPATION

Summary: The consideration of applying to partner with The Federal Home Loan Bank of Atlanta (FHLB) on their "Community Heroes" initiative to help with Down Payment Assistance (DPA) to enable law enforcement officers, firefighters, other first responders, and public school educators earning between 80% and 120% (as published annually by HUD) of area median income (AMI) to purchase a home under locally structured partnerships; and to amend the City Housing Trust Fund (HTF) Policy to reflect this special partnership with the FHLB and its terms for participation.

The Federal Home Loan Bank of Atlanta (FHLB) has established a "Community Heroes" initiative to help with Down Payment Assistance (DPA) to enable law enforcement officers, firefighters, other first responders, and public school educators earning between 80% and 120% (as published annually by HUD) of area median income (AMI) to purchase a home under locally structured partnerships. FHLB has invited the City of Asheville to apply to participate in the program. The match would be 3 to 1, with the City contributing 3x the amount granted from the FHLB. Funds received from the FHLB do not need to be paid back to the FHLB and can be structured into our own DPA program and utilized as the City of Asheville sees fit. The FHLB would like a proposal submitted by November 1, 2018.

The City's General Obligation Housing Bond funds are to be used for low to moderate income households, which by US Department of Housing and Urban Development (HUD) definition is for individuals and families under 80% AMI. In August, the Affordable Housing Advisory Committee (AHAC) recommended that affordable housing tools like the Housing Trust Fund not be used to fund the City's match. Staff reached out to the UNC School of Government for guidance on the legality of using local funds - be they Housing Trust Funds or other local funding - to underwrite homeownership for households with incomes above 80% AMI. UNC stated that using local funds to assist homeowners between 80% and 120% of AMI (Workforce Housing) would be allowable with an adjustment to our Housing Trust Fund (HTF) Policy.

In September, the Housing & Community Development Committee (HCD) passed by 2 - 1 the use of $300,000 of HTF dollars to participate in the FHLB Community Heroes initiative. HCD recommended that HTF Policy be updated to include language regarding the FHLB and servicing households between 80% and 120% of AMI. Currently, HTF policy can be used for DPA as long as the funds are not forgiven and serves potential Homes for Sale by limiting the buyer's total household income income to not exceed 100% of AMI. In addition, HCD recommended including a sunset provision for one (1) year beyond the date of award.

Proposals, suggested by the FHLB, can be in the form of a one page proposal, to include:

- Readiness
- Level of Commitment from the Local Entity
- Leveraging
- Capacity (Operational)
- Shareholder Support

Participation in the FHLB Community Heroes Initiative will assist local City employees like law enforcement officers, firefighters, other first responders, and public school educators making between 80% and 120% of AMI with homeowner down payment assistance to purchase a home in the City of Asheville. This Initiative will support Council's 2036 Vision of An Equitable and Diverse Community, A Thriving Local Economy and Quality Affordable Housing.

Pro:

This FHLB Initiative will assist local eligible employees,with household incomes of 81-120% AMI, purchase a home within City limits through down payment assistance.

Con:

The Affordable Housing Advisory Committee (AHAC) advised that funding for this initiative should not come from monies already earmarked for affordable housing, i.e. the Housing Trust Fund or Bond funding.

$300,000 taken from the Housing Trust Fund for the required match for this program during the length of the program.

The Housing and Community Development Committee voted 2-1 at their September meeting to recommend to City Council to: 1) authorize the City Manager to apply to participate in this FHLB initiative, using $300,000 from the Housing Trust Fund and to accept if received a $100,000 match from the FHLB; and 2) approve that the HTF Policy will be updated with the following language to reflect this special partnership with the FHLB and its terms for participation:

Page 4, Section III, Part B. Eligible Activities:

12. Special Partnerships: Federal Home Loan Bank of Atlanta's Community Heroes Down Payment Assistance. To serve law enforcement officers, firefighters, other first responders, and public school educators earning between 80% and 120% (as published annually by HUD) of area median income (AMI) to purchase a home under locally structured partnerships within City limits. This Special Partnership will sunset in one year from the date of the agreement with the FHLB, approximately November 1, 2019.

RESOLUTION NO. 18-272 - RESOLUTION BOOK NO. 40 - PAGE 171
RESOLUTION NO. 18-273 - RESOLUTION BOOK NO. 40 - PAGE 172

K. ORDINANCE NO. 4704 - ORDINANCE AUTHORIZING THE HOUSING CODE COORDINATOR TO UNDERTAKE ADDITIONAL ENFORCEMENT EFFORTS WITH RESPECT TO 460 ½ BOOKER STREET

Summary: The consideration of an ordinance authorizing the Housing Code Coordinator, or his designee, is hereby authorized to take any or all of the enforcement actions specified in Chapter 4, Article VII, Section 4-217 of the Code of Ordinances of the City of Asheville in order to bring 460 ½ Booker Street, Asheville, in compliance with the Chief Code Official's Order of August 25, 2017.

This matter relates to a piece of real property located at 460 ½ Booker Street, Asheville. In June of 2016 it was reported to the City of Asheville Developmental Services Department (DSD) that someone appeared to be residing at 460 ½ Booker Street despite the fact that it lacked running water or electricity. After a Housing Code Inspector met with one of the owners of the property, a Notice of Violation was sent by certified mail to Shirley Brown, Kenneth Wilson, and George Wilson, who own the property.

After a hearing, the City's Chief Code Official entered an Order on August 25, 2017, finding that the property was in violation of the minimum housing code standards set forth in the following sections of the City Code:

Section 4-210(3)(e) - sanitation
Section 4-210(5)a - electrical service
Section 4-210(6)(a) - potable water supply system
Section 4-210(6)(c) - hot and cold water supply
Sections 4-210(6)(d) - water heating
Section 4-210(7)(a) - mechanical heating
Section 4-209(a)(1,3,4,5,7,18)- life safety/unsafe conditions

Given these housing code violations, the Order required that the owners bring the property up to code, or ensure that it was not used for human habitation. The Order further specifically provided that, before the property could be again declared to be in compliance with the Housing Code, the owners must first be inspected by a code enforcement officer. In September of 2017, code enforcement officers confirmed that the property had been vacated, and was not being used for human habitation.

Beginning in the summer of 2018, DSD began receiving reports from neighbors that George Wilson had moved back into the house without making the required repairs. In September 2018, Mr. Wilson requested an electrical inspection under an old permit from 2016. Upon inspecting the house, the City electrical inspector reported that unpermitted electrical work had been performed and that the wiring was dangerous. Subsequently, an Asheville Police Department officer, along with a county social worker and the Asheville Housing Code Coordinator, met with Mr. Wilson on site, where Mr. Wilson admitted to moving back into the house. He still does not have water or electricity.

Consistent with the provisions of Chapter 4, Article VII, Section 4-217, subsection (g) of the Code of Ordinances of the City of Asheville, which states that "In enforcing the provisions of this Code, the housing code coordinator shall make every effort to prevent unnecessary displacement of occupants, and to the extent possible, discuss with the affordable housing agencies and other organizations on any alternate housing needs," City staff is actively engaging with community resources in an effort to insure that the current occupant of 460 1/2 Booker Street has alternative housing secured prior to the commencement of a summary ejectment action.

Pros:

- Will provide the City's code enforcement officials to ensure compliance with their Order concerning 460 ½ Booker Street.
- Will promote the health, safety, or welfare the City's citizens by preventing the public from accessing a dangerous property.

Con:

- None known at this time.

The expected costs of initiating a summary ejectment proceeding to remove any inhabitants from the property is $126, and the subsequent cost of securing the property to ensure it remains vacant will be *de minimis*.

City staff recommends that City Council approve an ordinance authorizing the Housing Code Coordinator, or his designee, to take any or all of the enforcement actions specified in Chapter 4, Article VII, Section 4-217 of the Code of Ordinances of the City of Asheville in order to bring 460 ½ Booker Street, Asheville, in compliance with the Chief Code Official's Order of August 25, 2017 time period of the contract up to the budgeted amount.

ORDINANCE BOOK NO. 40 - PAGE 227

L. RESOLUTION NO. 18-274 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE FISCAL YEAR 2019-20 N.C. DEPT. OF TRANSPORTATION APPRENTICESHIP GRANT, AND IF AWARDED, ENTER INTO THE AGREEMENT

Summary: The consideration of a resolution authorizing the City to apply for the Apprenticeship Program Grant and if awarded, authorizing the City Manager to enter into an agreement with the N.C. Dept. of Transportation (NCDOT) to fund the Apprenticeship Program for FY 2019-20.

The NCDOT Public Transportation Apprenticeship Program gives current college seniors the opportunity to work in the field of public transportation management upon receiving their undergraduate degree. The 12-month program, which starts July 1st, provides exposure to all aspects of a transit system and allows apprentices to gain experience in managing public transportation operations.

The application for the Apprenticeship Program Grant is due November 2, 2018. A selection process will be conducted by the NCDOT before the beginning of the fiscal year. The apprentice will work in the Transit Planning Division, Transportation Department, performing transit specific tasks, as required by the grant. The apprentice will assist with route planning, analysis of transit related surveys and procurement processes and special projects.

FY 2019-20 funding totals $37,498. The North Carolina Department of Transportation will provide 90% of the anticipated funding ($33,748.20), and the City will provide the remaining 10% ($3,749.80). The grant funding and the City's local match in the amount of $3,749.80 will need to be budgeted in the Transportation Department's budget for FY 20.

The Finance & HR Committee will review this action at their October 23, 2018, meeting and if there is any action other than a unanimous recommendation, it will be shared at the City Council meeting.

Pros:

- The subject grant supplements funding for an apprentice position for FY 2019-20.
- The subject grant enables the City of Asheville to use $33,748.20 in State funds for transit planning activities.

Con:

- A 10% local match in the amount of $3,749.80 is required.

The total grant funding for Fiscal Year 2019-20 is $37,498. The City is required to provide a 10% local match in the amount of $3,749.80. The anticipated grant funding and the City's local match in the amount of $3,749.80 will need to be budgeted in the Transit Services fund FY 20 budget.

City staff recommends that City Council adopt a resolution authorizing the City to apply for the Apprenticeship Program Grant and if awarded, authorizing the City Manager to enter into an agreement with the North Carolina Department of Transportation to fund the Apprenticeship Program for FY 2019-20.

RESOLUTION BOOK NO. 40 - PAGE 173

M. RESOLUTION NO. 18-275 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR THE FISCAL YEAR 2019-20 N.C. DEPT. OF TRANSPORTATION INTERNSHIP GRANT, AND IF AWARDED, ENTER INTO THE AGREEMENT

Summary: The consideration of a resolution authorizing the City to apply for the Internship Program Grant and if awarded, authorize the City Manager to enter into an agreement with the N.C. Dept. of Transportation (NCDOT) to fund the Internship Program for Fiscal Year (FY) 2019-20.

The NCDOT Public Transportation Internship Program gives current college students in the fields of Engineering, Public Administration, Business Administration, Marketing, English/Journalism, Planning and Project Management the opportunity to work in the field of public transportation management. The 12-month program, which usually starts July 1st but can begin no earlier than May 15, 2019, provides exposure to all aspects of a transit system and allows interns to gain experience in managing public transportation operations.

The application for the Internship Program Grant is due November 2, 2018. A selection process will be conducted by the NCDOT before the beginning of the fiscal year. The intern will work in the Transportation Department, performing various transportation related tasks, as required by the grant.

FY 2019-20 funding totals $19,309.50. The North Carolina Department of Transportation will provide 90% of the anticipated funding ($17,554), and the City will provide the remaining 10% ($1,755.40). The grant funding and the City's local match in the amount of $1,755.40 will need to be budgeted in the Transportation Department's budget for FY20.

The Finance & HR Committee will review this action at their October 23, 2018, meeting and if there is any action other than a unanimous recommendation, it will be shared at the City Council meeting.

Pros:

- The subject grant supplements funding for an intern position for FY 2019-20.
- The subject grant enables the City of Asheville to use $17,554 in State funds for transit planning activities.

Con:

- A 10% local match in the amount of $1,755.40 is required.

The total grant funding for Fiscal Year 2019-20 is $19,309.50. The City is required to provide a 10% local match in the amount of $1,755.40. The anticipated grant funding and the

City's local match in the amount of $1,755.40 will need to be budgeted in the FY20 Transit Services fund.

City staff recommends that City Council adopt a resolution authorizing the City to apply for the Internship Program Grant and if awarded, authorize the City Manager to enter into an agreement with the N.C. Dept. of Transportation to fund the Internship Program for FY 2019-20.

RESOLUTION BOOK NO. 40 - PAGE 174

N. RESOLUTION NO. 18-276 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS UNDER THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY, FOR THE HIGH INTENSITY DRUG TRAFFIC AREA 2018 GRANT

ORDINANCE NO. 4705 - BUDGET AMENDMENT TO MODIFY THE HIGH INTENSITY DRUG TRAFFIC AREA 2018 GRANT

Summary: The consideration of (1) a resolution authorizing the City Manager to accept additional grant funds for the Asheville Police Department as the fiduciary for the Asheville Area High Intensity Drug Traffic Area (HIDTA) for the 2018 grant; and (2) a budget amendment in the City's Special Revenue Fund in the amount of $87,627.

On August 28, 2018, City Council approved Resolution 18-197 authorizing the City Manager to enter into an agreement to accept grant funds under the Executive Office of the President, Office of National Drug Control Policy in the amount of $19,000. This modification of $87,627 is an increase to the previously approved award of $19,000 for a new total of $106,627 which reflects the full fiduciary responsibility assumed by Asheville Police Department (APD).

The purpose of the HIDTA program is to reduce drug trafficking and production in the United States, specifically in places where drug-related activities are having a significant harmful impact, by:

- Facilitating cooperation among Federal, state, local, and tribal law enforcement agencies to share information and implement coordinated enforcement activities;
- Enhancing law enforcement intelligence sharing among Federal, state, local, and tribal law enforcement agencies;
- Providing reliable law enforcement intelligence to law enforcement agencies to facilitate the design of effective enforcement strategies and operations; and
- Supporting coordinated law enforcement strategies that make the most of available resources to reduce the supply of illegal drugs in designated areas of the United States and in the Nation as a whole.

The Asheville HIDTA is comprised of members of the United States Drug Enforcement Administration (DEA), APD, Buncombe County Sheriff's Office, Henderson County Sheriff's Office and McDowell County Sheriff's Office. The Asheville HIDTA is a component of the Asheville DEA Task Force. The HIDTA task force primarily concentrates on high volume, high value drug trafficking.

The allotted funds from the Federal government will be used for investigative purposes and other program expenses including employee overtime, mobile phones and miscellaneous supplies. The expenditure of all funds are tracked and audited by both local and Federal authorities.

The Public Safety Committees will review the grant requests on October 22, 2018; and the Finance and Human Resources Committee will review the grant requests on October 23, 2018. If there is not unanimous support to move them forward to City Council, that will be noted during the City Council meeting.

Pros:

- Federal HIDTA funds will be used for investigative purposes and program expenses.
- Continue to foster partnerships with Federal and local law enforcement agencies.

Con:

- Funding from the Office of National Drug Control Policy is awarded annually.

There is no impact to the City's General Fund Budget.

Staff recommends City Council adopt (1) a resolution authorizing the City Manager to accept the grant funds; and (2) a budget amendment in the amount of $87,627 through the Office of National Drug Control Policy to modify the HIDTA 2018 Grant.

RESOLUTION BOOK NO. 40 - PAGE 175
ORDINANCE BOOK NO. 32 - PAGE 228

O. RESOLUTION NO. 18-277 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDS THOUGH THE U.S. DEPT. OF JUSTICE 2018 BULLETPROOF VEST PARTNERSHIP PROGRAM

ORDINANCE NO. 4706 - BUDGET AMENDMENT FOR 2018 BULLETPROOF VEST PARTNERSHIP GRANT

Summary: The consideration of (1) a resolution authorizing the City Manager to accept grant funds from the Department of Justice, Office of Justice Programs, 2018 Bulletproof Vest Partnership solicitation and (2) a budget amendment in the City's Special Revenue Fund in the amount of $64,815.00 utilizing funds from Department of Justice, Office of Justice Programs, Bulletproof Vest Partnership ($32,407.50) and Fiscal Year (FY) 2018-19 budgeted City General Operating Funds ($32,407.50) to establish the Bulletproof Vest Partnership 2018 grant.

The City of Asheville Police Department currently participates in the Department of Justice, Office of Justice Programs, Bulletproof Vest Partnership program. The funds allocated through this program are designed to offset departmental cost associated with purchasing bulletproof vests. The City of Asheville has been awarded $32,407.50 through this program, which requires the City to match dollar for dollar. The budget amendment is necessary to authorize the full project budget amount of $64,815.00 in the Special Revenue Fund. The City's match of $32,407.50 will come from the Police Department's adopted FY 2018-19 operating expense budget. The funding will enable the purchase of 87 bulletproof vests over the next 2 years.

This request will be presented to the Public Safety Committee on October 22; 2018, and the Finance and Human Resources Committee on October 23, 2018, and any response other than unanimous approval to move forward to the full City Council will be noted at those meetings.

Pros:

- Reduction in cost to the City of Asheville for the purchase of bulletproof vests
- Increase in officer safety by providing crucial safety equipment

Con:

- Requires City match.

This grant requires a match of $32,407.50, which will come from the Police Department's existing General Fund budget (Patrol Division – Supplies – Safety Equipment). It should be noted that the overall fiscal impact to the City of Asheville is reduced because the Police Department would have to purchase these vests at full replacement costs if the grant is not accepted.

Staff recommends City Council authorize (1) the City Manager to accept grant funds from the Department of Justice, Office of Justice Programs, 2018 Bulletproof Vest Partnership solicitation and (2) a budget amendment in the City's Special Revenue Fund in the amount of $64,815.00 utilizing funds from Department of Justice, Office of Justice Programs, Bulletproof Vest Partnership ($32,407.50) and Fiscal Year (FY) 2018-19 budgeted City General Operating Funds ($32,407.50) to establish the Bulletproof Vest Partnership 2018 grant.

RESOLUTION BOOK NO. 40 - PAGE 176
ORDINANCE BOOK NO. 32 - PAGE 230

P. RESOLUTION NO. 18-279 - RESOLUTION ESTABLISHING A 100% RENEWABLE ENERGY GOAL FOR THE CITY OF ASHEVILLE

Summary: The consideration of a resolution authorizing the Mayor to adopt a municipal 100% Renewable Energy goal for the City of Asheville.

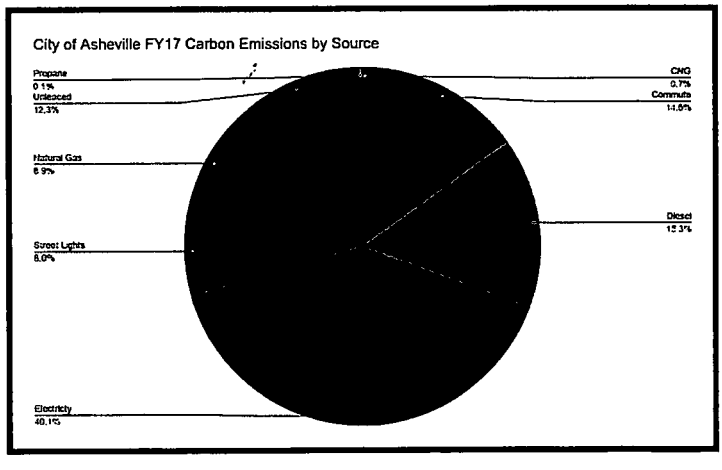
The Sustainability Advisory Committee on Energy and the Environment (SACEE) reviewed City Council's request to examine adoption of a resolution to support the City of Asheville's energy sources be 100% renewable energy by 2030. Through this process, SACEE collaborated with Duke Energy Progress, the Office of Sustainability and incorporated public comments, concerns and suggestions from citizens during their monthly meetings.

The City of Asheville's Office of Sustainability (OoS) provided technical expertise and data on national trends concerning types of energy sources, and goal dates by other cities that have adopted 100% renewable energy goals.

As North Carolina communities address the transition of fossil fuels to renewables multiple strategies are being examined; however, what is consistent across the board are the lack of costs and action plans involved in doing so. At present time six (6) US cities are powered entirely by renewable energy through municipal utilities and cooperates.

Last year, Buncombe County adopted a 100% renewable energy resolution to implement the best fiscally and environmentally responsible energy solution to reach the goal of 100 percent renewable energy by 2030 for County government and 100 percent renewable for Buncombe County within 25 years.

The supporting graphic is the FY17 Municipal Carbon Emissions by energy source with electricity being the largest use for the municipality at 48.1% and cost the City $1.6 million dollars. Total energy use spending in FY17 was $3.1 million dollars.



The Planning and Economic Development Committee reviewed SACEE's resolution request at the September 10, 2018, meeting and unanimously approved moving the resolution forward to full Council.

The aforementioned resolution has been brought forth by SACEE for City Council's review and adoption.

The 100% Renewable Energy resolution aligns with City Council's 2036 vision of A Clean and Healthy Environment.

Additionally, the 100% Renewable Energy Resolution supports the following plans: (1) Living Asheville: A Comprehensive Plan for our Future; and (2) Sustainability Management Plan.

It also supports the following Resolutions signed by Council:

- Resolution 13-228, Supporting a Clean Energy Economy
- Resolution 16-64, Establishing a joint City, County and Utility Energy Innovation Task Force
- Resolution 17-104, Support a State Goal of 100% Renewable Energy by 2050
- Resolution 17-119, Reaffirming Asheville's commitment to reducing climate pollution and continued support of the principles of the Paris Climate agreement

Pros:

- Supports Living Asheville: A Comprehensive Plan for our Future through renewable energy generation
- Supports the Sustainability Management Plan to produce renewable energy in appropriate facilities and increase purchases of renewable energy
- Will have a positive correlation on the City's Carbon Reduction Goal

Cons:

- The Renewable Energy Planning Services contract with Buncombe County is in the beginning stages and has not been completed
- Electrifying all energy sources contradicts Living Asheville: A Comprehensive Plan for our Future when addressing resiliency
- Fiscal impacts of full implementation are unknown at this time

Fiscal impacts are unknown at this time.

SACEE recommends that City Council adopt a 100% Renewable Energy goal for the City of Asheville.

Councilwoman Mayfield said this is the City's next step in our ongoing path towards sustainability. We adopted a carbon reduction goal about 10 years ago, a clean energy framework a few years ago, and we launched the Energy Innovation Task Force a couple of years ago, so this is the natural next step. There are some concerns about how we are going to get there or how much it's going to cost, but that's where we were back in 2007 when we adopted the carbon reduction goal. It's important to have something to be working toward. We are going to have to find the resources, as our Sustainability Office is our smallest office with two people and one of the smallest budgets. If we are going to do this right, that is going to have to change. We will have to put more resources into that office and give them the ability to meet with goal. Every City department has a role and obligation to help meet the City's sustainability goals. The City and the County are working together on getting a report that will give us this path and tell us what it will cost and what it will take for both the City and the County to get to renewable energy. That

will take about one year. In the meantime, there are opportunities and work underway. She personally thanked Carol Anderson for all her efforts in moving this action forward.

Councilman Young said that we need to put the resources into the departments in order achieve our goals. Some of the most significant barriers in other places to implementing large scale renewable energy goals are climate change denial, but that is not the case here. In thinking about how we can put the finances behind this to make our goals work, one thought was renewable energy bonds, which we can't do anymore. He asked the public to start thinking about larger aspects of how to put the money behind these initiatives and goals to really make them concrete and just not on paper. Perhaps we should look at Green Bonds, or General Obligation Bonds to help implement this goal. He hope this spreads to other municipalities so North Carolina is committed to this policy adjustment. He feels Asheville will be able to set the tone.

The following individuals spoke in support of establishing a 100% renewable energy goal for Asheville:

Tom Tribble, President of the Elisha Mitchell Audubon Society (presented a petition signed by 45 members) and stated another 72 members submitted an online email to Council)
Ken Brame, representing both the Sierra Club and the WNC Renewables Coalition (presented over 650 letters and petitions)
Elias Varn, student from Asheville High School with dual enrollment at A-B Tech (presented a petition with 506 signatures from Asheville High students and 35 signatures from A-B Tech)
Danielle Holtz and Ben Stockdale, Students from UNC-Asheville (presented a petition with 261 signatures from UNC-Asheville)
Rev. Mark Ward, Unitarian Universalist Congregation of Asheville
John Noor, Chair of the Sustainability Advisory Committee on Energy & the Environment
Dee Williams
Matilda Bliss
James Smith, student from UNC-Asheville

Mayor Manheimer said that she participated with the mayors who stand behind the Paris Climate Accord and she and Councilwoman Mayfield have spent one year going to Duke University to participate with a bipartisan group looking at how to meet the future energy needs in North Carolina. She was very supportive of the resolution. This is just another step in our journey as a community to identify ourselves as a climate-forward community. A community that understands the impacts of climate change and trying to do our part to address it. We have to talk about our capacity to handle projects as a City in terms of staffing. The other aspect is a broader question of ways to finance the upfit required to go 100% renewable - probably several million dollars. We will have to find that revenue and some would be found through the savings we would see in not having to pay the higher power bill. If the other revenue has to be made up through taxes, we are looking at property taxes. One of the things she worries about is energy poverty in our community, and how do we thoughtfully disburse the cost of embracing renewable energy. Ideally our federal government would step up and have a renewable portfolio requirement of all utilities that provide energy in America. That won't happen. It is also unrealistic that it would happen on a state level. We can make the change, but questioned who pays for it. Utility bills are a regressive tax some argue and they are not the fairest way to tax households, but she understands the environmental concern and the benefits that embracing 100% renewable energy bring to our community. The challenge we will have is how to structure this so that it is fair and bearable as possible for a community.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Mayfield and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. CITIZENS SURVEY RESULTS

Communication & Public Engagement Director Dawa Hitch presented the following citizen survey results. "The National Citizen Survey™ is a statistically valid survey which measures:

- resident opinions of community characteristics
- satisfaction with city services and governance, and
- resident participation in community matters.

With a high probability that the responses represent a cross section of the entire community, the results are an important tool in assisting City Council and City departments' understanding of community priorities. The responses also suggest overall satisfaction with services and are helpful in the continual improvement of City services.

The survey is the product of a partnership between the National Research Center Inc. (NRC) and the International City/County Management Association (ICMA). This long standing partnership has resulted in an extensive database which allows the responses to be benchmarked against responses in other cities. There are over 500 communities in this year's database.

In addition to the national database, Asheville results were benchmarked against a smaller subset of destination/resort communities with populations under 175,000. Similar subset comparisons can provide additional perspective to responses.

The Community Livability Report was prepared by National Research Center, Inc. and is a plain language summary of the survey results. Additional reports provide data that allow for deeper analysis such as resident satisfaction and priorities by:

- Zip Code
- Age
- Race/Ethnicity
- Median Income, and
- whether the participant rents or owns his/her home.

A better understanding of subgroup preferences can be beneficial in the city's communication and engagement efforts as well as efforts to equitably provide City services and investments.

The results assist departments in the continuous improvement of service delivery and the identification of priorities throughout the budget process.

Methodology - The survey was mailed to 1500 homes within the city limits and responses were accepted both online and through return mail. The survey was available in English and Spanish. The sampling method was designed to closely mirror the overall housing unit density, including oversampling of multi-family housing units as residents of this type of housing typically

respond to surveys at a lower rate than residents of single-family homes. Results were also weighted to reflect the demographics of the population.

The results of the survey are statistically valid with a 95% confidence level that in most cases is no greater than +/- 5 percentage points around a given response value. The demographic and geographic subgroup comparison reports have margins of error of roughly +/- 10 percentage points. The margin of error increases in the subgroup comparison reports because of the smaller sample sizes within each of the subgroups.

A total of 343 surveys were received, yielding a 24% response rate. Response rates for citizen surveys are typically in the 25-40% range. The opt-in survey was completed by 1,266 residents and non-residents.

Trends between resident responses in 2008 as compared to responses in 2015 were also reported.

Special Topics - A number of special topics were included in the survey. While they cannot be benchmarked against other communities, they provide insight into:

1) community perception of police department performance including recommendations for improved police services
2) the importance the community places on specific city investments
3) community preferences for aspects of future development
4) community sentiment for the prohibition of accessory dwelling units in the short-term rental ordinance, and:
5) the ways and frequency with which residents engage with local government news

The final question was an opened-ended question that asked, "What do you think is the single biggest issue facing Asheville over the next three to five years."

Benchmarking - Asheville resident responses were benchmarked against the 500+ cities included in the NRC database. As another benchmark comparison, Asheville responses were compared to a narrower subset of other destination/resort communities with populations less than 175,000. There were 50 cities in this subset.

Results - Survey results offer insight into resident perceptions and priorities. The methodology involved in obtaining a representative sample of the Asheville community helps to ensure more voices are heard, including the voices of people who may not regularly engage in local government.

The responses of a representative sample can then be used to determine areas where further engagement is needed, areas that are working well, and areas where there is low satisfaction. This is a valuable tool for continuous improvement and establishing priorities.

The ability to analyze trends over time (i.e., did satisfaction change from 2015 to 2018) assists with assessing whether or not courses of action are improving resident satisfaction in City government.

Analyzing demographic comparisons assists with assessing City government's efforts toward equity in the delivery of City services.

The entirety of the survey responses are shared with City Council, City staff and are available to the community at large through the Open Government page of the City website. Results from 2008 and 2015 are also available on this page.

The following is a brief overview of the results:

Excerpt from the Report: As in 2015, residents identified Natural Environment and Economy as priorities for the Asheville community in the coming two years. New in 2018, respondents also identified the facet of Mobility as a priority in the future. Ratings for most facets were positive and similar to comparison communities, though evaluations for Mobility were lower than benchmark comparisons. -The National Citizen Survey, Community Livability Report, 2018

Additionally, Asheville continues to be more civically engaged than most communities and residents are split on whether or not accessory dwelling units should be allowed as short term rentals.

Respondents felt the top 5 most important investments were:

- Public safety including police, fire and emergency preparedness (**89%** Essential or Very Important)
- Environmental protection and sustainability (**88%** Essential or Very Important)
- Affordable housing development (**85%** Essential or Very Important)
- Improving roads (**84%** Essential or Very Important)
- Sidewalks, bikeways, and greenways (**84%** Essential or Very Important)

Subgroup comparisons brings a better understanding to where certain groups differ from the overall response. For example, people of color placed more importance on affordable housing than people who identified as "White alone, not Hispanic. The percent of Essential or Very Important were 96% and 83% respectively.

The table below outlines responses to the open-ended question, "What do you think is the single biggest issue facing Asheville over the next three to five years?"

Issue	% of respondents rating issue as the biggest issue 2018	% of respondents rating issue as the biggest issue 2015
Affordable Housing	24%	16%
Growth/development/planning and zoning/environmental issues	24%	29%
Mobility (infrastructure, traffic, parking, etc.)	22%	14%
Economic development issues, jobs, cost of living	16%	29%
Police department issues	6%	--
Crime and Safety	3%	4%
Other	4%	7%
Don't know	1%	1%
Total	100%	100%

Asheville is **trending up** AND is **Higher** than **Benchmark**

- Watched a local public meeting

Asheville is **trending down** AND is **Lower** than **Benchmark**

- Traffic Flow
- Travel by Car
- Overall ease of travel
- Land use, planning and zoning
- Would recommend Asheville
- Childcare/preschool
- Overall direction

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER ADOPTION OF THE BURTON STREET NEIGHBORHOOD PLAN

RESOLUTION NO. 18-278 - RESOLUTION ADOPTING THE BURTON STREET NEIGHBORHOOD PLAN

Planning & Urban Design Director Todd Okolichany said that this is the consideration of the adoption of the Burton Street Neighborhood Plan. The plan was initially reviewed and supported by City Council on September 25, 2018, under "New Business" on the Council agenda. It is recommended that this item be considered as a public hearing so that the plan adoption process is consistent with other adopted neighborhood plans in the City. This public hearing was advertised on October 12 and 19, 2018.

The proposed I-26 Connector project (State Transportation Improvement Project (STIP) I-2513) is a seven mile interstate freeway that would connect I-26 in southwest Asheville to U.S. 19/23/70 in northwest Asheville. The Burton Street neighborhood is one of 10 communities being impacted by the proposed I-26 improvements and has been classified as an Environmental Justice population that has incurred reoccurring impacts. With an Environmental Justice designation, the N.C. Dept. of Transportation (NCDOT) can provide additional mitigation opportunities to lessen the burden of the project on the Burton Street neighborhood.

To address and remedy the anticipated impacts to the Burton Street community as a result of the I-26 improvements, a community driven mitigation strategies plan was initiated by NCDOT. At the request of the City of Asheville Planning and Urban Design Department, a neighborhood planning component was added to the project scope. The goal of the project was to develop a *Burton Street Neighborhood Plan* that would be adopted by the city as a revision to the 2010 *Burton Street Community Plan* and that includes a list of mitigation strategies related to the I-26 Connector project, as well as other neighborhood goals and strategies. NCDOT retained Public Participation Partners ("the consultant") to prepare the plan and act as the liaison between the Burton Street community, NCDOT and City of Asheville.

In partnership with the Burton Street Community Association and Burton Street neighborhood, the consultant developed a neighborhood plan over an approximately 10-month long period. The initial draft was released for public review on April 29, 2018, and updated in June and August 2018 based on input from the public, City of Asheville staff, the Planning and Economic Development (PED) Committee and the NCDOT. A number of community meetings and surveys were also conducted during this time. At its July 2018 meeting, PED members recommended moving forward with the plan for review and consideration by the Planning and Zoning Commission and the full City Council.

The plan is organized by the following sections:

- Introduction

- Burton Street History
- Existing Conditions
- Local Area Plans
- Burton Street Neighborhood
- Themes, Goals and Strategies
- NCDOT Mitigation
- Implementation

The main strategies are found in the Themes, Goals and Strategies chapter of the plan. This section also includes an analysis of how the plan's goals and strategies align with the recently adopted *Living Asheville Comprehensive Plan.* All strategies have been designed in accordance with NCDOT and National Environmental Policy Act (NEPA) policies and procedures.

The Implementation chapter includes a list of all the plan's strategies, including those to be coordinated and/or implemented by NCDOT to mitigate community impacts resulting from the I-26 Connector project, by the City of Asheville or Burton Street Community Association. As part of the process, community members were also asked to prioritize strategies in the plan. The following strategies were ranked the highest:

- Improve Community Center infrastructure
- Improve existing sidewalks to meet ADA standards
- Support design guidelines and policies that aim to preserve or enhance neighborhood character
- Expand Community Center programming
- Construct a new park and community gathering space at Smith Mill Creek that will include an access point to the future greenway
- Install historic markers throughout the neighborhood
- Install Burton Street community gateway signs
- Establish and implement programs to reinvest into current residential properties
- Stabilize property tax rates by promoting affordability by design principles in new development

This project was funded by NCDOT as part of the I-26 Connector Project. Staff resources were used throughout the project to provide technical assistance, review materials and during community engagement.

The *Burton Street Neighborhood Plan* aligns with the 2036 Council Vision in the *A Well-Planned and Livable Community area.* The *Burton Street Neighborhood Plan* includes recommended mitigation measures for impacts related to the I-26 Connector project, while also including a neighborhood plan element that includes updated information and strategies for the Burton Street neighborhood that will align with city goals. The plan also aligns with Goal 23: Continue to work toward achieving goals on I-26, which includes minimizing impacts adjacent to neighboring communities.

The Planning and Zoning Commission held a public hearing on September 5, 2018, to review the plan. The Commission voted unanimously (7-0) to recommend approval of the *Burton Street Neighborhood Plan*. The plan was also initially presented to City Council on September 25, 2018, and Council supported the adoption of the plan.

Mayor Manheimer opened the public hearing at 6:12 p.m., and when no one spoke, she closed the public hearing at 6:12 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved to recommend that the Asheville City Council adopt the *Burton Street Neighborhood Plan* in that the plan: (1) Includes mitigation strategies related to the I-26 Connector project; (2) Was developed with community input and reflects the Burton Street neighborhoods' vision for the future; (3) Provides guidance on goals and strategies that aim to improve the neighborhood; and (4) Aligns with the *Living Asheville Comprehensive Plan*. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 177

B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CONDITIONAL ZONING OF 190 HOMINY CREEK ROAD FOR THE BUNCOMBE COUNTY TRANSFER STATION LANDSCAPE PLAN AND CONDITIONS TO ACCOMMODATE ENVIRONMENTAL CONDITIONS OF THE SITE AND LIMITATIONS BY THE STATE OF NORTH CAROLINA

ORDINANCE NO. 4707 - ORDINANCE TO AMEND THE CONDITIONAL ZONING OF 190 HOMINY CREEK ROAD FOR THE BUNCOMBE COUNTY TRANSFER STATION LANDSCAPE PLAN AND CONDITIONS TO ACCOMMODATE ENVIRONMENTAL CONDITIONS OF THE SITE AND LIMITATIONS BY THE STATE OF NORTH CAROLINA

Urban Planner Sasha Vrtunski said that this is the consideration of an ordinance to amend the conditional zoning of 190 Hominy Creek Road for the Buncombe County Transfer Station landscape plan and conditions to accommodate environmental conditions of the site and limitations by the State of North Carolina. This public hearing was advertised on October 12 and 19, 2018.

Ms. Vrtunski explained that this is a request to review an amendment to the B-1 Conditions for the Institutional Conditional Zone that was approved by City Council in May 2017. The amendment is solely for the purpose of amending the landscape plan for the site. This project is considered a Conditional Zoning Amendment review pursuant to Section 7-7-8 of the Unified Development Ordinance (UDO).

The original conditional zoning was for the expansion of the Buncombe Transfer Station. The staff report for Council (dated May 9, 2017) was provided. The Transfer Station is located on top of an old landfill, which limited the amount of trees that could be planted on the site. Since that time, the State of North Carolina performed additional analysis of the site and found that the trash plume greatly exceeded the boundaries of where landscaping would be accepted. The amendment to the conditional zoning is to further reduce the additional landscaping due to the environmental conditions on the site.

The landscaping plan that was approved by City Council provided that instead of 54 trees for parking lot landscaping, that 54 trees would be located along the greenway. The State has mandated that the County cannot add any plant materials along the greenway because of the trash plume. In addition the County is unable to plant street trees because of the same issue.

County staff has looked for alternate locations for as many trees as possible that are not near the landfill boundaries and found locations for 16 trees. In addition, the County has offered to donate five additional trees for planting on a city greenway. A site visit also showed that there are approximately 7-8 trees on either side of Hominy Creek Road which will help shade the road, and are mature trees.

Conditions - Due to the existing site features (former landfill site), the following condition

will accompany this request:

1. Reduced number of trees, 16 on County property and 5 donated to the city for a greenway.

As the proposed amendments only concern landscaping requirements, staff determined that review by the Technical Review Committee was not warranted. City Council review and approval is required. The Planning and Zoning Commission heard the request on October 3 and recommended approval of the request with a 6-0 vote.

This site is fairly isolated, located between I-40, the Biltmore Estate and the NC Farmers Market, accessed only by Hominy Creek Road. The majority of surrounding zoning is Buncombe County zoning: Public Service (PS) district for the WNC Farmers Market, Conference Center/Resort (CR) zoning for the Biltmore Estate. Given the isolated nature and scale of the site and the unique attributes of the on-going operation, staff believes that even with the amended landscape plan, this will continue to be a compatible use for this location.

This proposal aligns with several aspects of the City Development Plan 2025 including "Continue to promote and facilitate effective and efficient governmental coordination" and "Continue to direct a substantial amount of solid waste and organic materials away from landfill disposal... through recycling and reuse".

The proposal aligns with the 2036 Council vision in the following areas: (1) *A Well-Planned and Livable Community* – The project expands and upgrades an existing use instead of attempting to relocate it to another part of the community where there is greater development or use potential; and (2) *A Clean and Healthy Environment* - The expansion of this facility will further accommodate recycling and waste disposal in the community.

Considerations:

- Environmental conditions onsite prevent the planting of any additional trees along the greenway or along Hominy Creek Road.
- The Transfer Station property and the nearby park have significant numbers of existing trees that will remain and Buncombe County has worked with the State of NC to ensure that the trees are allowed to remain.
- County staff have spent significant time identifying locations for trees on the adjacent property. These are the few locations where trees will survive due to other trees and sunlight. Trees will be planted in these locations.
- The County would donate an additional 5 trees to the City to be planted along a greenway.

The Planning and Zoning Commission reviewed this project on October 3, 2018. The Commission voted 6-0 in favor of the project and recommended Council approval of this Conditional Zoning request subject to the B-1 Conditions that were presented to Planning & Zoning.

Mr. Nate Pennington, Buncombe County Planning Director, explained how the State Tree Regulatory Landfill Commission contacted them and said that after they reviewed the County's plans for planting on the landfill, they pointed out that there is a prohibition of planting anything on the landfill materials. When they were building the sidewalk, they found that the landfill encompassed most of the site. The State accepted their innovative idea of the floating island that took care of the parking lot landscaping. He visited the site several times and found the site is reamed with large sewer lines, Duke Energy Power lines, rights-of-way and large areas of poison ivy that cover most of the very large existing trees. When they originally approached the City with with project, the conditions written at the time did not fully capture the total number of existing

trees on site. There are large trees in a particular area covered with poison ivy so he felt the City is not actually losing any trees.

When Councilwoman Mayfield felt we are giving up trees that can be planted somewhere else, Mr. Pennington stated that when the poison ivy foliage drops, he would be happy to go back to the site and verify they have enough credit to cover the other existing trees. He further explained that at the time they conducted a vegetation survey, they elected to stop counting and say they would make up for the total required. Then they found out from the State that they couldn't do the plantings at all. He will simply continue that counting and find probably enough credits of existing vegetation to where the City will not be losing any trees.

Mayor Manheimer opened the public hearing at 6:26 p.m., and when no one spoke, she closed the public hearing t 6:26 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the amendment to the Industrial District/Conditional Zone (IND-CZ) with the requested condition for the reduced landscaping and find that the request is reasonable, is in the public interest, and is consistent with the Comprehensive Plan in that: (1) the site has historically been an industrial use; (2) the State of North Carolina has prohibited Buncombe County from planting trees on the site and along Hominy Creek Road; and, (3) the County has worked with the State to preserve the existing trees and vegetation along the greenway. This motion was seconded by Councilman Kapoor and carried unanimously.

ORDINANCE BOOK NO. 32 - PAGE 232

C. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 324 BILTMORE AVENUE FROM REGIONAL BUSINESS DISTRICT TO LODGING EXPANSION/CONDITIONAL ZONE FOR THE CONSTRUCTION OF A 7-STORY, 103 ROOM HOTEL

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to conditionally zone 324 Biltmore Avenue from Regional Business District to Lodging Expansion/ Conditional Zone for the construction of a 7-story, 103 room hotel. This public hearing was advertised on October 12 and 19, 2018.

The project site consists of a single parcel located at 324 Biltmore Avenue with an area of approximately 0.78 acres (per plans). The site is currently zoned Regional Business (RB) and surrounding zoning includes RB to north and west (across Biltmore Avenue), Institutional to the south and RS-8 to the east. Uses in the vicinity include Mission Hospital to the south, single-family residential to the east and a variety of businesses to the north heading into downtown. The site is currently vacant.

The applicant is proposing to construct a hotel building on the site with approximately 103 rooms and associated parking. The building has a maximum height of seven stories (approximately 75' according to plans; 90'6" to the tallest roof peak). There is a portion of the building that falls within 100 feet of a residential zone, thereby limiting the maximum allowed height to match the residential limit. The building height in that restricted area is approximately 25 feet. The structure contains a total of approximately 88,593 square feet.

Vehicular access to the site is proposed via a single two-way driveway from Biltmore Avenue. According to plans, 106 structured parking spaces are provided within the development, including accessible parking and bicycle spaces.

Sidewalks are shown along both road frontages, at least 10 feet in width according to district standards. The site is situated along the S1, S2 and S5 transit routes and the Transportation Department has requested that the applicant install a transit shelter at the corner with White Fawn to meet the standards in the Lodging Expansion District.

Landscaping is required for this project and includes street trees, a 30 foot type-B property line buffer, building impact landscaping and parking deck screening. While some aspects appear to be in compliance, there are a number of conditions proposed related to landscaping as well that are detailed below.

Five percent of the lot area is required for designated urban open space. Plans appear to comply utilizing the interior recreational spaces.

There are standards relating to building orientation and fenestration in the requested zoning district and the plans appear to comply. Although the entire length of the frontage along Biltmore Avenue is not activated, the building facade at the ground level will be fenestrated according to the standards in the district.

Conditions - The project does not comply with the following standards in the requested zoning district:

1. Setbacks - Proposing zero foot setbacks along front and side; three foot on the corner side and 10 feet for the rear. District standards are five feet for the front; 15 feet for the side and 25 feet to the rear.
2. Landscaping -
    a. Property line buffer - the plans indicate a reduction in the property line buffer to between approximately 10-23 feet in width. An administrative reduction is allowed by code to 15 feet in width if all planting material is installed on the high end of the grade change since it is over 15 feet of vertical separation.
    b. Street trees - the applicant proposes no street trees along Biltmore Avenue due to significant utility conflicts; six trees would be required. The applicant is proposing large planters along the Biltmore Avenue frontage as an alternative solution.
3. Impervious Surface - Maximum allowed is 80%; plans indicate 82%.

Projects undergoing conditional zoning review are required to hold a neighborhood meeting; the meeting for this project was held on June 12, 2018. The project was approved with conditions by the Technical Review Committee (TRC) on September 17, 2018.

The Planning & Zoning Commission discussed this proposal at their meeting on October 3, 2018, and ultimately voted unanimously to support approval of the project (6-0). Commissioners expressed a desire to highlight the street tree alternative by using a species that is as large as possible to provide shading on the sidewalk and to irrigate well for plant longevity.

Staff received comments of concern regarding this project from members of the public early in the review process about increased traffic in the adjacent residential neighborhood; the applicant subsequently revised the plans to eliminate a driveway that provided access onto White Fawn Drive. At the Planning & Zoning Commission meeting, several nearby residents spoke in general support of the project and the efforts of the developer to meet on multiple occasions with residents and to incorporate some of their concerns. They also noted a desire that the applicant incorporate a restaurant use, that the height will impact existing views from the neighborhood and concerns about the balcony shown on the rear of the building. The applicant has since indicated a willingness to relocate or remove the balcony.

Recent projects in the area include the Lee Walker Heights redevelopment directly across the street and the Mission Hospital expansion currently under construction to the south. There have been a number of residential projects in the surrounding area over the past several years as well.

The applicant is required to undergo the conditional zoning due to the lodging use. The suitability of the request is discussed further in this report. Staff recommends the completion of the comprehensive plan strategy that suggests a study of lodging uses, need and impact to aid in evaluating the amount of new lodging uses that continue to be received.

The proposed lodging use can be considered compatible with the other uses along the corridor. The site is situated between the Central Business District and the Mission Hospital campus where there are a variety of medical, retail and office uses along this section of Biltmore Avenue. The existing heights of immediately nearby buildings are considerably lower, mostly one and two story structures to the north and south until the intersection with Hospital Drive, where current building heights are more comparable to this proposal. There is a single-family residential neighborhood adjacent to the subject property to the east. The project is restricted from locating taller building heights or trash receptacles within 100 feet of the residential zoning and the design respects those prohibitions.

The Living Asheville Comprehensive Plan identifies this location as an Employment / Anchor Institution Center on the Future Land Use Map. A limited application of the lodging use is considered complementary in this land use category as it "may improve the campus environment to support its primary function to the benefit of staff, students, workers and/or patrons." A hotel use in this area could provide rooms for visitors of Mission Health. Transit facilities and safe pedestrian routes are noted as being essential within this area.

The subject area is designated for potential expansion of the Downtown land use category, in which lodging is noted as essential to the mix of uses provided that the design is done in the proper context. The site design is urban in nature with parking structured on the site rather than on exposed surface lots and the building is pulled to street, directly behind the sidewalk with limited height against the residential neighborhood.

The proposal aligns with the 2036 Council vision in the following areas: (1) *A Well-Planned and Livable Community* – the project is aligned with the Future Land Use designations of Employment / Anchor Institution as well as Downtown expansion; and (2) *Transportation and Accessibility* - the project contributes to pedestrian connectivity in the area by providing new sidewalks, and transit enhancements are possible if a new bus shelter is provided.

Considerations:

- The use is anticipated in the current Future Land Use category as well as a proposed Downtown expansion area
- The proposal can support visitors to the Mission Hospital campus as it is located with a half mile and directly on multiple transit lines
- The building height exceeds structures within the immediate vicinity; however it is in line with the maximum building height allowed in the other zoning districts along the corridor
- Potential visual and noise impacts to the adjacent residential neighborhood should be considered and mitigated as needed
- The applicant has agreed to include a transit shelter on the project site

Staff is supportive of the proposal as the use is anticipated in the existing land use category as a support of the medical and institutional uses in the vicinity and the applicant has worked closely with the neighborhood to address concerns and minimize impacts. The

development meets a number of stated City goals including providing an urban development pattern along this corridor, the inclusion of a transit stop and a commitment of providing transit passes for both guests and employees.

The Planning & Zoning Commission recommends approval of the conditional zoning for the construction of a new lodging facility based on policies in the Living Asheville Comprehensive Plan, Future Land Use map and City Council's 2036 Vision considerations.

Mr. Wyatt Stevens, representing Milan Asheville LLC, talked about the principals behind Milan Asheville LLC noting they are good corporate and community citizens. Regarding the project, he said there are no hotels that service this area and it is walking distance to the hospital and downtown. They have reached out to Mission Hospital and offered preferential pricing to families of patients at the Hospital, along with preferential pricing to the families of children in the Caiyalynn Burrell Child Crisis Center across the street. They have talked with Rev. Scott Rogers of the Asheville-Buncombe Community Christian Ministry (ABCCM) about opportunities to provide more jobs for veterans and other beneficiaries of ABCCM. They talked with Mountain Housing Opportunities and the Housing Authority of the City of Asheville regarding the revitalization of Lee Walker Heights. They will be able to provide a job training program (similar to ABCCM) for the residents of Lee Walker Heights. In addition, they will provide free bus passes to the residents of Lee Walker Heights, all of their staff and all of the hotel guests who would like one. They have also committed $125,000 for a playground at Lee Walker Heights upon approval of this zoning application. They understand that affordable housing is our number one problem in Asheville. He explained that it doesn't make sense to put affordable housing on a ¾ acre piece of property. But, because they want to be good community partners, they have agreed to make a contribution of $100,000 a year for 5 year to the Affordable Housing Trust Fund, once the hotel is up and running. He said this is a good project and asked for Council's approval.

Mayor Manheimer opened the public hearing at 6:48 p.m.

The following individuals spoke in support of the conditional zoning of property at 324 Biltmore Avenue for a hotel:

General Manager of Noble Kava at 268 Biltmore Avenue
Rev. Ronald Gates, Pastor of Greater Works Church of God and Christ
Johanna Johnson, business owner in Asheville
Luelle Whitmire, Living Water Ministry
Pam Coppedge, RN, Director of Caiyalynn Burrell Child Crisis Center
Gene Bell, Executive Director of the Housing Authority of the City of Asheville
General Manager of Quality Inn

Matilda Bliss spoke against the conditional zoning as the project does not contribute to the affordable housing crisis in Asheville

Mayor Manheimer closed the public hearing at 7:05 p.m.

Councilman Kapoor is aware that there is some sense of fatigue when it comes to hotels in the City. As a Council member, he views his role is to look at each project individually and judge it on it's own merits. He felt this hotel fits a specific need in this part of town as it relates to the Hospital and Child Crisis Center. He felt what the owners are offering is positive for Asheville - money for a playground, money for the Affordable Housing Trust Fund, and a commitment of jobs for people in that area. He agreed that we have an affordable housing problem in Asheville, but he didn't believe affordable housing will be at this location.

Councilwoman Mayfield agreed with Councilman Kapoor. She encouraged neighborhood input, and hoped they never assume that neighborhood input doesn't matter. She commended the developers for meeting with the neighborhood three times and trying to address their concerns.

Councilman Young felt we need to balance the way we move development. He supported some hotels further away from the downtown, but until we have more conversations about the fiscal health of the City and its ability to maintain instructure, he could not support this hotel.

Councilman Haynes felt that we have enough hotels in our City, especially in the Central Business District and downtown area. We need housing. He didn't like to see developers sink a lot of money into hotel proposals, but asked future developers to step back and think long and hard about bringing another hotel project forward.

Mayor Manheimer said we have had conversations about the fiscal health of the City and its ability to maintain infrastructure and keep a vibrant tourist industry in Asheville. We are at a critical point where there is no doubt the tourism economy is a pillar of Asheville. But, as Council, our challenge is to use the revenue stream we have to be able to pay for the infrastructure and expense needs to host our visitors every year. She did not feel comfortable in making a decision about additional hotels until we figure out how to address our lack of revenue diversity to support real infrastructure improvements, i.e., sidewalks, cleaning, repaving streets, filling potholes, etc. She appreciated what this hotelier has put together to bring forward, but could not support the project. If this doesn't pass, she hoped they would consider coming back to Council again in the future so we, as a City, may have reached a different place and feel we have the capacity to be able to continue this trend. For now, we have to make sure our house is in order and balancing the needs of our community against a growing industry that brings a great deal of positive and challenge for us.

Mr. Stevens said that in light of the comments, they would respectfully withdraw the application.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Roger Sharpe spoke to Council about the lack of maintenance at the bus station and bus stops. He provided Council with his Op Ed piece he wrote about Asheville's public transportation system.

Mr. Reid Thompson played several videos of trucks blocking the sidewalk on Maxwell Street and the noise from the trucks. Acting City Manager Ball said that moving violations can only be cited by the Asheville Police Department and they are prepared to increase enforcement. They are not writing warnings, but giving citations to everyone. Regarding blocking the sidewalk, the requirement is there has to be 4 foot of clearance. If there is 4 foot of clearance for a handicapped individual, they are able to maneuver through that. They are working on a plan to have Parking staff and resources in place for 5-7 hours a day for the next 6 weeks to write tickets and take appropriate action. Staff from Parking Enforcement will only be able to write citations for parking violations. They are working with the residents along Maxwell Street to make sure they have hang tags allowing them to park on Maxwell Street. We are also in contact with the people who own the grease truck and dumpster truck to limit the times that they come so that they come

more during the day. Councilwoman Mayfield asked that Acting City Manager Ball send Council an email that specifically lays the enforcement plan out.

Closed Session

At 7:32 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit or a potential lawsuit. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3); and (3) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6); and to prevent the disclosure of information that is confidential pursuant to N.C. Gen. Stat. § 160A-168, the Personnel Privacy Act. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 7:52 p.m., Councilman Young to come out of closed session. This motion was seconded by Councilwoman Smith and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:52 p.m.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – November 13, 2018 - 3:00 p.m.

Worksession

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Acting City Manager Cathy Ball; and City Clerk Magdalen Burleson

We have started the budget process differently this year by sharing with Council and the public detailed budget information for each department earlier in the process. Asheville has unique challenges around its cost of living, demographics, affordable housing, as well as significant daytime growth in the city population. At this worksession, Council will continue to hear about how these challenges are impacting departmental budgets. Council will also continue to hear about the impact of the national economy on the City as an employer, and also hear about our focus on equity and how that is changing our service delivery models.

The City also continues to experience significant community interest in planning and zoning as we address growth and the impact of non-residents. All of these and other factors demand changes in how services are delivered, in the kind of technology and the equipment needs that exist. Keeping pace with changes in these areas allows us to have the best facilities and equipment to provide quality services to our residents and visitors.

As important as our facilities, equipment and technology needs are, people are still the organization's most important resource. The people we hire here are integral to quality of the service delivery. Throughout the presentations last month, we noted that a large part of the budget is dedicated to the employees who provide the services.

Department Directors from the Public Works Department, Development Services Department, General Services Department and Capital Projects Department each reviewed their organizational chart; overview of core services; key partners; budget and Fiscal Year 2018-19 budget drivers; prior year spending trends; Fiscal Year 2018-19 budget changes; department challenges; and Fiscal Year 2018-19 department goals from their respective department.

Various staff responded to several questions/comments raised by Council, some being, but are not limited to: clarification of Capital Projects Department organizational chart as it relates to the bonds; as we move towards electronic submissions, will leases go down; clarification of why benefits vary from department to department; what is the sense of development in Asheville; when will we start seeing the projects from the Facilities Assessment Report; what is the status of pay as you throw program; how can we divert more waste from the landfill; and does Public Works have mutual aid agreements with other municipalities, agencies or Buncombe County. For those questions not readily answered, and for any additional questions Council members submit, they will be provided to Council via a memorandum.

Mayor Manheimer adjourned the worksession at 4:28 p.m.

Tuesday – November 13, 2018- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Acting City

Manager Cathy Ball; Interim City Attorney Sabrina Rockoff; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

Mayor Manheimer expressed Council's deepest sympathy for the families and friends of the 11 congregants who were killed at Tree of Life Synagogue on October 27, 2018, in Pittsburgh, Pennsylvania; and the families and friends of the 12 individuals killed at the mass shooting at the Borderline Bar & Grill in Thousand Oaks, California, in early November, 2018.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING NOVEMBER, 2018, AS "DIABETES AWARENESS MONTH"

Councilman Young read the proclamation proclaiming November, 2018, as "Diabetes Awareness Month" in the City of Asheville. He presented the proclamation to Ms. Jackie Steward, JDRF Advocacy Team Chair, and others, who briefed City Council on some activities taking place during the month.

B. PROCLAMATION PROCLAIMING NOVEMBER 16, 2018, AS "CARE FOR CAREGIVERS DAY"

Vice-Mayor Wisler read the proclamation proclaiming November 16, 2018, as "Care for Caregivers Day " in the City of Asheville. She presented the proclamation to Ms. Terry Bellamy, and others, who briefed City Council on some activities taking place during the day.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 23, 2018

B. RESOLUTION NO. 18-280 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH GREENLIGHT ELECTRIC INC. FOR THE BOND TRAFFIC SIGNALS - PHASE 2 PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute, on behalf of the City of Asheville, a contract in the amount of $191,595.00 plus a contingency of 10% ($19,159.50) with Greenlight Electric, Inc. for the project known as Bond Traffic Signals – Phase 2, and further authorizing the execution of any change orders to said contract which may arise during execution of said contract up to the budgeted amount of $210,754.50.

This contract is for a General Obligation Bond project. Phase 2 will include one (1) of the four (4) proposed traffic signals approved by the 2016 Bond referendum (Along Patton Avenue, the intersections with Lexington Ave).

The project was advertised on September 5 th, due to a lack of bidders , the project was re-advertised on September 21st with the following bid results on September 22nd:

Greenlight Electric, Inc. of Weaverville, NC	$191,595.00

Pros:

- Will upgrade aging traffic and pedestrian signals
- Project works towards fulfillment of General Obligation Bond

Con:

- Work will cause some traffic delays during construction

There is $750,000 set aside for the four intersections identified for traffic signals in the General Obligation Bond Program. Three of these intersections are currently under construction in phase 1. Phase 2 will be the last of the intersections of the Bond program project that was identified for improvement. The combined total of phase 1 and phase 2 equals $460,954.50, leaving $289,045.50 for a potential phase 3 bond signal work.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute, on behalf of the City of Asheville, a contract in the amount of $191,595.00 plus a contingency of 10% ($19,159.50) with Greenlight Electric, Inc. for the contract known as Bond Traffic Signals – Phase 2, and further authorizing the execution of any change orders to said contract which may arise during execution of said contract up to the budgeted amount of $210,754.50.

RESOLUTION BOOK NO. 40 - PAGE 181

C. RESOLUTION NO. 18-281 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH DUKE ENERGY FOR PROPERTY ACROSS 34 HIAWASSEE STREET

Summary: The consideration of a resolution to convey an easement to Duke Energy Progress, Inc. (DEP) over a portion of City-owned property that is currently used as the employee parking lot for the U.S. Cellular Center.

The City of Asheville owns real property at 34 Hiawassee Street (PIN 9649-31-5500). It is located behind the US Cellular Center and is currently being used as the employee parking lot. The lot is paved with asphalt and lined for individual spaces. Approximately 32 cars can be parked in the lot and there are two entry and exit points.

DEP approached the City in the summer of 2017 requesting an easement on City property that would enable them to construct and maintain sections of overhead and/or underground electrical facilities between the Vanderbilt Substation and the West Asheville Substation. At that time, DEP wanted to replace a pole located in the parking lot of the US Cellular Center and stabilize its base with concrete. Time was of the essence and they requested a Right of Entry (ROE) in order to complete the work immediately. DEP was granted the ROE on August 21, 2017 and this work was done in the grassy area next to the parking lot. DEP worked with Chris Corl, the General Manager of the U.S. Cellular Center to minimize the number of spaces lost during construction and to maintain access for employees during the construction period.

In 2018, DEP requested a permanent easement over the employee parking lot in order to make and maintain overhead improvements to the existing line. DEP maintains that they have an easement already but their contention is debatable because many of the structures in the area have been torn down and replaced and streets have been changed or eliminated. The City of Asheville is also concerned that the improvements that exist under the power line (i.e., stairs, entry ways, and parking lot) could be removed by DEP under the language used in their standard easement agreement. The City Legal Department has worked with DEP's attorney to revise

DEP's standard easement language to to allow the City's existing and planned improvements to remain within the easement area and to make DEP responsible for any damages to such existing improvements related to their work in the easement area. Additionally, the City has negotiated language with DEP which makes clear that the easement will terminate should the Vanderbilt Substation, which is located behind the U.S. Cellular Center, is removed and/or relocated.

Duke Energy Progress is requesting an easement that is approximately 0.136 acres under the existing overhead electrical cables.

The Real Estate Coordinator has briefed the Manager of the U.S. Cellular Center and he does not object to the project as long as he continues to have use of the parking lot without a loss of parking spaces.

Pros:

- City of Asheville retains use of an important parking area.
- City of Asheville supports DEP's efforts to maintain quality service to the Vanderbilt Substation serving the downtown area.

Cons:

- There is no compensation associated with this permanent easement.
- The easement limits certain uses on the property (e.g., new buildings).

Compensation is not offered when DEP is connecting to an existing pole.

Staff recommends City Council adopt a resolution granting the permanent easement for the electrical conduit and associated distribution lines at 34 Hiawassee Street behind the U.S. Cellular Center.

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D. RESOLUTION NO. 18-282 - RESOLUTION AUTHORIZING THE CITY MANAGER TO DISPOSE OF 1.72 ACRES OF CITY-OWNED REAL PROPERTY LOCATED AT THE MILLS RIVER WATER TREATMENT PLANT TO THE CITY OF HENDERSONVILLE FOR AN EMERGENCY WATER INTAKE

Summary: The consideration of a conveyance of 1.72 acres of real property located at the Mills River Water Treatment Facility to the City of Hendersonville for the purposes of installing an emergency municipal water intake system.

The City of Asheville owns over 300 acres in Henderson County that serves as the Mills River Water Treatment Facility. Asheville has been approached by the City of Hendersonville with a request to acquire 1.72 acres of said property to develop a new emergency water intake on the French Broad River to serve Hendersonville water customers.

Hendersonville wishes to acquire 1.72 acres of property located along the French Broad River. This parcel is located within the French Broad River floodplain and is located at the very northeastern edge of Asheville's property. This proposed intake is located downstream from Asheville's water intake and does not conflict with the future operations of the Asheville Water treatment facility. The subject parcel is not contiguous to the main treatment facility property and is part of a larger 50 acre tract of land that is separated from the main property by the convergence of the Mills River and French Broad River (see the enclosed map for clarification.) Currently, there is no roadway access to the property except through a private driveway owned and controlled by the adjacent landowner, Super Sod.

At one time, the City leased the 50 acre tract of land to Super Sod for sod production. Once the Super Sod lease expired, the City contemplated utilizing the 50 acre site property to support local food production, but ultimately determined that preserving the property as a water quality buffer was the preferred land use. The City has identified no other public use for this property, given the flood plain and access concerns.

In response to the City of Hendersonville's request, City staff procured a third-party appraisal of the 1.72 acre property. Given the floodplain and access issues, the property appraised at $14,625. The City of Hendersonville has offered to pay the appraised amount and acknowledges the need to obtain deeded, legal access to the property. A conveyance of property to another unit of government does not require a public bidding process and must be approved by City Council.

This item was endorsed by the Finance and Human Resources Committee on October 23, 2018.

Pros:

- Sale of property at fair market value.
- No conflicts with Mills River Water Treatment Facility.

Con:

- None noted.

Sale of property would benefit the Water Resources Enterprise fund.

Staff recommends the conveyance of 1.72 acres of real property located at the Mills River Water Treatment Facility to the City of Hendersonville for the purposes of installing a municipal water intake system.

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E. RESOLUTION NO. 18-283 - RESOLUTION AMENDING THE 2018 CITY COUNCIL MEETING SCHEDULE TO INCLUDE A WORKSESSION ON NOVEMBER 27, 2018, AT 3:00 P.M. IN THE COUNCIL CHAMBER, 2ND FLOOR OF CITY HALL, TO DISCUSS CITY OF ASHEVILLE REVENUE SOURCES

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F. RESOLUTION NO. 18-284 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ALTA PLANNING + DESIGN, INC. FOR THE DESIGN SERVICES FOR THE ASHEVILLE GREENWAY CONNECTORS PROJECT, PHASE TWO

Summary: The consideration of a resolution authorizing the City Manager to execute a contract with Alta Planning + Design, Inc. (Alta) for services necessary to create design and construction documents for the project known as the Asheville Greenway Connectors, in the amount of $95,087.40, plus a contingency of 20% ($19,017.48).

This project is to design two on-street bicycle and pedestrian connections that will connect the Town Branch Greenway to Memorial Stadium (future Beaucatcher Greenway) and the Bacoate Branch Greenway. The work includes but is not limited to data collection, base

mapping, street engineering, streetscape design and wayfinding, public engagement, utility coordination, and design plans.

Alta was selected from a pool of eleven respondents to the City's request for qualifications advertisement, issued on December 13, 2016. The selection process included a qualifications-based, individual and group review by a committee of City staff. Phase 1 of the project consisted of a feasibility study and was undertaken in a February 2018 contract with Alta, contract #91800250 for $24,912.60. The anticipated budget of Phase II of this project, consisting of design and construction documents, is a lump sum price of $95,087.40. A 20% contingency has been added to account for:

- N.C. Dept. of Transportation (NCDOT) administrative costs associated with NCDOT administration of the project grant;
- the possibility of temporary construction easements being needed;
- and any unforeseen costs that typically arise during construction and design.

Pros:

- Increases access to the City's growing inventory of greenways
- Works towards defining Asheville as a recreation destination

Con:

- Eventual construction will be disruptive to the area.

The total amount of the contract is $114,104.88, including contingency. This contract is funded through the Federal Highway Administration and administered by the NCDOT, via the Moving Ahead for Progress in the 21st Century Act.

City staff recommends City Council adopt a resolution awarding the contract to Alta and authorizing the City Manager to execute the contract for the design services necessary to perform the Asheville Greenway Connectors, Phase Two: Design and Construction Documents project, in the amount of $95,087.40 plus a contingency of $19,017.48 (20%).

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G. RESOLUTION NO. 18-285 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH WNC LANDSCAPING, LLC, FOR THE FISCAL YEAR 2019 DOWNTOWN CLEANING CONTRACT

Summary: The consideration of a resolution authorizing the City Manager to execute a contract in the amount of $226,202 plus a contingency of 15.0% ($33,930) with WNC Landscaping, LLC. for the project known as Fiscal Year 2019 Downtown Cleaning Contract.

This contracts includes provisions for the pressure washing of City owned sidewalks in the Central Business District (CBD), weed control on City owned sidewalks and curblines, general cleanup services to remove loose litter and debris from City owned sidewalks and the cleaning of City owned garbage and recycle cans.

Specifically, Zone A of the CBD will be pressure washed six times in one year and Zone B will be pressure washed 2 times. The contractor will provide weed control on an as needed basis and patrol daily for loose litter and debris. Garbage and recycle cans will be cleaned four times per year.

The current version of this contract only provides for 4 cycles of Zone A and weed control in Zone A and B. It does not contain provisions for litter patrol or cleaning of garbage cans.

The project was advertised on August 29, 2018, and bids were opened on September 20, 2018, with the following results:

WNC Landscaping, LLC of Cedar Mountain, NC	$226,202
Harper Professional Janitorial Services of Black Mountain, NC	$288,434
Rivertop Contracting of Swannanoa, NC	$406,266

A 15.0% contingency ($33,930) has been added to allow payment for any unforeseen costs that typically arise during projects.

Staff have compared the impacts of contracting vs in-house staff completing the downtown cleaning work and staff is recommending that the work be brought in house. Staff will request a new crew and equipment as part of next year's budget. The suggestion to add these items in Fiscal Year 2020 will be made as part of the budget process in the Spring of 2019. If this request is authorized by City Council as part of the normal budgeting process, the purchase of equipment and staffing the program should be completed by October 2019. By the renewal date of this contract, equipment and staffing can be in place to provide in house maintenance service in the CBD and no contract renewal will be necessary. Authorizing this contract and following the set budget process will allow for these maintenance services to go uninterrupted over the next year. Following this recommendation will also provide City Council with adequate opportunity to review and approve the additional budget items.

Pros:

- Will increase the cleaning rates of the most heavily used areas of the CBD.
- Will provide for the cleaning of City owned garbage and recycle cans which are a source of complaint.

Con:

- Project management and contract administration will consume staff time.

Funding for this contract is in the Fiscal Year 2018-2019 budget.

City staff recommends City Council adopt the resolution awarding the contract to WNC Landscaping, LLC. and authorizing the City Manager to execute a contract in the amount of $226,202 plus a contingency of $33,930 (15.0%) for the FY 19 Downtown Cleaning contract.

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Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Haynes and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. ASHEVILLE POLICE DEPARTMENT OPEN DATA UPDATE

Assistant to the City Manager Jaime Matthews updated City Council on the Asheville Police Department (APD) Open Data requests. She said that APD CAD 911 calls and APD citizen complaints data has been added to the Open Data. Datasets now completed include emergency call data, crime reports, citizen complaints and traffic stop reports. Policies and reports include the APD policy manual, and internal reports. Additional actions include the Blue Ribbon Committee, and recordings of committee meetings. Datas upgrades include (1) Use of Force - estimated release in upcoming weeks; (2) Citation and Arrest Data - CJIS staff has begun working on data; and (3) Demographics information on all City employees - working with Human Resources to update data. Next steps include (1) continued work with Asheville Police Department, Information Technology Department, and community partners to release remaining data; and (2) continued work to validate and improve data sets that have been released.

In response to Councilwoman Mayfield, Ms. Matthews said that staff is working on the breakdown on the number of Asheville Police Department calls for services.

B. CITY COUNCIL'S STRATEGIC PRIORITIES UPDATE

Interim Assistant City Manager Scott Burnette briefly reviewed Council's Strategic Plan update. For an Equitable & Diverse Community, (1) an Inclusive Engagement & Leadership Manager was hired, (2) an Equity Core Team #2 began their training to support the implementation and tracking of the Equity Action Plan as well as develop a Budget Analysis Tool; and (3) the Office of Equity & Inclusion has been working closely with Human Resources to analyze and change practices to become a more equitable employer. In the Well Planned and Livable Community section, (1) the City is working toward a late fall completion of the northern half of the French Broad River Greenway East; (2) paving has now been completed, from the current Lyman Street/Riverside Drive intersection to just north of the railroad trestle bridge; (3) a community celebration of the newly installed Big Fish sculpture and the first section of paved greenway on the west bank of the French Broad River was recently held on November 9; (4) we have plans to being construction in the Spring of 2019 on future French Broad River West; (5) we are preparing to begin work on the Charlotte Street Corridor Improvement Project; and (6) work is underway on the first group of playgrounds and sport courts to be renovated with funding from the bond referendum passed in 2016. For a Clean & Health Environment, (1) the Office of Sustainability in collaboration with Development services earned the City of Asheville a Gold designation from the national SolSmart program for making it faster, easier and more affordable for homes and businesses to go solar; (2) Council established a 100% renewable energy goal and the City has partnered with the County to develop a renewable energy roadmap; (3) funding for solar panels on the ART station bus canopy has been secured; (4) the Riparian Enhancement Plan Project was recently completed; and (5) the City's Climate resilience assessment was adopted as an appendix to the comprehensive plan in June and efforts are currently underway to develop a toolkit to help residents build resilience on their own property. For Quality Affordable Housing, (1) he City is working on a strategy to solve affordable housing challenges through the redevelopment of City-owned land; (2) the Lee Walker Heights redevelopment project has received a 4% tax credit approval, and plans are set to move forward with construction in the Spring of 2019; and (3) a workshop co-sponsored by the City of Asheville was held for residents to have a chance to learn how to take advantage of updated zoning regulations. Under Transportation & Accessibility, (1) work is ongoing on the River Arts District Transportation Improvement Project (RADTIP); (2) as part of a collaboration with Asheville on Bikes and other organizations, a tactical urbanism project has been completed on a stretch of Coxe Avenue, between Banks & Buxton Avenues; (3) improvements to the downtown ART station are expected to start in early 2019; (4) a new real-time app has been launched for Asheville ART bus riders; and (5) Asheville's Comprehensive Plan calls for the City to transition in a direction that strengthens urban transit corridors and connects urban centers. For a Thriving Local Economy,

(1) the final stages of the Disparity Study have been completed; and (2) we have a supporting role in Mountain BizWorks Test-Drive Program. For a Connected & Engaged Community. For a Connected & Engaged Community, (1) beginning in the month of October, Asheville residents were invited into City budget process through neighborhood meetings; (2) in the inaugural year of the Visiting Artist Project, the finalist -Art Ecologie- was chosen in October by a leadership team; their choice was informed by a community engagement process that included an online survey with over 200 responses; (3) this year's Festival of Neighborhoods, organized by the City of Asheville's Neighborhood Advisory Committee, brought together neighborhoods from all parts of the city, representing 14 associations to hear more about the City's next steps with implementing the Living Asheville Comprehensive Plan, Development Update/Tools and continued neighborhood planning through the Plan on a Page process; and (4) The International Association of Public Participation (IAP2) just held a training session on planning and techniques for better public engagement. In the Financial Resilient Community, (1) in an effort to increase transparency and engagement leading into FY 2019-2020 budget processes, staff have been providing detailed departmental information to Council and the community in budget worksessions, beginning in August, and ending in December this year; (2) City staff and Council members have been participating in public meetings throughout different Asheville regions in October and November in order to break down information on the budget process for our residents, and allow them to provide input as well as give feedback about budget priorities; and (3) the City also has an online dashboard available for anyone to access, allowing community members to stay engaged and informed about City spending and bond use.

C. I-26 CONNECTOR UPDATE

Transportation Director Ken Putnam provided the following update: "The purpose of this memorandum is to provide an update to City Council regarding the I-26 Connector project (Project # I-2513).

"The North Carolina Department of Transportation (NCDOT) and their design team are currently working to finalize the Final Environmental Impact Statement (FEIS) including additional coordination with the US Fish and Wildlife Service (USFWS) regarding two Federally Listed Endangered Species that were "identified" in the project area within the last year. Specifically, the species are the gray bat and the elktoe mussel. A biological assessment must be prepared outlining the measures needed to minimize harm to both species. Once prepared, the biological assessment will be submitted to the USFWS for review and comment and they will issue a biological opinion that serves as concurrence to enable the project to move forward to the construction phase. The Federal Highway Administration (FHWA) has indicated that they will not sign the FEIS document until the biological assessment is submitted and they will not sign the Record of Decision (ROD) until the biological opinion is issued.

"In order to keep moving forward with the project, the NCDOT is adjusting the schedule as follows:

- Schedule a public hearing the first week of December 2018 prior to the signing of the FEIS (scheduled for Tuesday, December 4, 2018).
- Release the signed FEIS during January 2019.
- Sign the Record of Decision (ROD) during May 2019.

"There will be a comment period following the public hearing and the release of the FEIS. All of the comments received will be considered prior to signing the ROD.

"Since Project # U-5868, which is identified as a widening project along SR 1477 (Riverside Drive) from NC 251 / SR 1781 (Broadway) to Hill Street, and Project # I-2513 are "linked" because of overlapping study areas, the NCDOT has made the decision to delete Project

U-5868 and absorb all the work into Project # I-2513. This decision was made in coordination with the FHWA and it will create efficiencies for all parties by reducing the number of required environmental documents as well as simplifying further agency coordination as the projects move forward. The U-5868 project number and description will be included in the public hearing advertisement and on the public hearing maps. In addition, information will be available at the public hearing explaining this change. This change does not affect the scope and proposed improvements that have already been discussed.

"The City's consulting firm, Sam Schwartz Consulting, prepared a technical memorandum dated September 19, 2018, that is intended to be included in the FEIS as an official record of the City's preferred vision for the I-26 Connector project and it was submitted to the NCDOT and their design team on September 27, 2018.

"The City's Aesthetics Committee had their first meeting on October 3, 2018, from 1:00 pm until 4:00 pm at the Municipal Building on the 4th floor in the Police & Fire Training Room. The purpose of the meeting was for the committee members to learn about their roles and responsibilities for suggesting aesthetics treatments for the subject project and to hear from the NCDOT regarding resources available to them and examples of treatments that have been used by other communities throughout the state.

"City Council has sent out a request for additional committee members and the application deadline is Monday, November 5, 2018 at 5:00 pm. Additional information and applications can be found on the City's Boards and Commissions webpage.

"The second meeting is scheduled for Friday, November 30, 2018, from 9:00 am until noon at a location to be determined. All of these meetings are "noticed" and the public is welcome to attend. The purpose of the second meeting will be to provide an appropriate background (history) for the committee members including newly appointed members and to begin the actual work. Sam Schwartz Consulting will be facilitating this meeting."

Councilwoman Mayfield announced a N.C. Dept. of Transportation will hold a public hearing on December 4, 2018, to review the latest maps on I-26, and another public hearing in January on the final Environmental Impact Statement on I-26.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE MAKING ALL SUBDIVISIONS IN HISTORIC OVERLAY DISTRICTS AND ON LOCAL HISTORIC LANDMARK PROPERTIES A MAJOR WORK

Councilman Young moved to continue this public hearing until December 11, 2018. This motion was seconded by Councilwoman Smith and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 18-286 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TRAFFIC PLANNING & DESIGN INC. FOR THE CHARLOTTE STREET IMPROVEMENT PROJECT

Capital Projects Director Jade Dundas said that this is the consideration of a resolution authorizing the City Manager to execute a design contract with Traffic Planning and Design, Inc. for the Charlotte Street Improvement Project.

The Charlotte Streets Improvements project has been listed in the General Capital Improvement Program since Fiscal Year (FY) 2014-15, and is consistent with City Council's direction related to the Charlotte Street Road Diet and safety improvement recommendations provided in April 2018. This project includes the section of Charlotte Street between I-240 and Edwin Place. The adopted budget for the project is $1,250,000.

In March, 2018 the Planning and Economic Development Committee considered five options for moving the subject project forward and made a recommendation that City Council put forward in resolution #18-93 in April, 2018. A portion of that resolution is outlined below:

> *(1) WHEREAS, Option 1 is a road diet only approach which consists of issuing an RFQ for engineering services to use programmed capital funds to produce construction drawings to implement a road diet with bike lanes and pedestrian improvements as the preferred and priority treatment; (2) WHEREAS, Option 3 is a tactical projects approach for the design and implementation of spot neighborhood safety, pedestrian, and streetscape improvements along the Charlotte Street Corridor; and (3) WHEREAS, City Council also requests the Planning staff review the zoning and land uses in the Charlotte Street Corridor to identify possible changes that would enhance a multi-modal, pedestrian-oriented experience.*

Following this direction, City staff issued a Request for Qualifications for design services for the Charlotte Street Improvement project. In response to the RFQ, the City received nine (9) Statements of Qualifications to be considered for the project. After thorough review, evaluation and interviews, staff recommended Traffic Planning & Design, Inc. (TPD) as the most qualified to perform the surveying, design and construction administration services for this project. The scope for TPD includes community outreach, surveying, technical design, bidding and construction administration. The tentative project outline is shown below:

Surveying/Design/Public Engagement	Fall/Winter 2018
Bidding for Construction	Winter 2018
Construction Begin	Spring/Summer 2019
Construction Complete	Summer/Fall 2019

Pros:

- Currently listed in the adopted capital budget.
- Implements multi-modal principles.
- Enhances travel safety for multiple modes of transportation.

Con:

- Possible reduced levels of service for automobiles and increased queue lengths during peak hours.

The adopted capital budget already includes $1,250,000 for the Charlotte Street Improvements project.

Staff recommends City Council adopt the resolution authorizing the City Manager to execute a contract with Traffic Planning & Design, Inc. to provide survey, public engagement, design, bidding and construction administration services for the Charlotte Street Improvement project for an amount not to exceed $155,000, and further authorizing the City Manager to execute any contract amendments up to 10% ($15,500) above of the contract price.

Transportation Director Ken Putnam briefly reviewed the project comprehensively.

Several individuals spoke in support of the Charlotte Street Improvement Project, for some reasons, some being, but are not limited to: much needed safety improvements to the street; needed stormwater improvements, remilling and repaving Charlotte Street, need to bury electrical lines; need to widen sidewalks and move electrical poles; smaller road will be safer for pedestrians and make people realize they are in a residential area and not a cut through to commercial area; and bike lanes will also help with pedestrian safety.

Several individuals spoke in opposition of the Charlotte Street Improvement Project, for several reasons, some being, but are not limited to: postpone the design process; review past traffic studies, conclusions and recommendations; plan ahead by looking at any new developments on Charlotte Street; return to the original priority of pedestrians first; restart neighborhood engagement; with three lanes, instead of spending money for three-lanes, the money will be better spent on sidewalks and stormwater system; Americans with Disabilities Act sidewalk improvements are not included in the plan; narrowing a major commuter artery will cause major congestion and backups; drivers are already trying to find alternative routes creating congestion; and traffic and safety issues on the side streets.

Mayor Manheimer said the scope of the project is not as comprehensive as might we might have hoped. She explained how the vision of the long-term full scope of the project is the street improvement now, noting that the sidewalk issue will be incorporated into the long-range plan. One of the challenges is the number of curb-cuts that Charlotte Street has and it's always difficult for cities to get private property owners to close up their curb cuts so there is more level sidewalk, as well as the width.

Mayor Manheimer has had the personal experience of running and walking with a stroller on Charlotte Street for many years. She is very supportive of this project. She has had the opportunity to visit other cities to see how they have experienced changes and we are not the first to try this out. There is a lot of good information about this. Charlotte Street is very dangerous and she is very hopeful it will be a positive improvement for north Asheville. She said that it's inevitable that Asheville will grow and the answer is not to widen roads. Cities are trying to reclaim their urban vibrancy to make sure it remains a place where you can walk, ride a bus or ride a bike.

Councilwoman Mayfield said that change is hard and scary and this is a big change. However, there is a lot of good information available, especially an AARP document on road diets including a myth-busting section.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of Resolution No. 18-286. This motion was seconded by Councilman Haynes and carried unanimously.

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B. RESOLUTION NO. 18-287 - RESOLUTION AUTHORIZING THE SALE OF CITY-OWNED PROPERTY AT 360 HILLIARD AVENUE TO THE KASSINGER DEVELOPMENT GROUP FOR AN AFFORDABLE HOUSING DEVELOPMENT

402.

RESOLUTION NO. 18-288 - RESOLUTION TO APPROVE LOANS FROM THE CITY'S HOUSING TRUST FUND

Mr. Jeff Staudinger, representing the Community & Economic Development Department, said that this is the consideration of a revised proposal from Kassinger Development Group for the development of mixed-income housing at the City-owned 360 Hilliard Street

On June 13, 2017, City Council approved a proposal from Kassinger Development Group for a 64 unit rental development on the city-owned "Parks Maintenance" site, located at 360 Hilliard Avenue. At the time, the project, which had an estimated development cost of $7.9 million, incorporated the following elements:

- 64 units total, of which 33 were affordable at 80% and below AMI, and 31 were market rate;
- 49 one bedroom and 15 two bedroom units;
- third party sustainability certification.

Two other key elements were proposed:

- 50 year land lease from the City; with a lease payment of 10% of net cash flow made annually to the City for the term of the lease;
- 50 year period of affordability

The City committed $1,280,000 of Housing Trust Funds to the development, at 2% interest for a 50 year term.The City also agreed to a Land Use Incentive Grant (LUIG) for a period of 10 years, with an estimated value (in current dollars at the time of approval) of $291,430. This was a total incentive per unit of $24,554 and $47,619 per affordable unit.

The Developer sought financing with a HUD guarantee, and hoped to be under way by the summer of 2018. During this time frame, although the HUD financing was ultimately approved, significant increases in construction costs, reflecting national conditions, made the project as proposed unfeasible.

Kassinger, committed to the project regardless, sought staff feedback and suggested that a for-sale condominium development might make financial sense. Staff responded positively to this proposal, and Kassinger is now making that proposal.

New Proposal - Kassinger now proposes a 64-unit mixed income for-sale community to be located at 360 Hilliard Avenue. In summary, the proposed project would be comprised of:

- 49 1-BR units and 15 2-BR units.
- 33 (52%) affordable
    - 28 1-bedroom units at $135,000
    - 5 2-bedroom units at $155,000
    - Income restricted to 80% AMI, with an affordability period of 50 years.
    - The developer would provide the 1st year of HOA payments on each affordable unit.
- 31 Market Units
    - 21 1-bedroom units, priced at $224,738
    - 10 2-bedroom units, priced at $312,800
    - No deed restrictions on market units.

The developer is seeking the purchase of the land based on the appraised value from Fred Beck and Associates of $750,000, dated July 3rd, 2018. They propose that 50% of the land

value be left in the project to subsidize the cost of the affordable units. The remaining 50% of the land value would be paid in the take down of the units. They also propose that the current land parcel would be subdivided out to allow the back parking to remain in the control of the city.

Thirteen of the affordable units must be sold to households earning 60% or less of median income. Priority for purchase will be given to Housing Choice Voucher holders, with a goal of sale to 20 voucher holders. Currently, 50 households are participating in the Housing Authority's homeownership qualification program. The developer and City staff will initiate an education and marketing program to those participating households, and make down payment assistance available to qualified households. The Housing Authority will actively market this development to their those participating households.

Kassinger seeks the following incentives:

$1,280,000 Housing Trust Fund loan. The loan request amount is unchanged form the original proposal, but now is proposed to be used for construction financing. The request is for interest only payments during the period of construction, with full pay-back of principal as units are sold, with an estimated full repayment occurring in three years.

$375,000 Land Value Discount. As stated above, the developer proposes that one-half of the appraised land value remain in the project as subsidy for the affordable units.

Because this is a for-sale project, no LUIG is requested.

The proposed schedule for development is:

Activity	Completion Date
Property Acquisition Completed	1/15/2019
Zoning Approvals Obtained	N/A – Zoning is already in place
Final Bid Specifications Completed	Completed
Detailed Architectural Design Completed	Completed
Building Permits Obtained	12/15/2018
Construction and All Subordinate Financing Committed	1/15/2019
Housing Trust Fund Loan Close	1/15/2019
Site Clearance	2/15/2019
Construction Started	3/1/2019
Construction 50% Completed	7/15/2019
Marketing and Lease-up Begins	7/15/2019
Construction Completed	1/15/2020

Final Sale (homebuyer)	3/15/2020

Pros:

- The project as proposed is fully designed, and the developer indicates that all required construction financing is pending;
- 64 units of new mixed-income ownership housing will be developed in the City's Central Business District, with excellent transportation access as well as walkable proximity to jobs, schools, services, and amenities ;
- As originally proposed, 33 of those units will be affordable to low and moderate income households for 50 years;
- The new construction will be National Green Building Standard (NGBS) certified (http://ngbs.com/the-ngbs-green-promise);
- The City's HTF investment will be repaid as units are sold, making these funds again available to support affordable housing development;
- Half of the City land value will also be returned to the City, with the remainder helping bridge the gap to make the affordable units possible;
- If the City so desires, sale of units to the Community Land Trust or directly to lower income purchasers will be possible using City bond resources to further write-down the cost of the units at the time of purchase; the use of bond resources for Down Payment Assistance will be governed by the City's Down Payment Assistance Policy, currently under development by staff for review by the Housing and Community Development Committee;
- The City will have expanded its toolbox of public-private partnership for the development of affordable housing, and potentially create a model for consideration for the Cedar Hill property as well as other projects.

Con:

- In order to facilitate both construction financing and ultimate individual unit sale, the developer maintains that sale of the property, rather than lease as originally approved, is necessary. Staff has researched this issue and concludes that the current finance situation makes bank participation on both construction and ultimately mortgage financing for individual buyers much more attainable when the developer and homebuyers have fee simple title to the property.

This revised proposal was reviewed by the Housing and Community Development Committee on October 16, and recommended for action to City Council.

The project seeks a total upfront investment from the City of $1,280,000 in a construction loan from the Housing Trust Fund, and a further investment of $375,000 in land value, for a total investment of $1,655,000. The full HTF loan would be repaid, at 2% interest. The $375,000 invested from land value is $12,098 per affordable unit.

Staff recommends that City Council accept the revised Kassinger proposal for the redevelopment of 360 Hilliard Avenue as a mixed-income for-sale development, including accepting the revised proposal for the use of $1,280,000 of Housing Trust Funds, eliminating the commitment of a Land Use Incentive Grant, and agreeing to subdivide the 360 Hilliard Avenue parcel and sell to Kassinger the portion of that parcel to be used for the construction of the project.

In response to Vice-Mayor Wisler, Mr. Staudinger explained what tools we will use to make sure that the affordability period of 50 years will remain. She then stated that she can support the project as long as we can make sure those details are part of the sale and that the affordability period is in effect as long as possible.

Mr. Chip Kassinger said that they are excited about this project and confirmed that all details of the sale will be agreed to up front.

Councilman Young said that the HCD Committee has made some policy changes in order to adopt to the changing needs of Asheville to support affordable housing needs while also trying to address gentrification issues. He noticed the absence of subsidies for low income homeowners and the extremely low homeownership rate amongst subsidized households. That previously suggested to him that there was a strong policy bias against homeownership and a preference for any rental units. We also found out that Asheville was the second fastest gentrified city in America with a lack of affordable homeownership options at the lower price points. This project is a direct reflection of the recent policy changes and will be the first project before Council that will directly secure ownership opportunities for those at the lower price points of our community. He relayed a message to Council from Shaunda Sandford, the Program Manager for the Family Self-Sufficiency Program, stating that "This opportunity has the potential to be a major vehicle for our residents who face significant barriers to become homeowners and build wealth and economic opportunity right here in the City of Asheville. Other positive effects identify with homeownership include improved outcome for our children who we hope will want to live here and become future leaders of our community. ... Just in case folks are wondering how many Housing Authority residents are eligible for housing choice vouchers that will commit funds towards their mortgages, I can't give you an exact number, but it's every single one of them."

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with copies of the resolutions and they would not be read.

Councilman Young moved for the adoption of Resolution No. 18-287. This motion was seconded by Councilwoman Smith and carried unanimously.

RESOLUTION BOOK NO. 39 – PAGE 188

Councilman Young moved for the adoption of Resolution No. 18-288. This motion was seconded by Councilwoman Smith and carried unanimously.

RESOLUTION BOOK NO. 39 – PAGE 189

C. BOARDS & COMMISSIONS

Regarding the Board of Electrical Examiners, since no applications for the layman seat were received, it was the consensus of Council to re-advertise for the position.

Regarding the Citizens-Police Advisory Committee, since no applications for the resident of property owned by the Housing Authority were received, it was the consensus of Council to re-advertise for the position.

RESOLUTION NO. 18-289 - RESOLUTION APPOINTING MEMBERS TO THE ALCOHOLIC BEVERAGE AND CONTROL BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Alcoholic Beverage and Control Board.

The terms of Robin Cape and Edward Hay expire on November 13, 2018.

The following individuals applied for the vacancy: Mychal Bacoate, Lakota Denton, Januarie West, Max Haner and Charlie Hodge. However, Mr. Hodge had a conflict of interest

It was the consensus of the Boards & Commissions Committee to appoint Januarie West and Max Haner.

Vice-Mayor Wisler moved to appoint Januarie West and Max Haner as members of the Alcoholic Beverage Control Board to each serve a 3-year term respectively, terms to expire November 13, 2021, or until their successors have been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 190

RESOLUTION NO. 18-290 - RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Homeless Initiative Advisory Committee.

The term of Dale Davidson expires on 1, 2018.

The following individuals applied for the vacancy: Thomas Cash, Tamarie Macon and Tim McElyea.

It was the consensus of the Boards & Commissions Committee to reappoint Dale Davidson.

Vice-Mayor Wisler moved to reappoint Dale Davidson to serve a three-year term, term to expire November 1, 2021, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 191

RESOLUTION NO. 18-291 - RESOLUTION APPOINTING MEMBERS TO THE I-26 CONNECTOR PROJECT AESTHETICS COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the I-26 Connector Project Aesthetics Committee.

The following individuals applied for the vacancy: Kenneth Dierks, Susan Bigbie Loftis and Larry McDevitt.

It was the consensus of the Boards & Commissions Committee to appoint Kenneth Dierks and Susan Loftis.

Vice-Mayor Wisler moved to appoint Kenneth Kierks and Susan Loftis to the I-26 Connector Project Aesthetics Committee, to serve approximately one year or until their tasks are complete before the Environmental Impact Statement is released. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 192

RESOLUTION NO. 18-292 - RESOLUTION APPOINTING A MEMBER TO THE NEIGHBORHOOD ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Neighborhood Advisory Committee.

Mr. Ken Miller has resigned, thus leaving an unexpired term until July 1, 2019, for the representative of 28806 or 28728.

The following individuals applied for the vacancy: Bob Swanson, Gretchen Gudites, Nan Huebner, Steven Rasmussen, Anna Sexton, Grace Davidson and Geoff Grant

Vice-Mayor Wisler moved to appoint Anna Sexton to serve the unexpired term of Mr. Miller, term to expire July 1, 2019, or until her successor has been appointed. This motion was seconded by Councilman Kapoor carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 193

RESOLUTION NO. 18-293 - RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART & CULTURAL COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Public Art & Cultural Commission.

Mr. Guillermo Rodriguez has resigned, thus leaving an unexpired term until June 30, 2020.

The following individuals applied for the vacancy: Cate Ryba, Mariana Llorente, Karven Depew, Valeria Watson, Karin Peterson, Travis Smith, Jasmine Washington, Nandita Vyas and Honor Moor.

Vice-Mayor Wisler moved to appoint Valeria Watson to serve the unexpired term of Mr. Rodriguez, term to expire June 30, 2020, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 194

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Ms. Tammy Summey expressed to Council a concern of harassment she experienced while voting in west Asheville. She did state that she voiced her concerns to the Board of Elections.

Ms. Velvet Hawthorne showed a video of truck parking on the sidewalks on Maxwell Street.

Mr. Ben Airing, student at Warren Wilson College, asked Council if they felt it was appropriate for the Vance Monument should be displayed on public property downtown. Mayor Manheimer said that she would be happy to sit down and meet with Mr. Airing or he could submit any questions to all of Council.

Mr. Jonathan Wainscott asked for information to be presented at the budget worksessions to include a growth chart of the African American community.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:21 p.m.

Magdalen Bowlson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – November 27, 2018 - 3:15 p.m.

Worksession - City of Asheville Revenue Sources - A Balancing Act

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Acting City Manager Cathy Ball; and City Clerk Magdalen Burleson

Acting City Manager Cathy Ball said that during 2018, Asheville was named Favorite Foodie City, Top 15 Cities in the US, Top-Rated Vacation Destinations, Top 10 Music Cities in the US, and 18 Top Destinations of 2018. The result of all this popularity is construction is booming. General Fund revenues are $124.5 Million - Property tax - 52%; Sales tax - 21%; Charges for services (Sanitation, Parks, development) - 14%; and Other revenues - 14%. Property tax ($64.2 Million) and Charges for Services ($17.5 Million) are the only revenue streams the City has some control over. Some of the items in the Charges for Services are solid waste fees and permit fees. In a good year, revenue grows $3.6 Million (Property tax up 3% - $2.0 Million; Sales tax up 5% - $1.3 Million; and Charges up 1% - $0.2 Million). For every $1.00 spent in Buncombe County you pay an additional 7-cents of sales tax. Of that seven cents, .4 cents come back to the City's budget. Out of $1 Million sales in Buncombe County, the revenue to the City is $4,000. So when we talk about economic impact to the community it is not the same as fiscal impact to the City's budget.

In a typical year, operating costs grow $3.2 Million - Cost of Living Adjustment - 3%; Healthcare - $500k additional estimate for annual increase; Inflation - 2% (Federal Reserve target rate for inflation) applied to non-personnel and non-capital operating costs; and Construction - 4.7% increase in construction index applied to operating costs associated with capital maintenance/repair plus 2% increase assumed in capital debt model. That's not enough to catch up on deferred maintenance.

For example, she showed a slide of the Pavement Condition Index. This is a result of prior lack of investment in ongoing maintenance in infrastructure- GO Bonds 2016; impact of population increase; and weather and topography. Bond money will keep pavement condition index from falling, but it will not improve. And that money will run out. Resurfacing 10 miles of road costs an average of $4.25 Million. The City has 400 miles of roadway to maintain. This means that if the City invested $4.25 Million a year it would take 40 years to resurface every street.

The most obvious, and easiest solution, is to raise property taxes. But that impacts Asheville's affordability, so we are looking for alternatives. Staff continues to evaluate revenue options on an annual cycle as part of the budget process, including, but not limited to, fee adjustments, motor vehicle license and property tax increases. Traditional revenue impact the affordability of Asheville and do not address the imbalance. So we began looking at how other cities are addressing this issue beyond increasing property taxes.

Showing a slide of non-resident vs. resident populations and a chart of daytime population changes, our overall population increase from 2012-2016: 4.5%. There is a very small change in non-workers (people that live here but don't work) and a small drop in commuters out (fewer people living here and commuting to another place). There is a 14% increase in those that both live & work in Asheville. Almost 5% increase in commuters coming into Asheville. Almost 20% increase in tourists (almost 25k to almost 30k daily) - tourist number is taking annual

visitation from Tourism Development Authority and dividing by 365 - probably a lot more variation day-to-day. The point is that our daytime population pushing to 160 thousand, much larger than official population of 87,531.

The non-resident population that uses Asheville's services include: streets, sidewalks, emergency services, police, fire, greenways, festivals and events, and downtown sidewalk cleaning. Property owners use streets, sidewalks, emergency services, police, fire, greenways, festivals and events, downtown sidewalk cleaning, neighborhood policing, and brush collection. Who pays for these services? The non-resident population pays sales tax and Tourism Product Fund for capital improvements. Property owners pay sales tax, building fees, solid waste fees, etc., motor vehicle fee, and property tax.

Asheville is limited in solutions as we are not currently legally permitted City-only sales tax, special tax for "second house", or City income tax. The following three revenue sources are available by a vote of Council and are legally permitted (1) business improvement district (BID) - property tax in municipal service districts; (2) special assessments - assessment on specific capital projects; and (3) property tax increase.

Some may ask about the room tax, which is controlled by the Tourism Development Authority. Three-quarters goes to marketing, and one-quarter goes to the Tourism Product Development Fund.

When we look at these options through the Equity Lens, this is what we find. The BID and special assessment options would tax only the property owners in the areas receiving the benefits, and therefore would have the lowest immediate impact on low income households. At the same time, these would be an additional increase in property taxes, and would likely impact Asheville's affordability in the long term as the costs are passed down to consumers and renters.

One possible solution would be "Allowed by voter referendum in Buncombe County a ¼ cent sales tax for transit related operations." This tax would be added to all taxable purchases made in Buncombe County. The City would receive revenue from both non-resident and resident populations. Sales tax increases disproportionately impact low income households because costs to meet basic needs are a larger percent of the overall budget. The additional revenue from the tax would be used for transit that benefits people with transportation barriers.

Another possible solution would be "Precedent for special legislation in North Carolina of a prepared food and beverage tax." Prepared foods include restaurant food, but also include fast food and grocery store deli foods. This tax would disproportionately impact low income populations because food costs are a larger percent of the overall budget in these homes. Additionally, there is often a heavy reliance on ready-to-eat foods. The alternative - raising property taxes - would likely impact Asheville's affordability in the long term as these costs are passed down to consumers and renters.

Here is one way you could mitigate an increase on food costs to low income families - earmark a certain amount of money to strengthen food security to decrease dependence on fast or prepared food in low income communities.

She provided information on what other cities do - like Miami Beach, Duluth, Greenville, and Charleston.

The balancing act would be that the non-resident population would be paying for sales tax for transit, a prepared food and beverage tax, and hotel tax. Property owners would be paying sales tax for transit, and a prepared food and beverage tax.

She explained each of the following considerations for a path forward (1) hotel tax - align resources to impact; (2) ¼ cent sales tax for transit - County referendum (2020); and (3) prepared food and beverage tax - State allows City to hold referendum (2020).

The benefits of the tourism economy include (1) awarded $22 Million for City projects from the Tourism Product Development Fund (TPDF) ($7.1 Million for Riverfront Development, $2 Million for Pack Square Park; and $5.7 Million for the U.S. Cellular Center); (2) jobs for over 18,000 people in Buncombe County; and (3) $2 Billion in visitor spending in Buncombe County.

The use of occupancy tax in North Carolina generally falls into one of the following five categories: (1) Destination promotion; (2) Tourism-related expenditures, which includes uses varying from staging festivals and events to providing some municipal services in beach towns; (3) Funding or debt support for tourism-related capital projects such as convention centers and arenas or visitor attractions; (4) Tourism-related beach nourishment; or (5) General fund revenue and other non-tourism uses.

Regarding the hotel tax, the TPDF portion of the hotel tax is estimated at $5 Million per year and could leverage approximately $50 Million in bond proceeds. It could provide (1) downtown sidewalk improvements; (2) downtown placemaking opportunities; and (3) renovations to the Thomas Wolfe Auditorium. However, no increase is proposed. Staff will work with City Council and the TDA to develop a project during the timeframe of December 2018 through March 2019.

Regarding the ¼ cent sales tax for transit, $12 Million per year is estimated. This money would be for countywide transit related use. We would partner with the County to provide increased transit services. It could provide (1) implementation of the approved City of Asheville Transit Master Plan; and (2) expanded services into County including traditional bus services, expanded express service, and improved Mountain Mobility services. The Local Government Public Transportation Sales Tax Act must be approved in a referendum. She reviewed the definition of public transportation system. Wake County (2017), Durham County (2013), Orange County (2013) and Mecklenburg County (1999) have passed a ¼ cent sales tax for transit referendum. Actions needed would include (1) update Transit Plan - spring/summer 2019; (2) plan with the County - 2019; (3) Buncombe County take necessary action to add referendum to 2020 election ballot - spring/summer 2020; and (4) item on County referendum - fall of 2020.

Regarding the prepared food and beverage tax, benefits for the Asheville Independent Restaurants (AIR) include (1) serving community needs (a) 91% of members contribute to local nonprofits; (b) the average value of donations from AIR members in 2017 totalled $19,993; and (c) this represents $2.14 Million in charitable contributions; and (2) employing over 5,800 people at an average hourly wage of $13.75 for non-tipped and $19.46 for tipped restaurant employees. A 1% prepared food and beverage tax (City only) is estimated at $5 Million per year. Local restaurants are already making significant charitable contributions in the community. This tax increases revenue without increasing property tax. It could provide (1) increased cleanliness in business districts; (2) increased public safety; (3) increase sidewalk maintenance in business districts; and (4) improvements to Thomas Wolfe Auditorium. Portland Oregon has a Clean & Safe program. We might consider a similar program in our business districts. Wake County, Cumberland County, Dare County, Mecklenburg County, and the Town of Hillsborough have passed a 1% prepared food and beverage tax. Actions needed would include (1) work with local businesses to understand the impact and needs - winter/spring 2019; (2) direct legal staff to let lobbyists know we want to introduce a bill - spring 2019; (3) request to the General Assembly - spring 2019; (4) develop collection process - 2019; and (5) referendum - fall 2020.

As always, staff will continue to look at revenue options and bring them to Council as we identify new possibilities. If Council would like to move forward with the options recommended

today, there are 2 things that staff would need from you: (1) Council direct the City Manager to update the Transit Master Plan in cooperation with Buncombe County to include significant extensions into Buncombe County; and (2) Council direct the City Manager to engage the community on these alternatives: (a) Meeting with local partners like the Asheville Independent Restaurants Association, the Asheville Area Chamber of Commerce, Council of Independent Business Owners, Asheville Lodging Association, and Asheville Bed and Breakfast Association (January 2019 - June 2019); and (b) Develop and implement plan for community engagement. (January 2019 - November 2020).

Ms. Ball responded to various questions/comments from Council, and while all of Council were interested in having staff move forward with a deeper dive with pros and cons on each of the options, they did as for information on (1) splitting apart the food and beverage tax with only a tax on alcohol beverages; (2) investigate the possibility of legislation that would authorize the City alone to do a transit tax; and (3) the possibility of using some of the food and beverage tax to decrease property taxes or reduce increasing future property taxes.

Mayor Manheimer adjourned the worksession at 4:13 p.m.

Tuesday – November 27, 2018 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Acting City Manager Cathy Ball; Interim City Attorney Sabrina Rockoff; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING NOVEMBER, 2018, AS "LOVE ASHEVILLE, BUY LOCAL MONTH"

Councilman Haynes read the proclamation proclaiming November, 2018, as "Love Asheville, Buy Local Month " in the City of Asheville. He presented the proclamation to Ms. Franzi Charen, and others, who briefed City Council on some activities taking place during the month.

II. CONSENT AGENDA:

At the request of Councilwoman Mayfield, Consent Agenda Item "L" was added to the Consent Agenda.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 13, 2018

B. ORDINANCE NO. 4708 - CAPITAL PROJECT BUDGET AMENDMENT ASSOCIATED WITH THE FISCAL YEAR 2018-19 PURCHASE OF TWO

REPLACEMENT FIRE ENGINES

Summary: The consideration of a budget amendment to the Fiscal Year (FY) 2018-19 budget in the General Capital Project Fund to budget $1,222,000 for the purchase of two replacement fire engines to be funded with installment financing proceeds, with the associated debt service to be paid through the City's multi-year capital and debt program.

In January 2018, City Council held a Capital Improvement Program (CIP) work session in which Finance staff presented a high level overview of the draft CIP that was being developed as part of the FY 2018-19 budget process. As a part of that presentation, staff indicated that the core service additions below were included in the draft five-year CIP.

Replacement Fire Apparatus		$2,737,436
Replacement Buses	$15,051,118	
Replacement Buses- Grant Revenue offset	-$12,040,895	
Replacement Buses, net cost		$3,010,223
AFD and APD Facility maintenance		$2,155,000
USCC Water intrusion mitigation		$590,000
Nature Center ADA and paving work		$550,000
Aston Park parking lot expansion		$445,000
Total core service additions to the capital plan		$9,487,659

At the meeting, City Council expressed their support for increasing the core service allocations as presented. The $2.7 million addition to the CIP for replacement fire apparatus was intended to be split across the five-year CIP in the following way:

	FY 2019*	FY 2020	FY 2021*	FY 2022	FY 2023*
Replacement apparatus	$1,442,000	$618,000	$636,540	$1,485,260	$656,896

*Please note - fiscal years shaded in blue represent "new funding" from the table above. As staff moved forward with developing the final CIP that was adopted by City Council in June, the planned investment in replacement fire apparatus was inadvertently not included in the FY 2018-19 Budget Ordinance that was presented and adopted by City Council. The budget amendment will provide the necessary authorization to move forward with the purchase of two fire engines in FY 2018-19. Also, please note that the amount needed for FY 2018-19 has been reduced from $1,442,000 to $1,222,000.

If the Finance and Human Resources Committee approves this item, it will move forward to City Council at its November 27, 2018, formal meeting.

Pros:

- Amends the FY 2018-19 budget to reflect the CIP plan that Council endorsed in January 2018.

- Allows the Fire Department to stay on its planned schedule for replacement of older fire engines.

Con:

- None

As noted above, this budget amendment will provide the necessary authorization to move forward with the purchase of two fire engines in FY 2018-19 with the associated debt service to be paid through the City's multi-year capital and debt program. The cash flows for these purchases are included in the existing capital plan; there is no additional fiscal impact.

City staff recommends City Council approve the budget amendment to the Fiscal Year (FY) 2018-19 budget in the General Capital Project Fund to budget $1,222,000 for the purchase of two replacement fire engines to be funded with installment financing proceeds, with the associated debt service to be paid through the City's multi-year capital and debt program.

ORDINANCE BOOK NO. 32 - PAGE 237

C. RESOLUTION NO. 18-294 - RESOLUTION SETTING A PUBLIC HEARING ON DECEMBER 11, 2018, TO CONSIDER AN ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR BURIAL BEER COMPANY

Summary: The consideration of a resolution setting a public hearing on December 11, 2018, to consider an economic development incentive grant for Burial Beer Company.

City of Asheville has been requested by Asheville-Buncombe EDC for consideration of a performance based incentive grant under the City Economic Development policy to an existing Asheville manufacturing facility, operated by Burial Beer Company. The purpose of the City's participation would be to induce Burial Beer Company to make additional investments in the City for expenditures to acquire and install machinery/equipment, make facility improvements which increase the tax value as determined by the Buncombe County Tax Department in the amount of $1,800,000 and create 17 new median wage jobs (estimated to be $35,000 per year) with benefits. The company is Living Wage Certified. The City of Asheville is considering offering a performance based grant in an amount not to exceed $30,000. North Carolina state law requires a public hearing be held before an incentive grant can be officially awarded.

Pros:

- Performance driven grant that is distributed after job and investment is achieved or mutually agreed performance benchmarks are established;
- Supports capital investment in the City of Asheville;
- Supports regional and state cooperation in the project.

Con:

- Grant is formulated based on use of a portion of the new incremental increase from property tax revenue generated by the project for a 5 year period.

The project has an overall positive fiscal impact on tax revenues received by the city. Initially (during the grant period), the City will receive new incremental property tax revenues, as well as the existing property tax revenues from the project. After the grant period of 5 years, the City will henceforth receive 100% capture of all city taxes.

City staff recommends Council approve a resolution setting a public hearing on December 11, 2018, for an economic development incentive grant agreement to support existing industry expansion of Burial Beer Company.

RESOLUTION BOOK NO. 40 - PAGE 195

D. ORDINANCE NO. 4709 - ORDINANCE AMENDING CHAPTER 19 OF THE CODE OF ORDINANCES TO INCREASE THE PARKING FINES FOR STOPPING, STANDING AND PARKING VIOLATIONS

Summary: The consideration of an ordinance to amend Section A of Appendix B (Schedule of Civil Penalties) of the City of Asheville's Code of Ordinances in order to increase parking fines.

Parking enforcement is used to help manage on-street parking throughout Asheville. Most enforcement occurs in the central business district and is handled by the Transportation Department's Parking Services Division. Outside of the central business district, the Police Department is responsible for enforcement. Currently, the Parking Services Division has four Parking Enforcement Officers and one Senior Parking Enforcement Officer that provide the enforcement activities. In the near future, these positions will need to be increased as we consider expanding enforcement hours (for example, 8:00 am until 9:00 pm seven days per week instead of 8:00 am until 6:00 pm six days per week) and meter zones (for example, Biltmore Village, River Arts District, and Haywood Road in West Asheville).

With the exception of fines for Americans with Disabilities Act (ADA) handicapped parking and fire zone violations, parking fines are civil penalties and as a result, the revenues are kept by the city. Fines for ADA handicapped parking and fire zone violations are sent to the Buncombe County and City of Asheville school systems on a monthly basis. The last time parking fines were increased was June 22, 1999 via Ordinance # 2586 with an effective date of July 1, 1999, when parking meter rates were also increased from $0.25 per hour to $0.60 per hour (the current rate is $1.50 per hour). It is now cheaper for someone to take a chance and stay all day at a metered on-street parking space instead of paying a total of $15.00 for the entire enforcement period.

Transportation Department staff are currently working with a parking sub-committee of the Asheville Downtown Commission regarding parking in the central business district. One item that this sub-committee is beginning to review is loading/unloading zones and we have already discussed the importance of changing the fine from $10.00 to $30.00 for loading/unloading zone violations to help minimize the abuse of these zones.

If this action is approved, staff recommends that the effective date for enforcement purposes be February 1, 2019, in order to effectively communicate the changes to the public.

The proposed parking fine increases (E / P) are shown below.

- Overtime parking at metered or non-metered spaces = $10.00 / $20.00
- Second or subsequent violation within a 24-hour period = $20.00 / $40.00
- Loading/unloading zones = $10.00 / $30.00
- All other violations = $10.00 / $20.00

The Parking Sub-Committee of the Downtown Commission reviewed this action on September 4, 2018, and recommended that it move forward to the Multimodal Transportation Commission for review and consideration.

The Multimodal Transportation Commission reviewed this action on September 26, 2018, and recommended that it move forward to the Finance & Human Resources Committee for review and consideration.

The Finance and Human Resources Committee reviewed this action on October 23, 2018, and recommended that it move forward to City Council for review and consideration for approval.

Pros:

- Updates parking fines that were last increased on June 22, 1999
- Establishes a separate fine for parking in a loading / unloading zone
- Helps to minimize parking abuses
- Increases parking fine revenue

Con:

- Increases cost to the parking violator

During a typical year, the Parking Enforcement Officers issue about 20,000 parking citations resulting in gross revenue of $200,000 (before any adjustments are made). For Fiscal Year 2016-17 and 2017-18, the adjusted year end revenues were $173,000 and $167,000 respectively. With the proposed increases in the fine structure, the adjusted year end revenues could conceivably double.

Staff recommends that City Council approve an ordinance amending Section A of Appendix B (Schedule of Civil Penalties) of the City of Asheville's Code of Ordinances in order to increase parking fines with an effective date of February 1, 2019, for enforcement purposes.

ORDINANCE BOOK NO. 32 - PAGE 239

E. RESOLUTION NO. 18-295 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE CARBON DISCLOSURE PROJECT'S INVITATION TO PARTICIPATE IN THE 2018 CARBON DISCLOSURE PROJECT MATCHMAKER PROGRAM

Summary: The consideration of a resolution accepting the invitation for the City to participate in the Carbon Disclosure Project (CDP) Matchmaker Program and authorizing the City Manager to execute any and all documents necessary for the City's participation.

CDP is a not-for-profit organization that runs the voluntary global disclosure system for investors, companies, cities, states and regions to manage environmental impacts.

Over the past three years, The City of Asheville's Office of Sustainability has disclosed the City's climate and carbon metrics to the Carbon Disclosure Project global database. CDP selected the City of Asheville based on Asheville's 2017 Cities Questionnaire response, which indicated potential green project(s) in Asheville.

The Matchmaker program offers a deeper dive into developing the Matchmaker model and is supported by Wells Fargo and the National Fish and Wildlife Foundation Resilient Communities Program. CDP will work with cities to increase capacity for U.S. municipal leaders to identify and showcase equitable green infrastructure projects to investors to accelerate project financing.

CDP will partner with a select group of 18 U.S. cities to bring their urgently-needed green infrastructure projects through the Matchmaker service, increasing the quality and design of the projects and building capacity among city and community leaders to accelerate the timeline for their projects to be financed.

Specifically, CDP will work with the cities to:

1. Identify high potential investments in stormwater management, tree canopy and green space projects that help underserved communities build resilience,
2. Build capacity between the cities' sustainability teams and their economic development teams to develop and share more detailed project information than would otherwise be provided, and
3. Standardize project information and make it available on CDP's Matchmaker portal in a way that lays out pertinent information clearly and concisely to investors seeking to finance such projects.

The Office of Sustainability will work with Transportation's Greenway Coordinator and the City's Finance Director to create a proactive, equitable green space project centered around educational outreach and awareness, and to build community resilience in the WECAN Community.

Finance Committee reviewed the request at their October 2018 meeting, and unanimously agreed to forward onto City Council's consent agenda.

Pros:

- Supports the City's Greenway Master Plan
- Supports community resilience through the City's Climate Resilience Assessment
- Supports the City's Sustainability Master Plan
- Supports the City's long range financial goals by aiding in identifying and tracking green projects for bond issues
- Provides training and consulting services at no cost to the City

Con:

- None

There are no direct costs associated with participation in this project.

Staff recommends City Council adopt a resolution accepting the CDP's invitation for the City to participate in the 2018 CDP Matchmaker Program and authorizing the City Manager to execute any and all documents necessary for the City to participate.

RESOLUTION BOOK NO. 40 - PAGE 196

F. RESOLUTION NO. 18-296 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH HOMEWARD BOUND FOR THE DEVELOPMENT OF 29 OAK HILL DRIVE AS SUPPORTIVE HOUSING FOR CHRONICALLY HOMELESS PERSONS

Summary: The consideration of a resolution to authorize the City Manager to sign a Memorandum of Understanding with Homeward Bound of Western North Carolina to create a development plan for 80 units of permanently affordable housing at 29 Oak Hill Drive.

In July 2018, the City acquired a 3.71 acre parcel at 29 Oak Hill Drive using $450,000 of Affordable Housing Bond funds for the purchase. The property is currently zoned RM16. Previous development plans for the site demonstrated that 72 units could be developed but previous owner was unable to secure financing needed for the project.

Homeward Bound of Western North Carolina has emerged to propose development of permanently affordable 80-unit multifamily project at 29 Oak Hill Drive. These units would be targeted to serve chronically homeless adults at or below 50% of Area Median Income (AMI).

These individuals are the City's most vulnerable, high-needs homeless with complex behavioral health concerns. Because they require more intensive housing interventions with on-site supports in order to remain housed, they are typically unable to succeed in traditional, scattered site housing placement.

At its November 15, 2018, meeting, the Housing and Community Development Committee approved a Memorandum of Understanding to detail a planning process by which Homeward Bound of Western North Carolina would create a conceptual site plan, develop building cost estimates and development and operating pro formas, and conduct a public engagement campaign. These activities would commence immediately on City Council's approval and conclude by September 2019. At the conclusion of that process, Homeward Bound would make a specific proposal to the City regarding their plans and the kind of support sought from the City to move the plan forward to implementation.

Pro:

- Provides 80 units of permanently affordable housing for households below 50% AMI; reduces chronic homelessness; environmental remediation of site.

Con:

- Infrastructure and environmental remediation costs.

There is no fiscal impact.

Staff recommends City Council authorize the City Manager to sign the proposed Memorandum of Understanding with Homeward Bound of Western North Carolina to plan for development of the project at 29 Oak Hill Drive.

RESOLUTION BOOK NO. 40 - PAGE 197

G. RESOLUTION NO. 18-297 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE ASSISTANCE TO FIREFIGHTERS GRANT

ORDINANCE NO. 4710 - BUDGET AMENDMENT UTILIZING THE FEDERAL EMERGENCY MANAGEMENT AGENCY ASSISTANCE TO FIREFIGHTERS GRANT

Summary: The consideration of a resolution authorizing the City Manager to accept the Assistance to Firefighters Grant (AFG) and a budget amendment in the City's Special Revenue Fund in the amount of $36,000 to utilize the AFG funds.

On April 10, 2018, City Council passed a resolution to authorize the City Manager to apply for the three Federal Emergency Management Agency (FEMA) grants. One of these grants was the AFG grant.

The AFG program is focused primarily on the equipment required for firefighters to perform their duties in a more safe manner. Items such as Self Contained Breathing Apparatus (SCBA), protective equipment, and items to reduce cancer risks have been focused areas of the program in the past. AFD has applied every year except last year for this grant, but unfortunately we have not been successful. We did not apply last year due to the timing of the application window. However, this year AFD was successful in its application and was awarded $32,728.

The Asheville Fire Department was awarded the grant to provide personal protective equipment washers/extractors and dryers. Currently AFD has 3 extractors & dryers installed across its 12 fire stations. These units are specifically designed to clean soiled firefighter PPE. After a fire incident, 20-30 firefighters will need to clean their gear, currently utilizing the 3 systems that we have in place is a cumbersome task. The grant allows for the procurement of two extractors and two dryers.

The City is responsible for a 10% match of equipment costs which amounts to $3,272. The budget amendment reflects the FY18-19 grant award and match by the City.

This request will be presented to the Public Safety Committee on November 26, 2018 and the Finance and Human Resources Committee on November 27, 2018, and any response other than unanimous approval to move forward to the full City Council will be noted in those meetings.

Pros:

- Firefighter safety would be increased significantly
- AFD would not need to request total funds to be spent fund balance or operating budget for added equipment

Con:

- The City's one time match is $3,272

To receive the funds the City has a one-time match of $3,272 which will be taken from the adopted Fire Department FY 2018-19 operating budget.

Staff recommends City Council authorize (1) the City Manager to accept grant funds from Federal Emergency Management Agency (FEMA) for the Assistance to Firefighters Grant (AFG) and (2) a budget amendment in the City's Special Revenue Fund in the amount of $36,000 utilizing the $32,728 in grant funds and $3,272 in operating funds.

RESOLUTION BOOK NO. 40 - PAGE 198
ORDINANCE BOOK NO. 32 - PAGE 241

H. RESOLUTION NO. 18-298 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT

ORDINANCE NO. 4711 - BUDGET AMENDMENT UTILIZING THE FEDERAL EMERGENCY MANAGEMENT AGENCY TO FULLY BUDGET THE STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE FUNDS AND THE CITY'S THREE-YEAR GENERAL FUND MATCH

Summary: The consideration of a resolution authorizing the City Manager to accept the Staffing for Adequate Fire and Emergency Response Grant (SAFR) and a budget amendment in the City's Special Revenue Fund in the amount of $1,302,031 to fully budget the SAFR funds and the City's three-year General Fund match.

On April 10, 2018, City Council passed a resolution to authorize the CIty Manager to apply for the three Federal Emergency Management Agency (FEMA) grants. One of these grants was the SAFR grant.

The SAFER program is designed to help fire departments hire and retrain additional firefighters to provide for a safer emergency scene. Multiple studies over the past 10 years have shown that the overall effectiveness of emergency scene operations increase significantly as minimum fire company staffing increases up to a level of 4 firefighters per company. AFD has also applied for this grant every year it has been available, but our applications were at the bottom of those considered over the past few years as agencies that were confronted with reducing staffs were a priority for consideration.

The Asheville Fire Department was awarded the grant to provide funding for nine firefighters for a total of $1.3 million. The grant awards funding for the compensation and benefits of nine firefighters over this fiscal year and the following two fiscal years. In the current fiscal year, the federal grant funds are 75% of the total compensation and benefits and amount to $325,505.25. The City is responsible for a 25% match of compensation and benefits which amount to $108,501.75. In the second year, the grant funds 75% of the salary and benefits for the nine firefighters to equal $325,505.25. In the third year, the grant funds 35% of the salary and benefits for the nine firefighters to equal $151,902.45. The table below illustrates the amount of the funding sources throughout the life of the grant.

	FY 18-19	FY 19-20	FY 20-21	Total
Grant Funds	$325,505.25	$325,505.25	$151,902.45	$802,912.95
City Funds	$108,501.75	$108,501.75	$282,104.55	$499,108.05
Total	$434,007	$434,007	$434,007	$1,302,021

The budget amendment in the Special Revenue Fund reflects the full grant award and match from the City over the three year grant period. The City's match of $108,501.75 for this fiscal year will come from the Department's current overtime compensation budget. Savings in the Department's overtime budget will help to offset the costs of the City's match. For the remainder of the grant period, the Department and the Budget office will include the City's General Fund match as part of each year's annual budget process.

This request will be presented to the Public Safety Committee on November 26, 2018 and the Finance and Human Resources Committee on November 27, 2018, and any response other than unanimous approval to move forward to the full City Council will be noted in those meetings.

Pro:

- Firefighter and Citizen safety would be increased significantly

Cons:

- The City's match is $499,108.05
- Added outfitting and equipment costs to be realized in this fiscal year's operating budget
- Grant funding ends after FY20-21

The City's total share over the three year period will be at least $499,108.05. Furthermore, the Asheville Fire Department will utilize already budgeted funds in the General Fund to outfit and equip the nine new firefighter recruits. The grant does not require the City to maintain the higher level of staffing after year three. If Council direction at year four was to continue the higher staffing level, the City would be responsible for the full cost of the nine positions. If the direction was to return to current level staffing after year three, the firefighters

hired under the grant would be reassigned within the department and normal hiring in year four would be curtailed, with no ongoing staff or financial impact.

Staff recommends City Council authorize (1) the City Manager to accept grant funds from Federal Emergency Management Agency (FEMA) for the Staffing for Adequate Fire and Emergency Response (SAFR) Grant and (2) a budget amendment in the City's Special Revenue Fund in the amount of $1,302,021 to fully budget the SAFR funds and the City's three-year General Fund match.

RESOLUTION BOOK NO. 40 - PAGE 298
ORDINANCE BOOK NO. 32 - PAGE 243

I. ORDINANCE NO. 4712 - BUDGET AMENDMENT FROM UNC-ASHEVILLE FOR THE ASHEVILLE FIRE DEPARTMENT TO PROVIDE EMERGENCY STANDBY

Summary: The consideration of a budget amendment authorizing the City Manager to receive reimbursement funds from UNC-Asheville in the amount of $153,000 in the General Fund budget for the reimbursement.

The City was requested by UNC-Asheville for emergency standby to allow residents to occupy their residence halls until the university was able to address fire safety concerns. This amount represents the actual cost to the City in the form of overtime compensation and benefits.

Pro:

- Receiving reimbursement funds will reduce the impact this assignment had on the fire department's overtime compensation budget.

Con:

- None Identified

Upon City Council approval, a budget amendment will be made in the current fiscal year to accept this reimbursement and reduce the overtime impact to the Asheville Fire Department in the amount of $153,000.

Staff recommends City Council adopt the budget amendment authorizing the City Manager to receive reimbursement funds from UNC-Asheville in the amount of $153,000 in the General Fund budget for the reimbursement.

ORDINANCE BOOK NO. 32 - PAGE 245

J. RESOLUTION NO. 18-299 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS FROM FM GLOBAL FOR THE REPLACEMENT OF THE SPARKY THE DOG COSTUME

ORDINANCE NO. 4713 - BUDGET AMENDMENT FOR THE REPLACEMENT OF SPARKY THE DOG COSTUME

Summary: The consideration of a resolution authorizing the City Manager to accept the FM Global Fire Prevention Grant and a budget amendment in the City's General Fund in the amount of $2,832 to utilize the grant funds.

On March 27, 2018, the Finance and Human Resources committee made a motion to allow the Asheville Department to request an FM Global Fire Prevention Grant to purchase a new

Sparky the Fire Dog Costume, and FM Global has awarded the City of Asheville the funds to complete the purchase of the costume.

"Sparky the Fire Dog" is the official mascot of the National Fire Protection Agency (NFPA). Fire and life safety educators across the country use "Sparky the Fire Dog" to help engage and educate preschool and elementary school children about fire prevention. The "Sparky the Fire Dog" costume currently used by the Department is over 20 years old with much wear and tear. Furthermore, the currently used costume is an outdated version of Sparky and does not look like the official mascot which is used by NFPA in all of the educational material and outreach material provided by NFPA. Funding from the grant, if received, would allow the purchase of the a new costume as outlined by the National Fire Protection Agency guidelines.

Pros:

- The Department will have an updated, safe "Sparky the Fire Dog" costume to continue its fire and life safety education and training.
- The City will not be responsible for supplying matching funds.

Con:

- None identified

The costume purchase will be fully funded by the grant proceeds. There is no match for the grant. There is no impact to the City's General Fund budget.

Staff recommends City Council authorize (1) the City Manager to accept grant funds from FM Global and (2) a budget amendment in the City's General Fund in the amount of $2,832.

RESOLUTION BOOK NO. 40 - PAGE 247
ORDINANCE BOOK NO. 32 - PAGE 200

K. ORDINANCE NO. 4714 - BUDGET AMENDMENT FROM INSURANCE RECOVERY FUNDS FOR A DAMAGED SANITATION VEHICLE

Summary: The consideration of a budget amendment in the Property & Liability Fund in the amount of $97,602.50 from insurance recovery funds, and pay the $100,000 deductible towards repair costs for a damaged sanitation vehicle.

On June 20, 2018, a City of Asheville (City) sanitation vehicle (Vehicle) was involved in a motor vehicle accident resulting in significant damage. Initial estimates to repair the Vehicle total $216,593.91 - $18,991.41 depreciated value = net repair costs of $197,602.50. The City filed a damage claim with the City's insurance carrier (Carrier) for the associated repair costs, above the City's deductible limit of $100,000 for vehicles valued above $250,000.00 and the Vehicle's current market value is $279,000. The Carrier determined the vehicle is repairable and issued partial payment to the City for said repairs in the amount of $97,602.50. Upon completion of the Vehicle repair, the City will file a claim for the $18,991.41 depreciated value withheld as City vehicles and equipment valued over $250,000 are insured for replacement cost. Currently, the Vehicle is awaiting repairs at an approved body shop and the City must purchase a new vehicle chassis prior to repairs are initiated on the Vehicle's body.

Pro:

- Provides funding to repair damaged City asset, less the deductible.

Con:

- None.

Upon City Council approval, expend $100,000 self-insured deductible from the City Property & Liability Fund and $97,602.50 received in insurance recovery funds and deposited into the City's Property & Liability Fund to utilize for Vehicle repairs.

City staff recommends City Council adopt the budget amendment in the Property & Liability Fund in the amount of $97,602.50 from insurance recovery funds, and utilize the $100,000 deductible towards the Vehicle repair.

ORDINANCE BOOK NO. 32 - PAGE 249

L. RESOLUTION NO. 18-300 - RESOLUTION REGARDING THE N.C. DEPT. OF TRANSPORTATION I-26 CONNECTOR TIP PROJECT -2513

Summary: "WHEREAS, the North Carolina Department of Transportation ("NCDOT") has recently issued maps that depict the design and impacts of the I-26 Connector Project, TIP Project I-2513 ("the project"); and WHEREAS, NCDOT is seeking public input on the maps at a public hearing to be held on December 4, 2018; and WHEREAS, the City of Asheville is providing comments to NCDOT on the maps through this resolution; and WHEREAS, the City of Asheville and NCDOT have worked together in the I-26 Working Group since 2016 to address a range of issues raised in Resolution 15-232, adopted by City Council on December 8, 2015; and WHEREAS, the City of Asheville appreciates the collaboration and hard work that NCDOT has put into the I-26 Working Group and NCDOT's willingness to adopt several changes to the project; and WHEREAS, the maps reflect a number of improvements to the project sought by the City of Asheville as a result of the I-26 Working Group's efforts, including a reduction in the overall size and impact of the project on neighborhoods and businesses in West Asheville due to the selection of a six-lane alternative for I-240, an improved Brevard Rd-Amboy-Rd interchange, and other design improvements that have reduced the number of houses and businesses taken by close to 50; and WHEREAS, other improvements include improved community connectivity through new and expanded bicycle and pedestrian infrastructure throughout the project corridor that will better and more safely connect people to downtown, West Asheville, the French Broad River, and numerous neighborhoods; and WHEREAS, there remain outstanding design elements along the Patton Avenue Corridor and the Jeff Bowen Bridge yet to be adopted by NCDOT that are reflected in a memo dated September 19, 2018 from Sam Schwartz Consulting LLC to Ken Putnam (the "Schwartz Memo"); and WHEREAS, securing NCDOT's commitment to incorporate the designs advanced in the Schwartz Memo is critical to achieving the City of Asheville's long-standing goal of turning the Patton Avenue Corridor into a dense, urban, multi-modal, mixed-use corridor; and WHEREAS, there remain other opportunities to tighten the footprint of all intersections between surface roads and the interstate throughout the project in order to make roads safer for cyclists and pedestrians and to possibly further reduce impacts on homes and businesses; and WHEREAS, the City of Asheville seeks a continued close working relationship with NCDOT and its design-build contractor on the ongoing design of this project and appreciates NCDOT's commitment to that ongoing relationship; NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: (1) The City of Asheville calls on NC DOT to adopt and incorporate into the final maps and Final Environmental Impact Statement the City's desired designs for the Patton Avenue Corridor and Jeff Bowen Bridge as reflected in the Schwartz Memo; and (2) The City of Asheville further calls on NCDOT to support the City's acquisition of available right of way in the Patton Avenue Corridor to further the redevelopment of that corridor as envisioned by the City; and (3) The City of Asheville further calls on NCDOT and its future design-build contractor to continue efforts to tighten the footprint of intersections throughout the project corridor."

Councilwoman Mayfield reminded Council that the NCDOT is holding a public hearing next week on the newest version and close-to-final maps for the I-26 Connector Project. The

other public hearing will be held early in 2019. Council thought it would be appropriate to make public comment on the maps, so this resolution will reflect the City's comments. She then reviewed the resolution. She thanked the NCDOT for working with the City, addressing a lot of the concerns and making a lot of the changes we asked for. But, now we are asking them to make this final set of changes as part of this project so that the City can really realize the full vision for this corridor and so that this project can fully benefit the people who live here opposed to those who are travelling through.

RESOLUTION BOOK NO. 40 - PAGE 201

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilman Young moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. HEALTH ENGAGEMENT LEADING TO PREVENTION

Mr. Kevin Rumley, Coordinator for the Buncombe County Veterans Treatment Court, and Ms. Kathey Avery, Project Manager representing the Health Engagement Leading to Prevention (HELP) reviewed the following PowerPoint. Interdisciplinary collaboration includes (1) The HELP Team includes physicians, clinicians, and allies from different realms of community service; (2) The HELP Team unites under the shared banner of health promotion to support our aging community; and (3) Empowering community members to become agents-of-change in their neighborhood. She then introduced the HELP Team.

Our homeless population are being found affordable housing, which addresses their immediate situation/needs, but we fail to provide follow-up support, nor address the chronic determinants that led to their homelessness. This generates what we call "a revolving door syndrome." Many homeless individuals live with severe mental, substance misuse and multiple health issues. Some individuals have significant cognitive and physiological dysfunctions that inhibit their capacity to successfully navigate important decisions. These contributing factors negatively impact all strata of their lives. Other residents that live in these complexes are the aging and elderly who need increased assistance with affordable housing, and/or who are disabled (who also need financial assistance.) These low-income affordable housing complexes serve as home to a mixture of our community's most high-need and high-risk populations. Despite these challenges, we find that the existing support is not adequate. This is an overwhelming situation for both the residents who are suffering and for the management of the housing developments and apartment complexes where they reside. Arrowhead Apartments is our pilot community. It is HUB subsidized; elderly - 62 and over; individuals with disabilities; increase in formerly homeless population moving in (1) untreated mental illness and substance abuse; (2) lack of "life skills" to maintain housing; and (3) no constant follow-up/case management by agencies that assist with placement.Asheville Terrace Apartments - Asheville Housing Authority community - a public housing community with all units dedicated to adults 65+ years of age and adults with disabilities.

With a problem as big as this, how does a small team generate change? As clinicians and community-based practitioners (HELP), we train community members to serve as health workers in their own communities. We empower the residents of Asheville Terrace and

Arrowhead to address their self-identified needs, and facilitate change/health-promotion from within (not externally). We empower training of the service coordinator, community health workers and volunteers. All of us deserve to live in a long and healthy life in a safe environment. To make this happen we must be willing to tackle the root causes of poor mental, and physical health among individuals within these communities. It takes a community.

Next steps include (1) create/implement a manualized training protocol (State supported) for Community Health Workers, with support from SCSEP; (2) pursue grant funding that pay for trainings (Train the Trainers, etc.); (3) explore grants with HUD; and (4) working in our "fields" to empower community members to address/support their self-determined community needs. Sustained and long-term interventions are critical to promote long-term health outcomes - fostering greater equity, connection and safety for everyone.

B. RESULTS OF DISPARITY STUDY

Neighborhood & Community Engagement Manager Brenda Mills said that BBC Research & Consulting will be presenting draft results of the Disparity Study for Fiscal Years 2012-2017 and recommendations for next steps in the program.

The Disparity Study Project included:

- Study of the City's contractual awards in construction, goods, services, architectural and engineering services for the period FY11 through FY2017.
- Determination of the effectiveness of the current program and recommending modifications and adjustments, if necessary, that are in compliance.
- Provide current legal guidance not only relative to new legislation, policies and procedures to meet any constitutional mandates, but also the programmatic needs of the constituencies of the City.

Draft results are scheduled to be provided to the public on November 28 to provide results to the community.

Pros:
- Study will replace outdated disparity study completed in 1993.
- The project will result in an updated Minority & Women Business Plan that is up to date with all current legal requirements and best practices.

Con:
- Implementation of the recommendations will require staff time to consider next steps.

The cost of the Disparity Study was $319,948 and was funded in a prior year's budget. There is no direct fiscal impact associated with the action of accepting the results of the study.

City staff will return to City Council for adoption of an updated Minority Business Program Plan which will include these results.

Ms. Mills then introduced Mr. Sameer Bawa, Managing Director of BBC Research & Consulting, who provided the results of the Disparity Study, who reviewed the objectives, study tasks, utilization analysis and results, availability analysis and results, disparity analysis, and results on all contracts and industry. His final key considerations include contract notification; local participation; prompt payment; contract-specific goals; and annual goal-setting.

Ms. Mills responded to Councilwoman Smith regarding our contract notification process.

Councilman Young gave a brief history of how the disparity study came about. When he suggested the disparity study be relocated to the Equity & Inclusion Department and research who it should report directly to, Acting City Manager Ball proposed deferring this suggestion to the new City Manager.

C. UPDATE ON TRANSIT MANAGEMENT COMPANY

Assistant Director of Transportation Jessica Morriss updated Council on (1) the new buses as follows: (a) Five New Proterra electric buses arriving between December and late February - 3 will arrive in mid december and the final 2 will arrive in late February; (b) RATP Dev staff, including drivers and mechanics will receive training on operating and maintaining the new buses between the arrival of the first 3 buses and revenue service, which is expected in March; (c) Training will include "shadow service" where drivers will practice routes with new buses while following regular buses, so they will be seen on the road before they will be put in use for the public; and (d) The five new buses will allow for us to put some of the older buses on reserve to act as spares; (2) a bus fire (a) On that note, the bus that caught on fire on Sunday, October 28th was our 2nd oldest bus and was expected to be put into reserve with the arrival of the new buses. There were no passengers on board at the time of the fire and the driver of the bus was able to pull off the road and exit the bus quickly. The cause of the fire is still unknown, but is currently being investigated by both the city and RATP Dev. We will keep the Transit Committee and the Council updated when new information becomes available; (3) Transit App and Staffing (a) The new Transit App, called Transit App, is up and running and we are now pushing out real-time information on bus locations through the app and through Google; (b) We are also now able to post status alerts about detours or service interruptions through the various apps and we are working with the Community and Public Engagement Division to identify ways to increase our communications reach; and (c) We have recently hired a new Transit Projects Coordinator, Marcela Moreno, who started in early November. This is a new position that was approved for this fiscal year. The Transit Planning Manager position is still being advertised; (4) Construction (a) We have two major construction projects that are coming up for the ART Station downtown. One is to replace some of the underground utilities at the station and the 2nd is the renovation of the station itself, which will include signage improvements, improvements to the restrooms and waiting room, and improvements to the dispatch room and driver breakroom. These are expected to occur in the early spring assuming that we receive bids within the budget; and (b) Bond bus shelters - Staff has completed the installation of 15 bus shelters as part of the bond project and is expected to put a bid out for another 10 shetlers in the coming weeks; and (5) Current Focus (a) Current focus is preparing for the new Proterra buses, including getting them here, getting chargers installed, and organizing training; (b) For operations, staff is focused on working with the management company to reduce early departures and increase bus stop and ART station maintenance; and (c) Most importantly, staff is looking at funding for future expansion as recommended in the Transit Master Plan adopted in July. The 1st year recommendations for the Transit Master Plan propose a 40% increase in service starting July 1st 2019, including new routes, increased frequency and extended service hours. Additional Operational funding in the range of $2.5 to $3 million annually will be necessary in order to implement the recommended service improvements. Additionally, in order to expand service this significantly by July 1st, RATP Dev would need to begin hiring additional staff in February of the coming year, which is prior to the Council budget process, therefore staff would like to discuss the timing and funding of service expansion with the council in the near future.

ART General Manager Joe Brooks updated the Council as follows: (1) we are currently fully staffed in maintenance with mechanics and mechanic helpers. This has allowed us to institute 3 shifts in our Maintenance Department; (2) we have 22 buses (Bus fire has been subtracted). We have 2 buses that need engine rebuilds (Bus 0602 which has 737,328 miles and Bus 1022 which has 353,292 miles). We are using our outside vendors to repair these buses. We are currently using two 12 passenger ADA cutaway buses to help with service; (3) the Transit

Center is cleaned 3 times a day, once in the morning, afternoon, and in the evening. If there is an issue in between these times, we will send someone there for cleanup; (4) We have cut down the missed trip considerably from 539 in July to 55 in August, 34 in September, and 25 in October; and (5) we have made strides with keeping the Union informed on progress through the system. I meet with the Union President the second Wednesday of the month, We have an employees meeting on the second Wednesday of the month, and we meet with the Union the fourth Wednesday of the month.

Mr. Brooks, along with Ms. Morriss, responded to various questions from Council, some being, but are not limited to, have there been any missed trips in the past three months due to the lack of spare buses; what is the benefit of the new Transit App; what is the status of the sign at the ART Center showing the bus schedule that is out of service; and what has been the solution to the bed bug problem on a bus.

D. FINANCIAL UPDATE

Summary: The financial information in this report reflects the City's overall financial position for the fiscal year through September 2018.

Amendments. There was only one budget amendment in the General Fund during the first quarter. The chart below shows that addition to the Adopted General Fund Budget.

Adopted General Fund Budget:	$124,394,311
Amendments:	
Repair Flood Damage at Recreational Facilities (Fund Balance)	$1,205,000
Amended General Fund Budget 9/30/2018	$125,599,311

Revenues. It is important to note that per North Carolina State accounting guidelines, the City accrues 90 days of revenue received from the State to the fiscal year that ended June 30, 2018. These revenues include sales and use taxes, utility taxes and ABC revenue received through September 30, 2018. As a result, first quarter estimates for these revenue for fiscal year 2018-19 are based on historic trends and economic forecasts.

Through September 30, 2018, the City has collected $11.1 million in General Fund revenue, which represents approximately 9% of the amended General Fund revenue budget. With so little collection data available through the first quarter, staff bases most of its FY 2018-19 revenue projections on prior year results and multi-year trends. Property and sales taxes make up over 70% of total General Fund revenue, and staff is currently projecting both of these revenues will end the year very close to budget estimates. Overall, Budget staff is currently projecting that ***FY 2018-19 General Fund revenue will finish the year at $124.4 million, which is $622,000 or 0.5% above the amended budget.***

Expenditures. General Fund expenditures through September 30, 2018 totaled $28.8 million or 23% of the amended budget, which is typical for this point in the fiscal year. Personnel expenses, the largest component of the General Fund budget, are on budget through the first

quarter. Overall, staff is projecting that ***FY 2018-19 expenditures will finish the year at $124.7 million.***

Fund Balance. The City began FY 2018-19 with an unassigned fund balance of $18.2 million, after subtracting out the $639,000 fund balance appropriation included in the adopted budget. Unassigned fund balance equated to 14.6% of the adopted FY 2018-19 budget. After the start of the fiscal year, City Council approved the additional $1,205,000 fund balance appropriation noted above. This additional appropriation is reflected in the amended 9/30/2018 budget, which shows an unassigned fund balance of $17.0 million or 13.5% of budgeted expenditures, 1.5% below Council's adopted 15% requirement. ***Based on current revenue and expenditure projections for FY 2018-19, staff is forecasting unassigned fund balance at June 30, 2019 will be $18.5 million or 14.8% of estimated expenditures. This is a preliminary estimate and staff will continue to closely monitor revenues and expenditures.***

As with projected revenues through the first quarter, the estimate for fund balance is based on historical trends and forecasting. While an early estimate is provided, it is important to understand that there is minimal performance data available as of September 30. Forecast confidence will increase when second quarter results are available and current estimates have been borne out by actual financial performance. Any budget amendments after September 30 that use fund balance will decrease this estimate as will changes in the revenue and expenditure performance. A fund balance below the 15% policy benchmark in a quarterly report does not necessarily indicate that the City will end the fiscal year below Council's fund balance policy; however, any additional allocations of fund balance will increase the likelihood that the end of year fund balance will be below the Council policy percentage.

IV. PUBLIC HEARINGS:

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. ORDINANCE NO. 4715 - ORDINANCE REGULATING THE USE OF E-SCOOTERS WITHIN CITY LIMITS

Transportation Director Ken Putnam said that this is the consideration of an ordinance adopting Chapter 19, Article I, Section 19-16 of the Code of Ordinances of the City of Asheville, regarding the use of e-scooters within the City.

Electric scooters, commonly called "e-scooters," have increased markedly in popularity over the past several years, with the emergence of e-scooter share programs greatly increasing the use of the devices since January 2017. As seen across the country, some of the companies operating e-scooter shares initially begin operating their systems without receiving appropriate permissions from local jurisdictions, whether through permits or licenses, and do so often without warning.

City Transportation Department staff commissioned a bike share study in mid-2017 which has been underway and originally did not include analysis or consideration of e-scooters. In September of 2018, staff determined that it was necessary to add e-scooters to the scope of the study, given that their popularity across the country was growing substantially and other North Carolina cities were currently either actively piloting e-scooter share programs or considering them. Additionally, many companies that offer bike shares also operate e-scooter share programs.

At the October 24, 2018, Multimodal Transportation Commission (MMTC) meeting, staff discussed the desire to add e-scooters to the scope of the bike share study and to postpone the release of the draft study in order to have additional opportunity to analyze potential e-scooter use in Asheville, as well as conduct additional public outreach. The MMTC supported the proposed addition of e-scooters to the study. Later the same evening, staff learned that the company Bird was planning to launch an e-scooter share operation in Asheville the next morning. Bird did not notify the City, nor pursue appropriate permits or licenses, and deployed approximately 200 e-scooters in downtown on October 25, 2018.

City staff contacted Bird immediately requesting that they cease operations due to public health, safety, and welfare concerns regarding their use, as well as the company's violation of several existing ordinances concerning the use of public right-of-way. Staff collected and stored the e-scooters, which representatives of Bird retrieved later the same evening. Despite verbally agreeing to postpone operations until the City determined next steps, Bird redeployed e-scooters Saturday, October 27th, at which time City staff again collected and stored the e-scooters.

While research into this relatively new form of transportation is limited, a 2017 Israeli study, published in the Journal of Traffic Injury Prevention, found a prevalence of e-scooter related injuries in that country, and raised questions regarding "the social and economic advantages of electric-powered 2-wheeled vehicles." Domestically, doctors at the following hospitals have raised concerns regarding the unregulated use of e-scooters: Cedars Sinai Medical Center, Zuckerberg San Francisco General Hospital, University of Utah Health, Eskenazi Health, Scripps Mercy Hospital, and the UCLA Medical Center. Taken together, the City's Transportation department believes that the unregulated use of e-scooters within City limits poses a threat to public safety.

Additionally, e-scooter share and/or rental programs rely on public sidewalks as the means of transfer of the vehicle from one rider to another. From the short time Bird was operating in Asheville, and based on the experience of other cities, it appears that without proper regulation, e-scooters will be left on the sidewalks in a manner that blocks the public right of way, poses a tripping hazard, and makes City sidewalks less safe for pedestrians.

The action proposed for City Council consideration is an ordinance that seeks to postpone the operation of any and all e-scooters, whether operated by a company or by an individual, within the City of Asheville until such time that the City Council may decide to allow and regulate them in a manner that seeks to ensure the public health, safety, and welfare of its citizens.

Transportation staff expects to complete the bike and e-scooter share study in early 2019, which will provide broad recommendations for the City to consider in terms of the regulation and permitting/licensing of bike and/or e-scooter share operators and the use of the vehicles themselves within the public right-of-way. Staff expects to simultaneously begin developing more detailed regulatory and policy recommendations for consideration that could be included in a Request for Proposals and subsequent permit/license application for bike and/or e-scooter share operators.

Pros:

- Will provide the City with time to review the results of its pending bike-share/e-scooter feasibility study before e-scooters are allowed to go into use.
- Will prevent the unregulated use of e-scooters from jeopardizing public safety if and until a more comprehensive regulatory scheme may be put in place with respect to e-scooters.

Con:

- Delays the use of e-scooters as a mode of transportation within the City.

While the proposed ordinance provides for a $100 fine per violation, it is unknown how many such fines might be assessed under the ordinance.

Staff recommends that City Council adopt the proposed Chapter 19, Article I, Section 19-16 of the Code of Ordinances of the City of Asheville.

Interim City Attorney Rockoff clarified that the ordinance does not require the fine to be paid in order for the e-scooter to be picked back up. It's a civil fine. If the e-scooter is taken, the owner can pick it up within 30 days. If they don't pick it up within the 30 days, it will be disposed of as abandoned property.

Mr. Jeff Kaplan supported the use of e-scooters as they will be employing people who live here and they can show others what startups are possible. He felt we need to be a progressive city.

Ms. Christy Winer felt the company is the only one who should pay a fine because it's not fair to fine the citizens and visitors for riding one because they may already have this program where they live.

Mr. Peter Landis felt we need to study this issue from a safety standpoint.

Mayor Manheimer said it is difficult to work with a company that won't honor their word. She agreed that the future will look different in terms of transportation and we are trying to be thoughtful on how to get there. She personally expressed to Bird that Asheville is not interested in another company here using our community for their purpose. If they have something to benefit our community then we might be interested.

Councilman Young felt we need to see how we can integrate these type services into our community and the study will help us get a handle on how to move forward.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved for the adoption of Ordinance No. 4715. This motion was seconded by Councilman Young and carried unanimously.

ORDINANCE BOOK NO. 32 – PAGE 251

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

On behalf of City Council, Mayor Manheimer thanked Acting City Manager Cathy Ball for stepping up into the interim City Manager role. Because Council moved Ms. Ball into that interim position, she also thanked all the interims for shifting into their roles as well.

Ms. Dee Williams was not surprised about the disappointing numbers on the disparity study suggested a performance matrix to make sure that staff is working to meet those goals.

Ms. Delores Venable hoped that we move forward with a vision the people worked for with the appointment of a new Police Chief and with the implementation of new policies and procedures.

Ms. Ashley Cooper felt we need to work together for long-term plans to bridge the equity gap in our community. The oversight element is essential.

Ms. Christy Winer was frustrated that the Bowen Bridge closure/work has not been completed yet. Mayor Manheimer said that that is an NCDOT Project but the City is helping them with their communication plan. We will get an update from them and update our website.

Mr. Jonathan Wainscott spoke about district elections and how the lines do not create racial gerrymandering.

When Mr. Tony Walker spoke about job mistreatment as a contract employee, Acting City Manager Ball said that she would investigate his concern.

Mr. Reid Thompson was concerned about the lack of equity of enforcement on Maxwell Street.

Rev. Amy Canrell commented on the substantial disparity shown in the disparity study and asked Council for substantive action. She also asked for resources to fund the Transit Master Plan.

Closed Session

At 7:02 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit in the matter of custodial law enforcement recording sought by the City of Greensboro; and PHG Asheville, LLC vs. City of Asheville. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3); and (3) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6); and to prevent the disclosure of information that is confidential pursuant to N.C. Gen. Stat. § 160A-168, the Personnel Privacy Act. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 8:29 p.m., Mayor Manheimer to come out of closed session. This motion was seconded by Councilman Kapoor and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:29 p.m.

Magdalen Bowleson
CITY CLERK

Esther G. Manheimer
MAYOR

Tuesday – December 11, 2018- 3:00 p.m.

Worksession

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; and Deputy City Clerk Sarah Terwilliger

We have started the budget process differently this year by sharing with Council and the public detailed budget information for each department earlier in the process. Asheville has unique challenges around its cost of living, demographics, affordable housing, as well as significant daytime growth in the city population. At this worksession, Council will continue to hear about how these challenges are impacting departmental budgets. Council will also continue to hear about the impact of the national economy on the City as an employer, and also hear about our focus on equity and how that is changing our service delivery models.

The City also continues to experience significant community interest in planning and zoning as we address growth and the impact of non-residents. All of these and other factors demand changes in how services are delivered, in the kind of technology and the equipment needs that exist. Keeping pace with changes in these areas allows us to have the best facilities and equipment to provide quality services to our residents and visitors.

As important as our facilities, equipment and technology needs are, people are still the organization's most important resource. The people we hire here are integral to quality of the service delivery. Throughout the presentations last month, we noted that a large part of the budget is dedicated to the employees who provide the services.

Department Directors from the Community & Economic Development Department; the Transportation Department; and the Water Resources Department each reviewed their organizational chart; overview of core services; key partners; budget and Fiscal Year 2018-19 budget drivers; prior year spending trends; Fiscal Year 2018-19 budget changes; department challenges; and Fiscal Year 2018-19 department goals from their respective department.

Various staff responded to several questions/comments raised by Council, some being, but are not limited to: further explanation of the US Cellular Center Fund prior year trends; how do we examine (i.e., metrix, benchmarks, etc.) the effectiveness of the $100,000 contribution through the Chamber for the Economic Development Coalition; how much, if any, does Buncombe County participate in the Economic Development Coalition; request for profit and loss reporting functions for the Sports Commission and how the $45,000 helps the U.S. Cellular Center; what are the other sources and level of funding for the Economic Development Coalition; further explanation on economic incentive encumbrances; how many economic incentive grants are outstanding; what are we doing to address barriers to attracting entities relating to jobs and increase wages; how effective has the Economic Development Coalition been in bringing in higher wage jobs; update on Code Purple; clarification that if we transfer street lights back to Duke Energy, we will be saving maintenance costs not the power bill; are we maxing out what we can transfer from the Park Fund to Transit; what can citizens do regarding speeding in the neighborhoods and large trucks prohibited but still using neighborhood streets; are we still meeting the transit system certification standards and do we have any plans to get recertified; what is the City's relationship with the Conservation Trust of NC, Council of Independent Business Owners, and Riverlink regarding water; do we do all chemical testing for water in-house; confirmation that the Water Resources Department working with the Sustainability Office in looking for both renewable and efficiency options for electricity; and what is our current water loss rate.

For those questions not readily answered, and for any additional questions Council members submit, they will be provided to Council via a memorandum.

Mayor Manheimer and City Manager Campbell explained how the City continues to try to get the community engaged in the budget process.

Mayor Manheimer adjourned the worksession at 4:20 p.m.

Tuesday – December 11, 2018 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; Interim City Attorney Sabrina Rockoff; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 27, 2018

B. RESOLUTION NO. 18-301- RESOLUTION ADOPTING THE 2019 CITY COUNCIL MEETING SCHEDULE

RESOLUTION BOOK NO. 40 - PAGE 203

C. RESOLUTION NO. 18-302 - RESOLUTION AUTHORIZING THE TRANSFER OF HOUSING TRUST FUND SECURITY INTEREST FROM 444 BEAUCATCHER ROAD TO THE CHAPEL PARK/MARIGOLD PROPERTIES

Summary: The consideration of a resolution authorizing the transfer of Housing Trust Fund Security Interest from 444 Beaucatcher Road to Marigold/Chapel Place Properties.

Beaucatcher Commons LLC borrowed $200,000 from the Housing Trust Fund (HTF) in November of 2010 to build 12 units of new affordable housing at 444 Beaucatcher, at 2% interest payable over 30 years. These units are made affordable to households at 60% AMI for a period of 30 years. The loan has been paid on a timely basis, and has a current principal balance of $166,219.19.

The developer has an opportunity to refinance the first mortgage on that property through the Freddie Mac Small Balance Fixed Loan program. This loan is a no-recourse loan and has a

fixed rate for 10 years and is amortized for 30 years. There can be no subordinate financing on the property which is the reason for the request to transfer the city's loan to another property. Therefore, Beaucatcher Commons has requested that the loan balances and security for the 444 Beaucatcher Property be transferred to the Marigold Street/Chapel Park Place loan.

The developer borrowed $150,000 from the HTF in June of 2013 to create a total of eight affordable units on Marigold Street and Chapel Park Place. $75,0000 was interest only at 2%, the other $75,000 was fully amortized over a 30 year term. There is a current total loan balance of $69,246.79 on the second loan. The Beaucatcher loan would then be added to those two loans as the total due of loans secured by the Marigold/Chapel properties.

The Housing & Community Development Committee approved this request on November 15, 2018.

Pros:

- The proposed interest transfer helps secure operating cost reducing refinancing on a property available to those with incomes under 60% of AMFI.
- The release of the security on the 444 Beaucatcher Road property would not release the affordability restrictions on that property, which will be in effect until 2041.

Con: None.

There is no fiscal impact associated with this action.

Staff recommends City Council approve the Beaucatcher Housing Trust Fund Security Interest transfer and authorize the City Manager to sign all documents necessary to give effect to this transaction.

RESOLUTION BOOK NO. 40 - PAGE 204

D. ORDINANCE NO. 4716 - BUDGET AMENDMENT IN EACH OF THE CITY'S ANNUAL OPERATING FUNDS TO APPROPRIATE FROM RESTRICTED AND ASSIGNED FUND BALANCE THE REQUIRED BUDGET AUTHORIZATION FOR PRIOR YEAR CONTRACTS, PURCHASE ORDERS, AND OTHER CARRY-OVER APPROPRIATIONS THAT ROLLED FORWARD TO FISCAL YEAR 2018-19

Summary: The consideration of a technical budget amendment in each of the City's annual operating funds to appropriate from restricted and assigned fund balance the required budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to Fiscal Year (FY) 2018-19.

As part of its ongoing operations, the City enters into various contracts and purchase order agreements throughout the fiscal year. When these contracts and purchase orders are entered into, budget funds are encumbered for the full amount of the expected purchase. Often these contract and purchase orders are not fully completed and paid in one fiscal year. North Carolina General Statutes provide authorization for local governments to reserve the unexpended portion of these prior year commitments and roll those budgets forward to the new fiscal year.

As a part of the FY 2017-18 annual audit, staff identified prior year commitments and carry-over appropriations to roll forward to FY 2018-19, and these dollar amounts were deducted from the unassigned fund balance amounts that were reported in the Comprehensive Annual

Financial Report. The technical budget amendment will provide authorization to officially appropriate these amounts in the FY 2018-19 budget for each of the City's annual operating funds.

It is standard practice for staff to bring forward this technical budget amendment each year at the same City Council meeting in which the external auditors present the annual audit results.

Pro:

- Provides budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to FY 2018-19.

Con:

- None.

As noted above this budget amendment simply provides budget authorization for prior year commitments which have already been restricted or assigned in the City's FY 2017-18 financial statements. There is no impact on unassigned/available fund balance in the City's operating funds.

City staff recommends City Council approve the technical budget amendment in each of the City's annual operating funds to appropriate from restricted and assigned fund balance the required budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to FY 2018-19.

ORDINANCE BOOK NO. 32 - PAGE 254

E. MOTION ADOPTING THE FISCAL YEAR 2019-20 BUDGET CALENDAR

Summary: The consideration of a motion to approve the Fiscal Year 2019-2020 Budget Calendar.

As a part of the Fiscal Year 2019-2020 Operating Budget development process, which began internally in late November, staff is proposing a budget schedule which encompasses the following:

- A series of budget worksessions with City Council beginning in March 2019,
- Formal presentation of the City Manager's Proposed Budget on May 14, 2019, and
- Budget adoption on June 11, 2019.

Staff recommends that City Council review the calendar and approve the motion to adopt the Fiscal Year 2019-2020 Budget Calendar.

F. ORDINANCE NO. 4717 - ORDINANCE AUTHORIZING THE CHIEF BUILDING OFFICIAL TO CAUSE THE REMOVAL OR DEMOLITION OF THE STRUCTURE LOCATED AT 26 LOWER GRASSY BRANCH ROAD

Summary: The consideration of an ordinance authorizing the Chief Building Official to cause the removal or demolition of the structure located at 26 Lower Grassy Branch Road.

The residential structure located at 26 Lower Grassy Branch Road was severely damaged in a fire on February 14, 2014. It has remained vacant in its burned out condition due to

inadequate staffing and a lack of resources to move forward with enforcement of the Unsafe Buildings Ordinance.

The Chief Building Official issued a Declaration of Unsafe Building on November 9, 2017 notifying the property owners that the structure is an unsafe building. On February 6, 2018 a hearing was held and the Chief Building Official subsequently entered an Order that found the structure to be unfit for human habitation.

The structure remains unsecured and accessible to the public. Debris from the structure remains scattered on the property, including the accumulation of additional debris due to attractiveness of the property for illegal dumping. Multiple efforts have been made to communicate with the property owners and compel them to clean up and secure the property. The owners and family members have been unwilling or unable to cooperate.

The property and structure are unfit for human habitation, remain a danger to the public, are an eyesore, and are a public nuisance. Due to the repeated failure of the owners to remedy the defective condition of the structure, the remaining option is for the City to move forward with demolition of the structure.

Pro:

- Demolition of the structure remedies an ongoing public safety and public nuisance condition.

Con:

- Demolition costs are absorbed by the City until such time as a real property lien is disbursed.

The estimated cost of this demolition is $18,000. The Development Services Department has a total of $20,000 allocated to demolition initiatives in FY19. This fund will be substantially depleted with the city initiated removal of this structure. However, the amounts incurred by the city for the removal or demolition of the structure shall be a lien against the real property upon which the cost was incurred.

Staff recommends City Council adopt an ordinance authorizing the Chief Building Official to cause the removal or demolition of the structure at 26 Lower Grassy Branch Road.

ORDINANCE BOOK NO. 32 - PAGE 256

G. RESOLUTION NO. 18-303 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY AN EASEMENT OVER A PORTION OF CITY-OWNED PROPERTY AT NORTH PACK SQUARE TO MHG ASHEVILLE R, LLC, FOR THE PURPOSE OF OUTDOOR DINING, ACCESS, AND LANDSCAPING

Summary: The consideration of a resolution authorizing the City Manager to convey an easement over a portion of City-owned property at North Pack Square to MHG Asheville Tr, LLC (MHG) for the purposes of outdoor dining, access, and landscaping.

The City of Asheville owns real property located at North Pack Square along the frontage of the Arras Residences and Hotel (formerly known as the BB&T building). In November 2017, the City entered into an Encroachment Agreement with MHG for outdoor dining, access and landscaping within this area owned by the City of Asheville. At this time, MHG has approached the City with a request to obtain an easement in this area in order to secure long-term permission for outdoor dining, access and landscaping.

The City received a similar request to modify long term permissions for outdoor dining as part of the recent approvals process associated with the Grove Arcade sublease in May 2018. Under the current policy, the City routinely grants encroachments for outdoor dining within the public right of way and reserves the right to rescind permission to use City property for outdoor dining with a 30 day notice. In certain cases, the City may elect to grant longer term permissions for outdoor dining based on request. With this specific request, it is reasonable to confirm that the improvements to the structure and exterior, including the improvements within the encroachment area, are considered long-term in nature and that a reasonable property right to reflect this relationship in the form of an easement is preferred. Additionally, the easement area does not lie within a traditional public right-of-way area (i.e. sidewalk, street) and therefore, there is no concern that the granting of the easement will impact public passage.

The proposed easement area includes 1,384 square feet. Based on the City's appraisal of the property, the fair market value of the easement is estimated at a price of $76,120 and MHG has agreed to pay this amount. The proposed easement would specify that certain uses, including outdoor dining, access and landscaping, are permitted activities within the easement area. The easement would be granted to the owner of the adjacent real property and run with the land in perpetuity.

Pros:

- Appropriate amount of compensation for the property.
- The easement relieves the City of liability associated with the use of property.

Con:

- The City would relinquish square footage for its future use.

The amount of revenue generated by the sale of the easement will be deposited into the General Fund.

Staff recommends that City Council approve a resolution authorizing the City Manager to convey the 1,384 square foot easement over a portion of City-owned property North Pack Square for the purchase price of $76,120 MHG Asheville Tr, LLC (MHG) for the purposes of outdoor dining, access, and landscaping.

RESOLUTION BOOK NO. 40 - PAGE 205

H. RESOLUTION NO. 18-304 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SOLE SOURCE LEASE AGREEMENT WITH PROTERRA INC. FOR FIVE CATALYST E2 BATTERIES FOR USE IN THE FIVE PROTERRA ELECTRIC BUSES

Summary: The consideration of endorsing a resolution authorizing the City Manager to enter into a sole source lease agreement for five Catalyst E2 batteries from Proterra Inc. for use in the five Proterra electric buses that have been procured.

In January 2018, City Council adopted a budget amendment to procure five Proterra electric buses, as well as the batteries that will be leased from Proterra for the buses. The Staff Report approved by City Council included language regarding the battery lease payment, which requires an "upfront" pre-payment for each battery and subsequent annual payments over a 12-year period. The battery lease agreement specifies an $118,000 per battery pre-payment, and an annual payment of $20,000 for each bus.

A separate agreement is necessary since the batteries will be leased from Proterra Inc.,

instead of purchased. Proterra Inc. is the only manufacturer to make Catalyst E2 batteries that can be used in the Catalyst E2 Proterra buses purchased by the City.

The decision to lease, rather than purchase, batteries with the overall bus procurement was made in order to reduce the upfront cost of the bus purchases and to ensure that the battery efficiency over the lifetime of the buses would be maintained, which is guaranteed by Proterra through the lease program. Part of this guarantee includes full battery replacement at mid-life, which is approximately year six of the lease. It should be noted, however that if a battery fails to perform per the specifications included in the agreement, Proterra is responsible for fixing or replacing the battery at any time during the lease period at no cost to the City.

The Finance Committee reviewed this action on November 27, 2018, and unanimously endorsed it to move forward to City Council for review and approval.

Pros:

- Proterra is a leading North America manufacturer of the Catalyst E2 Batteries.
- The battery lease pre-payment will reduce annual battery lease payments per bus from approximately $32,000 to $20,000, an operational savings of $60,000 per year for the five buses.
- The battery lease agreement includes battery mid-life battery replacement ensuring battery efficiency is maintained throughout the life of the agreement.
- This action ensures compliance with the federal transit Administration and the City of Asheville's procurement policy.

Con:

- None

The $118,000 per battery pre-payment is budgeted in the Adopted Capital Improvement Program (CIP) as part of the initial bus purchases. The annual $20,000 lease payments for each battery will be budgeted as part of future Transit Operating Fund budgets. The current action is administrative and does not affect the budget.

Staff recommends that the City Council adopt a resolution authorizing the City Manager to enter into a sole-source lease agreement for five Catalyst E2 batteries from Proterra Inc. for use in the five Proterra electric buses that have been procured.

RESOLUTION BOOK NO. 40 - PAGE 206

I. RESOLUTION NO. 18-305 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH CLARK PATTERSON LEE, P.C., FOR THE U.S. CELLULAR CENTER HVAC DESIGN & ENGINEERING SERVICES PROJECT

Summary: The consideration of a resolution authorizing the City Manager to execute a Contract Amendment to the Professional Services Agreement with Clark Patterson Lee, P.C. in the amount of $132,400 for design and engineering services for the U.S. Cellular Center HVAC and Mechanical Renovation Project.

On November 3, 2017, the General Services Department issued a Request for Qualifications for Design and Engineering Services for the U.S. Cellular Center (USCC) HVAC and Mechanical Renovation project for professional services including design, planning, and construction administration services. Clark Patterson Lee, P.C. was selected as the most qualified firm. On February 6, 2018, the City Manager awarded the firm an initial phase and schematic

design contract in the amount of $50,000. On April 10, 2018, City Council authorized a contract amendment for $215,000 to fund the professional services for the first priority scope described below.

The project is partially funded by a 2016 Tourism Product Development Fund (TPDF) grant for $1,500,000 and City Capital Improvement Program funds that were authorized in the 2016-17 budget. The project is based on a 2015 building energy analysis, and the design and planning considerations are being coordinated with the Office of Sustainability.

The project's first priority was to use the limited construction funds available to replace the most critical HVAC equipment, which would increase system efficiency in the process. These improvements will reduce the U.S. Cellular Center's operating costs, provide moderate sustainability gains, and will provide greater flexibility for the venue to book a wider range of events. This first priority is currently underway with design nearing completion by the end of the year. Bidding is expected to begin this winter, and construction is anticipated to begin in the spring of 2019.

The project's second priority is to provide a more complete systems modernization plan for future improvements. This work will include scope development, biddable design documents, and cost estimation. This second priority work will provide the USCC general manager with the information needed for capital planning and to execute all or part of the remaining HVAC work in future phases as funding becomes available. A key sustainability item that will result from this work is a design for the addition of a solar array on the arena roof.

This contract amendment provides funding for the project's second priority.

Pros:

- Provides designs that will improve the sustainability of the U.S. Cellular Center, including the design for a solar array on the arena roof.
- Improves future facility capital planning.

Con:

- Utilizes portion of current construction funds to perform design needed for future capital improvements"

The funding needed for this agreement is currently allocated within the TPDF Theater Project (C1701) in the Capital Improvement Program (CIP) Fund.

Staff recommends City Council adopt a resolution authorizing the City Manager to execute a Contract Amendment to the Professional Services Agreement with Clark Patterson Lee, P.C., for the amount of $132,400 for design and engineering services for the U.S. Cellular Center HVAC Design and Engineering Services, which yields a total contract amount of $397,400 for these professional services.

RESOLUTION BOOK NO. 40 - PAGE 207

J. RESOLUTION NO. 18-306 - RESOLUTION AUTHORIZING THE MAYOR TO AMEND THE MAY 15, 2018, AGREEMENT WITH THE TOWN OF BLACK MOUNTAIN TO TRANSFER WATER RESOURCES ASSETS WITHIN THE TOWN OF BLACK MOUNTAIN SERVICE AREA FROM THE CITY OF ASHEVILLE TO THE TOWN OF BLACK MOUNTAIN, AND EXPAND THE

AGREEMENT TO THREE PHASES WITH THE FIRST PHASE TO OCCUR ON OR BEFORE MAY 31, 2019

Summary: The consideration of a resolution authorizing the Mayor to amend the May 15, 2018, agreement with the Town of Black Mountain to transfer Water Resources assets within the Town of Black Mountain service area from the City of Asheville to the Town of Black Mountain, and expand the agreement to three phases with the first phase to occur on or before May 31, 2019.

The transfer of Water Resources assets has been in consideration for greater than 15 years. The transfer includes relinquishing ownership and future maintenance responsibilities of the City of Asheville's infrastructure within the Town of Black Mountain service area to the Town of Black Mountain over a two year period in three phases. This transfer allows the entities to be more efficient in the operation and maintenance of the water systems, which in many cases, occupy the same right of way. This also allows the Town of Black Mountain to increase their capacity through system expansion to serve their residents and proposed future commercial and industrial development.

This item was reviewed by the Finance & Human Relations Committee on April 23, 2018, and they recommended approval and that it move forward to the full Council.

Pros:
- The transfer will allow both entities to operate each water system more efficiently.
- The City will avoid future maintenance and infrastructure investments for these assets.

Con:
- Short-term revenue loss.

Although there will be a reduction in revenue for the City of Asheville, the increased water supplied to Black Mountain through the wholesale agreement will help offset this revenue loss. Additionally, the City will be able to reduce the maintenance activity of this system, which will need significant investment in the next 10 to 20 years. Black Mountain will be able to take advantage of the redundant infrastructure in some cases to minimize the maintenance and replacement costs that would be incurred by Asheville. Over time, the transfer of these assets is a good economic and customer service decision for both entities.

Staff recommends City Council adopt a resolution authorizing the Mayor to amend the May 15, 2018, agreement with the Town of Black Mountain to transfer Water Resources assets within the Town of Black Mountain service area from the City of Asheville to the Town of Black Mountain, and expand the agreement to three phases with the first phase to occur on or before May 31, 2019.

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K. RESOLUTION NO. 18-307 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AMENDMENT WITH DEWINE SEEDS - SILVER DOLLAR BASEBALL, LLC FOR CITY-OWNED LAND AT 30 BUCHANAN PLACE IN ORDER TO CONTINUE OPERATION OF THE ASHEVILLE TOURISTS MINOR LEAGUE BASEBALL STADIUM

Summary: The consideration of a resolution authorizing the City Manager to execute a lease amendment extending the current lease for six months between the City of Asheville and DeWine Seeds-Silver Dollar Baseball, LLC (DeWine Seeds) for City-owned land at 30 Buchanan Place in order to continue operation of the Asheville Tourists minor league baseball stadium.

- In 2012, the City of Asheville entered into a lease agreement with DeWine Seeds-Silver Dollar Baseball for the McCormick Field stadium facility and parking lot at 30 Buchanan Place (identified as PIN # 9648-47-8566-00000).
- The current lease is set to expire in December 2018.
- The current annual lease fee of $1.00 per year and all existing terms of the lease will continue.

Committee:
- Finance & Human Resources Committee - November 27, 2018 - approved unanimously

Pros:
- DeWine Seeds-Silver Dollar Baseball is committed to keeping minor league baseball in Asheville.
- Continues a successful use of city property with existing tenant.

Con:
- None

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Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Mayfield moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. SNOWSTORM RESPONSE

Mayor Manheimer thanked all City staff for working hard on the snowstorm response. City Manager Campbell also thanked the City staff, community, media and Buncombe County for their cooperation in this dangerous snow storm.

Fire Chief Scott Burnette updated City Council on the City's snowstorm response from the various City departments.

B. ARTSPACE AFFORDABLE HOUSING PROJECT UPDATE

Interim Assistant Planning & Urban Design Director Stephanie Monson-Dahl introduced Assistant Director for the Center for Craft Mike Marcus, and President/CEO of The Community Foundation of WNC Elizabeth Brazas.

Ms. Brazas explained that Artspace is a national nonprofit real estate developer for the arts with a mission to create, foster, and preserve affordable space for artists and art organizations.

Mr. Marcus explained their project partners and funders, along with project funding, the project leadership group, the timeline of the project, and fundraising which began in November,

2015, through Phase One of the Artspace Preliminary Feasibility Study & Report, through Phase Two of the Artspace Arts Market Survey & Market Study ending in May, 2018.

Mr. Marcus explained that for Phase One, their stakeholder engagement culminated in 250+ community members engaged via focus groups, community meetings, etc. It centered on cross-sector focus groups and an assessment of Asheville's creative sector housing needs. This included site visits to 10 potential project locations. For Phase Two, their stakeholder engagement culminated in 10,000+ engaged through launch event, rack card, posters, social media campaign, etc. Phase 2 built on the outcomes of Phase 1 and further developed the specifics of whether or not a new affordable housing space for the creative community was viable.

Mr. Marcus said that one key step in Phase 1 was assessing potential sites. Several of the properties visited were City-owned and already earmarked for affordable housing efforts. Phase 1 identified 91 Riverside Drive (the Ice House) as the priority site for this project by Artspace using their site selection matrix and scoring criteria. The property rankings centered on the presumed demand for an 80 unit affordable artist housing mixed use project. Phase 2 later affirmed the site as the top choice of survey respondents. He then showed the statistics on location preference.

Mr. Marcus then said that Phase 2 included surveys to assess the interested in a new, affordable space in Asheville and related space preferences of the local and regional creative sector. The result was 1,435 collected surveys.

Mr. Marcus said to achieve this level of engagement they developed strong partnerships with a diverse set of cultural organizations. Concerted outreach by all of our partnering organizations led to the impressive response for the survey. Of the respondents who indicated an interest in affordable spaces, 55% were between 21-40 years old, 67% of whom are female. Race percentages closely map 2016 census data with 16% identifying as other than caucasian. Regarding demographics, 40% of individual respondents indicated interest in affordable housing, which is the highest percentage that Artspace sees in communities across the country, with a typical range of 20-40%. The data also demonstrates significant demand for studio space and highlights the variety of our creative sector. From an income perspective, 59% reported an income below the 2016 Median Area Income of $46,443. These income statistics substantiate the need for affordable housing and other space solutions for our creative sector.

Mr. Marcus said it is important to note that 52.5% of respondents indicated their primary income comes from work outside of their creative practices, further demonstrating that Asheville's creative sector is representative of our entire community.

Ms. Brazas summed up by saying that to build on our joint success, and to take advantage of this unique opportunity to partner with Artspace, they request Council to affirm that 91 Riverside Drive be developed to support affordable housing for artists and creatives and that any and all of the City's affordable housing tools be used in support of this project, including innovative policies and funds from the bond referendum and affordable housing trust fund.

Mr. Marcus responded to Councilwoman Mayfield if Artspace has developed an affordable housing building that combines either shared or private studio space.

In response to Mayor Manheimer, Ms. Monson-Dahl said that staff will be presenting information later this meeting about this site and two other sites. With 91 Riverside Drive, staff will be recommending that Council allow staff to move forward with a Memorandum of Understanding, some private partners and also Artspace that will allow Council to receive a proposal which Council will evaluate within the probably next 18 months.

Mayor Manheimer thanked Ms. Brazas, Mr. Marcus and President and CEO of the Asheville Area Chamber of Commerce Kit Cramer for their work on this very thorough process.

C. ALCOHOLIC BEVERAGE CONTROL BOARD UPDATE

Mr. Lewis Isaac, Chair of the ABC Board, said their priority is responsible sales of spiritous liquor, commitment to excellent customer service, and efficiency - more resources back to our community. He then introduced Mr. Mark Combs, General Manager of the ABC Board, said that no taxes are used to operate the ABC Board. He showed a five-year chart of the sales, income from operations, distributions to the City & County, and profit % to sales. Of the 167 boards in North Carolina, Asheville's ABC is 8th in overall sales; third in commercial sales; orders 12-15% of all special orders in North Carolina; top tier in profitability; and top tier in efficiency. He explained their service to our community (1) 11 local alcohol and rehabilitation grants ($235,744) in Fiscal Year 2018-19; (2) Buncombe County Rehabilitation Services ($92,643); (3) N.C. Dept. of Health Services ($102,895); and (4) three alcohol enforcement agents. He then explained their warehouse/headquarters that are being renovated.

Mr. Isaac said that in the future they foresee (1) continued growth, especially in MXB sales; (2) national trend to legalize Cannabis - who will oversee sales and distribution?; (3) diligent staff "knowledge" training to aid customers choose higher quality spirits; (4) provide excellent customer service; and (5) continuous focus on efficiency, innovation and leadership to the N.C. ABC system.

Mr. Combs responded to various questions from Mayor Manheimer, noting that the majority increase in gross sales is the sale to hotels and restaurants purchasing the liquor.

On behalf of City Council, Mayor Manheimer thanked Mr. Isaac, Mr. Combs and the entire ABC Board for their dedication and hard work.

D. NEIGHBORHOOD ADVISORY COMMITTEE UPDATE

Mr. Phil Lenowitz, Chairman of the Neighborhood Advisory Committee (NAC), said that NAC consists of 9 members, all appointed by City Council, with representation from neighborhoods throughout the City. The Committee was established in 2012 to improve communications between neighborhoods and the City Council and to submit reports concerning issues facing neighborhoods. The Committee acts as a sounding board for neighborhood issues and is a conduit to bring these issues, along with strategies for improvement, to City Council. We held three Regional Meetings and a City-wide Festival of Neighborhoods this year. He then explained in detail the neighborhood citizen concerns and recommendations of traffic, sidewalks, rapid growth-inadequate infrastructure, housing, noise, greenways, neighborhood/small area plans, signage for neighborhoods, short term vacation rental enforcement, and bears. He asked City Council if there are any issues they would like for them to probe. He also asked for support for Neighborhood/Small Area Plans and for Vision Zero to reduce crashes. Finally, he asked for feedback if the NAC is relevant.

All of Council supported the efforts of NAC and felt they are an important part of our community, dealing with quality of life issues and providing an identity for neighborhoods.

Council responded to some of the recommendations, as follows: (1) the Planning & Economic Development Committee will look at requiring notification of development to registered neighborhood groups; (2) there is some discussion around revising the noise ordinance; (3) investigation into some top-of-the-street signs for neighborhood identification; (4) new City

Attorney will be looking at short term rental enforcement; and (5) Council's difficulty of balancing people who do not want infill housings vs. those that what housing close to workplaces.

Vice-Mayor Wisler felt the NAC could help Council by finding out ways the community wants to be engaged, i.e., how do they want to participate and how they want to be kept informed.

On behalf of City Council, Mayor Manheimer thanked Mr. Lenowitz and the entire Committee for their dedication and hard work.

E. FISCAL YEAR ENDED JUNE 30, 2018, AUDIT REPORT

Ms. Patricia Rosenberg, Internal Auditor introduced Mr. Robbie Bittner, representing RSM , who reported on the Fiscal Year ended June 30, 2018, audit report, summarizing that the City has received a unmodified "clean" (highest level of assurance) rating.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER A PERFORMANCE BASED ECONOMIC DEVELOPMENT INCENTIVE GRANT FOR BURIAL BEER COMPANY, LLC

RESOLUTION NO. 18-308 - RESOLUTION APPROVING A PERFORMANCE BASED ECONOMIC DEVELOPMENT INCENTIVE AGREEMENT WITH BURIAL BEER COMPANY, LLC

Community & Economic Development Director Sam Powers said that this is the consideration of a resolution to approve an economic development incentive grant to Burial Beer Company, LLC. This public hearing was advertised on November 30, 2018.

City of Asheville has been requested by Asheville-Buncombe EDC to consider granting a performance based incentive agreement under the City Economic Development policy to an existing Asheville manufacturing facility, operated by Burial Beer Company, LLC. The purpose of the City's participation would be to induce Burial Beer Company, LLC to make additional investments in the City for expenditures to acquire and install machinery/equipment, make facility improvements which increase the tax value as determined by the Buncombe County Tax Department in the amount of $1,800,000 and create 17 new median wage jobs (estimated to be $35,000 per year) with benefits. The company is Living Wage Certified. The performance based agreement would be based on a grant reimbursement of 50% of new city taxes created by the project for a five year agreement term. Based on the $1,800,000 capital investment, the grant amount is estimated to be $3,842 annually each year of a five year performance contract for an estimated agreement total of $19,210, but in no case an amount not to exceed $30,000. North Carolina state law requires a public hearing be held before an incentive grant can be officially awarded.

Pros:

- Supports growth of existing manufacturing in the City of Asheville;
- Performance driven agreement that is distributed after job and investment is achieved or mutually agreed performance benchmarks are established;
- Supports capital investment in the City of Asheville;
- Supports regional and state cooperation in the project.

Con:

- The economic development incentive agreement is formulated based on use of a portion (50%) of the new incremental increase from property tax revenue generated by the project for a 5 year period.

The project has an overall positive fiscal impact on tax revenues received by the city. Initially (during the grant period), the City will receive 50% of new incremental property tax revenues, estimated cumulatively at $19,210 at the current tax rate as well as the existing property tax revenues from the project. After the grant period of 5 years, the City will henceforth receive 100% capture of all city taxes.

City staff recommends Council approve a resolution authorizing a performance based economic development agreement to support the existing industry expansion of Burial Beer Company in the City of Asheville.

Mr. Doug Reiser, representing Burial Beer Company, spoke about their work in the community and thanked Council for their support.

Mayor Manheimer opened the public hearing at 6:22 p.m.

Ms. April Brown, representing the Asheville-Buncombe Economic Development Coalition, spoke in support of this economic development incentive agreement.

Mayor Manheimer closed the public hearing at 6:24 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of Resolution No. 18-308. This motion was seconded by Councilman Haynes and carried unanimously.

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B. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 155, 137, 129 AND 123 BILTMORE AVENUE FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS DISTRICT EXPANSION DISTRICT/CONDITIONAL ZONE FOR THE CONSTRUCTION OF A 56-ROOM HOTEL IN ONE NEW 5-STORY BUILDING AND THREE EXISTING BUILDINGS

At the petitioner's request, Councilman Young moved to continue this matter to March 26, 2019. This motion was seconded by Councilwoman Smith and carried unanimously.

C. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF PROPERTY AT 62 FAIRVIEW ROAD FROM COMMERCIAL INDUSTRIAL DISTRICT TO LODGING EXPANSION/CONDITIONAL ZONE FOR THE DEVELOPMENT OF A SIX-STORY, 170 ROOM HOTEL WITH A RESTAURANT

Urban Planner Jessica Bernstein said that this is the consideration of conditionally zoning property at 62 Fairview Road from Commercial Industrial District to Lodging Expansion/ Conditional Zone for the development of a six-story, 170 room hotel, with a restaurant. This public hearing was advertised on November 30 and December 7, 2018.

The project site consists of a single parcel located at 62 Fairview Road with an area of approximately 3.7 acres (per plans). The site is currently zoned Commercial Industrial and

surrounding zoning includes CI to the east, west and south (across Fairview Road), and Urban Place (UP) across the railroad right-of-way to the north. Uses in the vicinity include a variety of commercial and light industrial uses as well as high-density residential. There is a building on the site that will be removed and a stream running along the eastern side. Additionally, the site is noted as a brownfield.

The applicant is proposing to construct a hotel building on the site with approximately 170 rooms, meeting/event rooms and a restaurant space with approximately 125 seats. The building is six stories (approximately 65'-8" according to plans) and a total of 117,130 square feet. The restaurant building is located between the hotel and the Fairview Road frontage and is two stories in height. There is an additional two-story portion of the development that houses ballroom spaces.

Vehicular access to the site is proposed via a single driveway from Fairview Road. Surface parking is provided to the side and rear of the building with approximately 140 spaces included on plans.

Sidewalks are shown along either side of the driveway on Fairview Road and are ten feet in width according to district standards, and continue into the site. The site is situated along the S5 transit route and the Transportation Department has requested that the applicant install a transit shelter to meet with standards in the Lodging Expansion District.

Landscaping is required for this project and includes street trees, parking lot landscaping, building impact landscaping and dumpster screening. Conceptual plans indicate the ability to comply with these standards.

Fifteen percent of the lot area is required for designated open space. Conceptual plans indicate a minimum of 24,000 square feet of open space provided in several areas throughout the site.

Standards relating to building orientation and fenestration in the requested zoning district are met with this proposal. Although the actual road frontage is limited, the restaurant use is placed close to Fairview Road.

Conditions - The project does not comply with the following standards in the requested zoning district:

1. Lot width standard - a minimum lot width of 100 feet is required. This lot has only approximately 47 feet of lot width. This is an existing condition dating back from the earliest plat recorded in 1944.

The applicant is required to undergo the conditional zoning due to the lodging use.

Projects undergoing conditional zoning review are required to hold a neighborhood meeting; the meeting for this project was held on June 12, 2018. The project was approved with conditions by the Technical Review Committee on July 16, 2018.

The Planning and Zoning Commission discussed this proposal at their meeting on November 7, 2018, and ultimately voted unanimously to support approval of the project (6-0). Commissioners noted that this project had favorable elements such as the brownfield remediation, parking provided on the site, willingness to participate with a shuttle service for guests and public, and ground-floor activation with the restaurant use.

Staff has received comments of concern from citizens regarding increased traffic impact on Fairview Road from this development and the recent residential developments in the vicinity. A Traffic Impact Study (TIS) was required and has been reviewed and accepted by the Asheville Transportation Department and N.C. Dept. of Transportation (NCDOT). An Oakley neighborhood resident spoke at the Planning and Zoning Commission meeting in favor of the proposal but expressing concern at the overall increased traffic along the full extent of Fairview Road; requesting that a further study and improvements be made to Fairview Road.

Recent projects in the area include The District mixed-use development (14-11869 PZ), River Mill Lofts (14-13052 PZ) and a Level II hotel on Thompson Street (16-11738 PZ).

The proposal is compatible with the surrounding area. The site is just south of Biltmore Village and just north of I-40, making it easily accessible by vehicle. Sidewalk improvements proposed with this project and also improvements related to The District development facilitate pedestrian connectivity to transit and to Biltmore Village. The lodging use is buffered from the single-family neighborhood by the multi-family development adjacent to the east. The site is designed to pull the active building front up to Fairview Road and parking is provided to the side and rear of the building.

The Living Asheville plan identifies this location as a Town Center on the Future Land Use Map. The lodging use is considered appropriate in the Town Center category, which encourages multimodal access, placing buildings towards the street to enhance streetscape activity, and uses that can support not only the immediate area but also the region.

The proposal aligns with the 2036 Council vision in the following areas: (1) *A Well-Planned and Livable Community* – the project is aligned with the Future Land Use designation of town center; and (2) *Transportation and Accessibility* - the project contributes to pedestrian connectivity in the area by providing new sidewalks, and transit enhancements are possible with a new bus shelter.

Considerations:

- The uses complement the mixed-use intent for the area
- The proposal will complement the Biltmore Village Historic District and the Biltmore House by supporting the tourist use with a walkable product
- Over 500 residential units have been approved with over 300 completed in the vicinity of this project in recent years
- The project incorporates a transit shelter on site
- The location is within a designated opportunity zone
- There have been a number of new hotels recently approved within the general vicinity - two just north of Biltmore Village currently under construction (229 rooms) and two recently opened near the I-40 and Hendersonville Road interchange (236 rooms)

Staff recommends approval of the conditional zoning for the construction of a new lodging facility with a restaurant use based on policies in the Living Asheville Comprehensive Plan, Future Land Use map and City Council's 2036 Vision Considerations; however, staff also recommends the completion of the comprehensive plan policy that suggests a study of lodging uses, need and impact to aid in evaluating new lodging uses. At the October 23, 2018, City Council meeting, several Councilmembers made statements concerning the number of lodging facilities recently approved and that it may be out of balance with other City needs. Comments furthered that additional scrutiny and consideration is needed in how to evaluate these proposals and the impact to the City.

The Planning & Zoning Commission recommends approval of the conditional zoning for the construction of a new lodging facility based on policies in the Living Asheville Comprehensive Plan, Future Land Use map and City Council's 2036 Vision Considerations.

Ms. Bernstein said that primary concern from two people who spoke at the Planning & Zoning Committee related to the existing traffic volume on Fairview Road; however, they were pleased to see restaurant space. In addition to the standard conditions, the applicant has agreed to provide bus passes for staff and a shuttle service for guests to reasonable locations (i.e., the Airport and Downtown). He applicant has also agreed to three additional conditions regarding building materials and signage.

Mr. Derrick Allen, representing the developer, talked about hotels in general and the importance of looking at them on a case by case basis to see what is unique and what makes sense. He felt this is a unique project in this particular location. They are independent hotel operators and in each location they seek out the specific characteristics of that community. For Asheville, they feel it should be all things craft - craft restaurant, craft beer, craft coffee, etc. This is a 170 room hotel with 145 parking spaces. There will be a 125 seat restaurant and a coffee shop, along with 3,000 sq ft of meeting space. There will be 5,500 sq ft of ballroom/events/ conferencing space. The height is limited to 80 feet, about 20 feet higher than the existing retaining wall. There will be wide sidewalks throughout the site and on Fairview Road. It will employ 100-120 employees and the applicant has committed to a living wage for all their employees. Bus passes will be available for all employees. In addition, they have committed to a transit shelter and transit shuttle for guests. They held their neighborhood meeting in June and there was no opposition. The Technical Review Committee approved in July. They then held multiple meetings and new requirements from the NCDOT in terms of TIS and how those were reviewed. They have received the NCDOT's comments last week. They were not heard by the Planning & Zoning Commission until November and received unanimous approval. This project site is 35,000 sq feet of warehouse space, located down from the District apartment site. This location is in an opportunity zone. This is also a brownfields site and is not eligible for any long-term residential housing or multi-family without remediation to the site consistent with the brownfields agreement. The site is eligible for hotel use and restaurant use. This will help finish out the sidewalks that the District and the City are completing that connects the District Apartments and the neighborhood to the north of the District Apartments to Biltmore Village. The project is Comprehensive Plan compliant. We talked to a lot of the retailers in and around Biltmore Village. Our original thoughts were about the patrons that would be going to those shops, but it became clear that it was more than just that for them. There were concerns from some of the Biltmore Village merchants that that side of Biltmore Village lacks cohesiveness and lacks a hard edge. They looked at this as a way to give some definiteness and some comprehensive planning to that side of Biltmore Village. Regarding traffic issues, looking at the TIA and the comments from NCDOT, once those improvements go into place for the intersections involved below this project, traffic will improve in terms of its level of service. Other issues they heard about were density and parking on the site. Due to easement, floodplain, and setback, the building envelope is pretty small. They have tried to shield the parking from view. Another concern was the project did not meet all the elements of a town center as described in the Comprehensive Plan. This is too small of a site, but he explained how it does achieve the town center feel.

In response to Councilman Kapoor, Mr. Chris Day, representing Civil Design Concepts, said that seven intersections primarily in that area were evaluated, but not all the way up Hendersonville Road.

Ms. Bernstein responded to Councilman Kapoor when he asked what the Comprehensive Plan designates this area - town center designation.

In response to Councilwoman Mayfield, Ms. Bernstein felt this project complies with a number of the elements of the town center and lodging expansion.

Mayor Manheimer opened the public hearing at 6:50 p.m.

The following individuals spoke in support of this conditional zoning:

Mr. Benjamin Mitchell, an adjacent property owner
Mr. Karl Koon, owner of property adjacent to the property
Mr. Ashley Edwards

Ms. Dee Williams felt that more conversation was need on this project on how it benefits low income people as it is an opportunity zone.

Mayor Manheimer closed the public hearing at 6:58 p.m.

Councilman Kapoor stated that he does look at each hotel project on a case by case basis. He could not support his particular project as he is concerned about traffic, especially at the intersection of Sweeten Creek Road and Hendersonville Road. Another concern is that he felt we have an abundance of hotels (6 plus another one under construction) in that vicinity.

Councilwoman Mayfield also looks at all hotel projects on a case by case basis. There are a number of good aspects with this project; however, she felt this is not what a town center should look like. If other parcels were combined on this site, then perhaps we will see more of what a town center should be.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Kapoor moved to recommend denial of the conditional zoning request for RB Hotel at 62 Fairview Road from Commercial Industrial to Lodging Expansion District Conditional Zone (LODG EXP CZ), and find that the denial is reasonable and is in the public interest because the proposal is not consistent with the City's comprehensive plan for the following reasons: (1) The development does not comply with lot frontage standards; (2) The district and land use category anticipates an active streetscape for the pedestrian with buildings up to the road but the proposed building is setback 100 feet from the street; and (3) While the lodging use may generally be appropriate per the future land use category of the Living Asheville Comprehensive Plan, there have already been multiple hotels recently approved in the general vicinity and the Comprehensive Plan encourages a diversity of uses built in a compact urban street grid. This motion was seconded by Councilman Young and carried on a 6-1 with Vice-Mayor Wisler voting "no."

D. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE MAKING ALL SUBDIVISIONS IN HISTORIC OVERLAY DISTRICTS AND ON LOCAL HISTORIC LANDMARK PROPERTIES A MAJOR WORK

Because this will be reviewed by the Planning & Economic Development Committee, Councilman Young moved to continued this hearing until January 22, 2019. This motion was seconded by Councilman Kapoor and carried unanimously.

V. UNFINISHED BUSINESS:

A. UPDATE ON OUTCOMES OF THE FEASIBILITY STUDY TO CREATE AFFORDABLE, MIXED-INCOME COMMUNITIES ON THREE CITY-OWNED OR CITY-CONTROLLED PROPERTIES

Interim Assistant Urban & Planning Department Stephanie Monson-Dahl said that this is an update on outcomes of the feasibility study to create affordable mixed-income communities on three City-owned or City-controlled properties.

The 2016 general obligation bond program allocates $25 million for affordable housing over 7 years, of which $15 million is dedicated to the redevelopment of City-owned land. On February 7, 2017, City Council directed staff to perform due diligence for the redevelopment of three specific properties to support affordable housing redevelopment under this allocation. The sites identified include (1) 171-179 S. Charlotte Street, (2) 81-91 Riverside Drive and (3) 319 Biltmore Avenue. The City of Asheville is the owner of the properties located on S. Charlotte Street and Riverside Drive. The City has an option to purchase the property at 319 Biltmore Avenue, which is currently owned by Duke Energy.

The goal of the due diligence study - conducted by Lord Aeck Sargent in coordination with staff - was to assess the feasibility of achieving successful affordable housing developments on each of the selected sites. The study identified the physical opportunities and constraints with respect to development, a realistic number of housing units that can be developed on each site, the massing and conceptual improvements that could be built onsite and the market conditions for mixed use development. Additionally, the study tested specific financial scenarios to explore affordability options, including ranges of incomes and quantities of affordable units. The next step in this work is to create an implementation plan for the redevelopment of each property.

Over the past year, staff and consultants have engaged with the community around the redevelopment of these three sites. This engagement helped inform potential redevelopment scenarios and highlighted the importance of making other public investments at these sites while creating affordable housing. In November, staff and consultants had a public meeting and shared current market conditions, costs of development and number of potential units for these sites. Different income-level targets and the subsidies needed to produce affordable units were also presented. Overall, the community confirmed that they understand the need for additional housing and especially the need for units affordable to a variety of income levels. In addition, the community confirmed that important infrastructure improvements, such as sidewalks, pedestrian crossings, and open space, should occur around these sites as part of redevelopment that improve quality of life.

The results of the due diligence study are summarized below.

319 Biltmore Avenue - A solid opportunity to create housing options with a range of affordability and improve connectivity in a growing neighborhood that includes Lee Walker Heights; work to solicit developers for this site can begin immediately.

- A potential development program of 300-310 units on 5.5 acres; approx. 54-56 units / acre density; 470 +/- total parking spaces; approx. 12,000 square feet of commercial space.
- Estimated development cost of $49 million.
- Subsidy required per affordable unit depends on income levels served and ranges from $57,500 - $70,000 per unit.
- There is a market for some mixed-use development on or near the Biltmore Avenue frontage; the community would like a small format/urban grocery store but the market here may not be strong enough to support it.

- Housing unit sizes and affordability levels that complement what is already being created on adjacent parcels and speaks to the proximity of this site to Mission Hospitals should be taken into consideration when evaluating a preferred development program.
- Other investments that can be made to create a livable community include providing a connection between the neighborhoods and recreation areas on the east side of Biltmore with the this site and Lee Walker Heights; incorporating open space and a transit stop along Biltmore; and developing a connection from this development site south to Choctaw.
- The City should work with Duke Energy, Mission Hospitals (future HCA Healthcare), Buncombe County, NCDOT and other potential partners to maximize opportunities for this site.

171-179 South Charlotte Street - A significant opportunity to use housing development - in concert with the community - to plan and grow a neighborhood impacted by Urban Renewal. Future development can reconnect the East End community to the Central Business District and make S. Charlotte Street safer for residents, bicyclists and pedestrians. In order to realize this opportunity, existing City Operations must be relocated in a strategic and sustainable manner.

- A potential development program of approximately 540-550 units on 7.5 acres, approx. 72-73 units/acre density, 775 +/- total parking spaces, approx. 32,000 square feet of commercial space.
- The large size of the development would require the City to phase the project over time for three main reasons: to protect adjacent neighborhoods from negative impacts of rapid change; to secure labor in our region; and to absorb new housing units at a rate the market can handle.
- Estimated total development cost for Phase 1 (the ABC store / Fleet Maint Bldg) is approximately $31 million.
- Estimated development cost for Phase 2 (Public Works Garage, south of Beaumont but north of Phase I) is approximately $62 million (this does not include the potential cost to relocate city services).
- Subsidy required dependent on levels of income served and estimated to be between $70,000 and $80,000 per unit (for both phases).
- The development program considers capping a small brownfield site at the rear of the Fleet Maint Building and using it for connectivity and surface parking; and replacing the culverted section of Town Branch in order to facilitate development.
- There is a market for some commercial spaces at key nodes or intersections; creating commercial uses that align with the "Expand Equitable, Upward Mobility" goal of the recently adopted Living Asheville plan may be possible with additional public investment.
- The potential development program includes new open/green space as a connector and gathering space between East End and Downtown.
- Other investment priorities that could be made to create a livable community include developing safer and easier connections between East End, this site, and downtown; this could include significant investments in S. Charlotte Street, S. Market Street, and a new connection from MLK Jr. Drive to downtown.
- Acknowledging the history of this site as an intact African American neighborhood before urban renewal should be part of the context for redevelopment.
- The City should work with NCDOT, Buncombe County, and local small business and economic development partners to maximize opportunities on this site.
- Currently, redevelopment cannot occur unless the City relocates two major City service facilities - the Fleet Management Division and the Public Works Complex. Additionally, the City recently completed a Facilities Condition Assessment that concluded that the Fleet Management facility is near end-of-life. Staff recommends that the City perform an Operations & Maintenance Center Facilities Study to consider the service delivery models

and estimate costs required to relocate services to a new site, which have yet to be calculated.

91 Riverside Drive - An opportunity to create artist housing and strengthen the character and economic vitality of the River Arts District.

- The Riverside Drive Development Plan, adopted in 2014, recommends this site be redeveloped for a mix of uses including housing. Financial analysis from the plan showed that return on investment in the property will benefit from increased density, a mix of uses, and partnerships with adjacent landowners and private partners. This model suggested that 80+ housing units could be developed here.
- Within the current study, consultants and staff reported to HCD and the public in June that this site was not as well-suited as the other sites for a traditional affordable housing development. In addition to unique (riverfront-related) site constraints, the site lacks proximity to food services and transit; and this site's smaller size and narrow configuration significantly lowers its programming capacity.
- An Arts Market Study was commissioned from Artspace as part of a collaboration between the Center for Craft, the Chamber of Commerce and other partners, including the City. The Artspace market assessment found those artists desiring affordable housing made an average of $30,000 a year and work in the hospitality, education and retail sectors.
- After confirming that local demand exists for an 80-unit affordable housing concept for artists, the Artspace report recommends doing further analysis including financial feasibility for this unique affordable housing concept, with the River Arts District being the most preferred location.
- Staff continues discussions with adjacent property owners and stakeholders to determine if there is interest in partnering/expanding the development footprint in order to improve potential development programs and resulting outcomes in support of affordability.

Based on these findings, key next steps in this process include:

1. Pursue the development of 319 Biltmore Avenue first; create a development that complements Lee Walker Heights, includes a mix of affordable and market-rate housing and a small amount of commercial space. The next step in this process is to solicit proposals from qualified development partners. *An implementation plan and timeline would come to Council in January.*
2. Staff will release a Request for Qualifications (RFQ) for an Operations & Maintenance Center Facilities Study for 171-173 S. Charlotte Street; and staff will perform transportation planning related to the redevelopment of the site with affordable and mixed income housing. The appropriate next steps are to A) understand the facility costs and operational impacts associated with the relocation of City services, and B) begin discussions with NCDOT to improve the pedestrian character of S. Charlotte and its connection to the East End neighborhood. *A consideration to approve a budget amendment to fund the Facilities Study would come before Council in January 2019.*
3. Staff will proceed with negotiation a Memorandum of Understanding (MOU) with partners to explore the redevelopment of 91 Riverside Drive as aligned with Artspace findings and the Riverside Drive Development Plan. Partners could include Artspace and/or adjacent landowners and the term of the MOU would be time limited. *A Memorandum of Understanding would come to City Council in early 2019 for approval.*

The Housing and Community Development Committee of City Council reviewed the site findings at the November 15, 2018, meeting and requested that staff proceed to full City Council review and discussion. The Affordable Housing Advisory Committee reviewed these findings at

the December 6th meeting. Committee's actions were not available in time for this report and will be shared at the December 11th City Council Meeting.

In support of City Council's Strategic Priorities, these next steps comply with Goal 15 by performing analysis of specific City-owned properties with the intent to develop strategies to implement affordable housing. This action supports Council's 2036 Vision goal of achieving quality affordable housing within proximity to transportation options, local job centers and downtown Asheville or River Arts District. This action also aligns with the Comprehensive Affordable Housing Strategy and Policy Framework adopted by City Council in 2015 and is a key step in fulfilling the intent of the 2016 general obligation bond referendum for affordable housing. This action also helps implement goal 13 of the Living Asheville Plan- Increase and Diversify the Housing Supply.

Pros:

- Accepts key findings and next steps which are critical to implementing the Affordable Housing Bond Program on a deadline-driven timeline;
- Acknowledges that recommendations are the results of a cooperative and transparent process from consultants, committee, council and community as well as a multi-disciplinary staff team;

Con:

- Affordable housing community projects are complicated and will not likely be accomplished without a strong and innovative private sector partner or partnership.

There is no fiscal impact at this time. Council may consider fiscal impacts in January.

Next steps are as follows: (1) Pursue the development of 319 Biltmore and come to Council in January with an implementation plan; (2) Release an RFQ for an Operations & Maintenance Facilities Study as a first step in the potential development of S. Charlotte Street and come to Council in January with a budget amendment using existing /available funds; staff to perform transportation planning for S. Charlotte Street related to affordable housing redevelopment; and (3) Negotiate an MOU for 91 Riverside and come to Council in early 2019 with a proposed development agreement.

Ms. Monson-Dahl then introduced Bob Begle, representing Lord Aeck Sargent, who reviewed the approaches to community development and scenario building; their process; existing context analysis; individual site assessments; comparison matrix; design, massing and program studies for each of the three sites; development pro formas and affordability comparisons for each of the three areas; affordable housing trade offs. In summary, this means that (1) affordable housing is hard; (2) all three sites have opportunity, but they vary in timing and scope; (3) Riverside Drive is not a traditional affordable housing site; (4) South Charlotte Street is very important, but needs more evaluation; (5) Biltmore Avenue is the most ready to go; (6) starting point financial scenarios are generally too costly; (7) the City needs partners; and (8) affordable housing gap funding will require careful consideration of trade-offs. Next steps include (1) pursue the development of 319 Biltmore Avenue; come to Council in January with implementation plan; (2) release a Request for Qualifications for an Operations & Maintenance Facilities Study for S. Charlotte Street; come to Council in January with a budget; staff to begin transportation planning for S. Charlotte Street; and (3) negotiate a Memorandum of Understanding for 91 Riverside; come to Council in early 2019 with a proposed development agreement.

City Council was supportive of City staff continuing to work on (1) an RFQ for the facilities assessment; (2) on an RFQ for the Biltmore Avenue site; and (2) potential development partners for 91 Riverside Drive.

B. RESOLUTION NO. 18-309 - RESOLUTION AUTHORIZING THE CITY MANAGER TO MODIFY THE TERMS OF THE LOAN FOR AND DISBURSE THE REMAINING FUNDS TO EMP COMMERCIAL, LLC AND EMSDC FOR COMMERCIAL AND RETAIL SPACE IN THE DEVELOPMENT KNOWN AS EAGLE-MARKET PLACE

ORDINANCE NO. 4718 - BUDGET AMENDMENT TO FUND EAGLE-MARKET PROJECT PAYMENT

Assistant City Manager Cathy Ball said that this is the consideration of approving the terms of the loan to EMSDC for commercial space on the Block and approval of a Budget Amendment in the Section 108 Fund in the amount of $450,000 utilizing existing funding from the general Affordable Housing Capital Improvement Project (CIP).

- In 2013, City Council adopted a resolution approving a Section 108 Loan in the amount of $718,000 for the EMSDC for commercial office and retail space on the Block.
- $268,000 of the $718,000 was disbursed to the project in Fiscal Year (FY) 2017.
- Minutes from the 2013 meeting state that the purpose of the loan was to provide lower than market rental rates to Historically Underutilized Businesses (HUB) and create a minimum of 21 jobs in five years.
- A deed of trust was never recorded to secure the loan.
- A promissory note was signed only for the $268,000 that was disbursed in FY 2017. The terms of that promissory note now need to be modified to reflect the terms of the entire $718,000.
- The City paid back the Section 108 Loan in 2017 to save on the interest. The loan was repaid from the original Section 108 loan balance. The payment of the remaining $450,000 will be dispersed from the general affordable housing CIP account. This funding source has a balance of $2.6 M and is intended to support affordable mixed income/mixed use communities.
- EMP Commercial, LLC was created by Eagle-Market Street Development Corporation (EMSDC) in 2018 when the development was declared a condominium, separating units into residential and commercial use. EMP Commercial, LLC now owns the commercial unit at issue.
- EMSDC/EMP Commercial, LLC are requesting the remaining balance of $450,000 to pay the contractor for work completed.
- The terms of the loan are included as an attachment provided to Council, which consist of (1) 21 jobs within 5 years; (2) lower than market rate rents (a) 0 to 5 years - average 20% below market; and (b) 6-20 years - average 15% below market; (3) good faith efforts to rent to Historically Underutilized Businesses; (4) "up-fit" of space completed in two years of the final payment; (5) annual review; and (6) default clause.

Pro:

- The purpose and intent of the loan approved by City Council in 2013 are being met with the new terms of the loan.

Con:

- None

The fiscal impact, as noted above, funding for the $450,000 loan payment will come from the general Affordable Housing CIP. This CIP is not related to the GO Bond funds. The loan will be repaid as outlined in an attachment provided to Council.

Ms. Stephanie Swepson-Twitty, representing the Eagle-Market Street Development Corporation, said they are amenable to the terms outlined by Ms. Ball. She also thanked City Council for their support of this project.

Councilman Young asked that in order to revive the area and to meet the spirit and intent of the 2013 loan, can consideration given to lower the market rate rents from 0 to 5 years to an average of 25% below market and from 6-20 years to an average of 20% below market. Ms. Swepson-Twitty said that for the change they want to see, they have to be profitable. In order for them to meet their debt and business model, they need to keep the terms as outlined by Ms. Ball.

Councilman Young questioned why good faith efforts are to rent to Historically Underutilized Businesses rather than African American or Minority Businesses. Interim City Attorney Rockoff said that legally we can't say minority, but we can use the money for Historically Underutilized Businesses.

In response to Councilwoman Smith, Ms. Swepson-Twitty said that their target audience is to recruit healthy, underutilized (African American) businesses. 75-80% of all those businesses that will come into the project are African American businesses. We only have one business now that we are negotiating with that is a business of non-color. Those businesses that we have sought out are more than capable than meeting our rates. She said that in order for them to be able to meet the debt service on the project and to pay the City, we need to keep the rates as outlined by Ms. Ball.

When Vice-Mayor Wisler asked by the $718,000 was budgeted when the City committed to it in 2013, Ms. Ball said that the money was part of Section 108. In January of 2017, staff came before Council and requested to pay off that loan because we were continuing to pay interest. The original Section 108 money was borrowed in 2014 for the intent of re-doing something on The Block. There was an initial project that failed to move through. The City had continued to pay interest on that Section 108 loan for a number of years and we felt that it was in the City's best interest (savings of around $83,000 in interest payments) to pay the loan off sooner. That loan was paid off and then the intent was to use funding from the Capital Improvement Program to make the loan. Basically, when we paid off the loan, the City's didn't reserve for the Capital Improvement Program.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and ordinance and they would not be read.

Vice-Mayor Wisler moved to authorize the City Manager to modify the terms of the loan as set forth in Exhibits A and B and disburse the remaining funds to EMP Commercial, LLC and EMSDC for commercial and retail space in the development known as Eagle Market Place, to amend the Promissory Note dated February 2, 2017, to reflect the same terms as the loan on the remaining funds, and to agree to such other terms and execute such other documents as necessary and in accordance with the intent set forth herein. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 211

Vice-Mayor Wisler moved for the adoption of Ordinance No. 4718. This motion was seconded by Councilwoman Mayfield and carried unanimously.

ORDINANCE BOOK NO. 32 - PAGE 258

VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Ms. Sarah Skinner and Ms. Dee Williams spoke to Council about the S. Charlotte Street and Biltmore Avenue plans regarding affordable housing.

Mr. Jonathan Wainscott urged Council to reconsider their position on the electoral structure.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:59 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Friday – December 14, 2018 - 1:00 p.m.

Special Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilman W. Keith Young; and Deputy City Clerk Sarah Terwilliger

Absent: Councilwoman Sheneika Smith

Mayor Manheimer opened the special meeting.

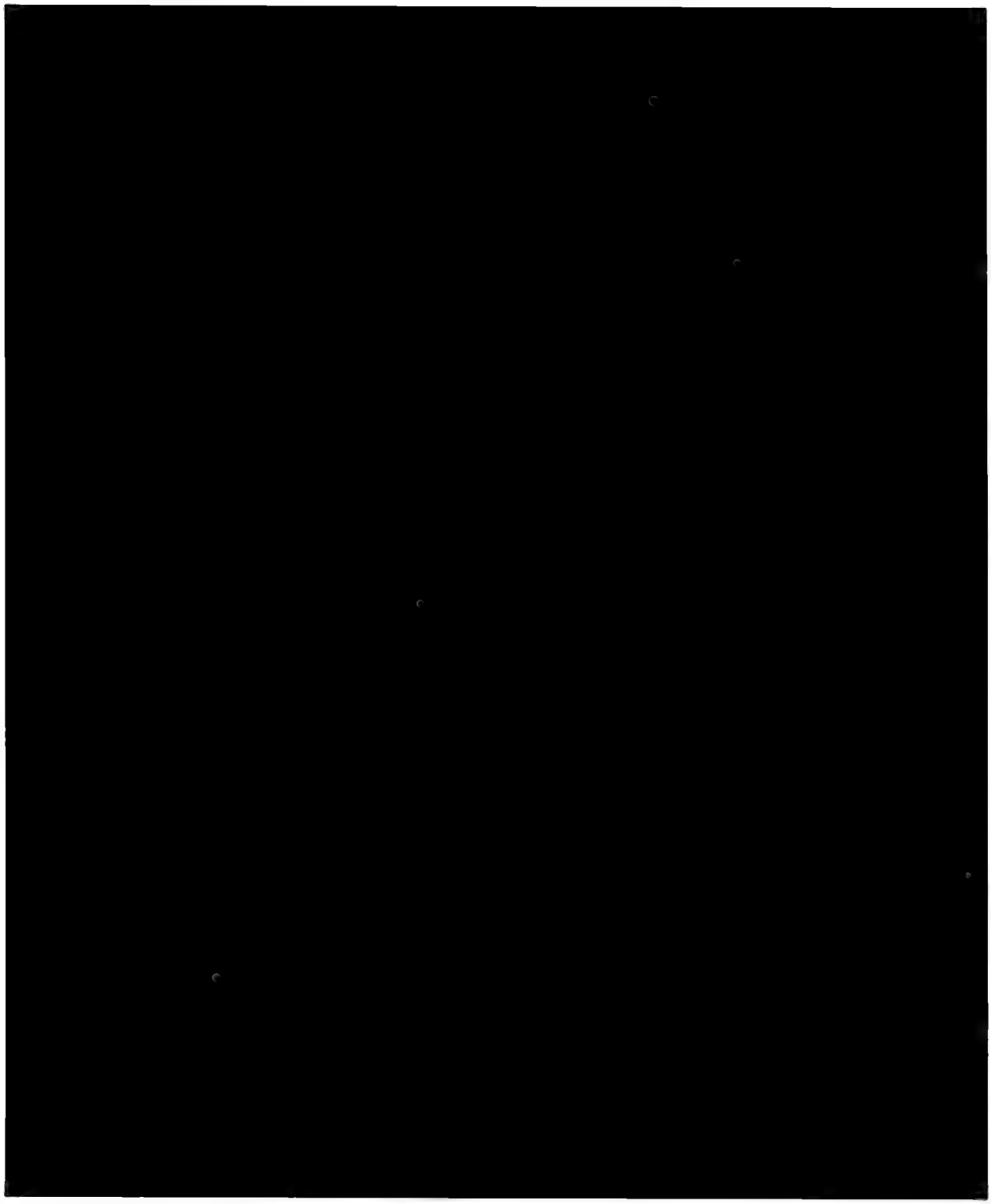
At 1:00 p.m. Councilwoman Mayfield moved to go into closed session to consider the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee pursuant to N.C. Gen. Stat. sec. 143-318.11 (a)(6) and to prevent the disclosure of information that is confidential pursuant to N. C. Gen. Stat. sec. 160A-168, the Personnel Privacy Act, pursuant to N. C. Gen. Stat sec. 143.318.11 (a)(1). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

Mayor Manheimer announced that this special meeting will be to interview candidates for the City Attorney position.

At 5:11 p.m., Vice-Mayor Wisler to go out of closed session. This motion was seconded by Councilman Kapoor and carried unanimously.

Magdalen Bulleson
City Clerk

Esther E. Manheimer
Mayor



BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL

MINUTES

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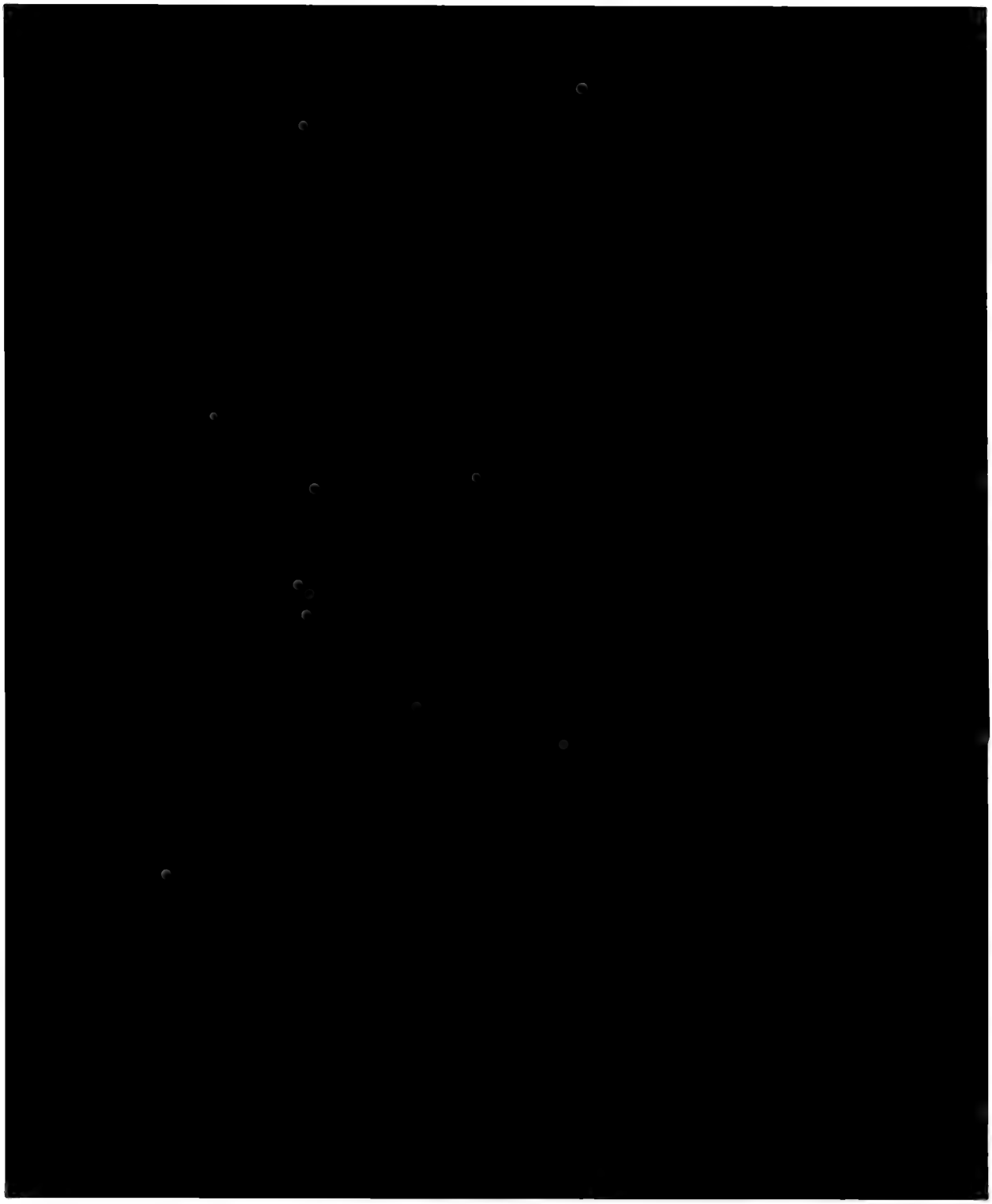

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Tuesday – January 8, 2019 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; Interim City Attorney Sabrina Rockoff; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council n the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

Mayor Manheimer asked that a resclution authorizing the City Manager to enter into an agreement with the U.S. Tennis Association be included as an item on Consent "H".

At the request of Councilwoman Mayfield, Consent Agenda Item "F" was removed from the Consent Agenda for discussion and/or an individual vote.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 11, 2019

B. ORDINANCE NO. 4719 - BUDGET AMENDMENT FOR THE AUTOMATED BICYCLE AND PEDESTRIAN COUNTING EQUIPMENT

Action Requested: Adopt a budget amendment in the City's Special Revenue Fund in the amount of $60,000 to program funding from the French Broad River Metropolitan Planning Organization (MPO) for automated bicycle and pedestrian counting equipment in the amount of $48,000, and to approve a budget amendment in the amount of $12,000.

Background:

- On December 19, 2017 City Council adopted a resolution authorizing the City Manager to apply for and if awarded, accept funding from the French Broad River Metropolitan Planning Organization (MPO) for FY 2019 funding for automated bicycle and pedestrian counting equipment in the amount of $48,000. The French Broad River MPO selected this project for funding for FY 2019.
- The automated counters will provide needed data regarding greenway use. Existing construction grants such as the TIGER VI grant from the Federal Highway Administration require ongoing bicycle and pedestrian counts that would otherwise need to be collected using manual labor, and the extent of manual counts would not be as thorough or as regular as automated counters.
- The grant requires a 20% local match. The grant award is for $48,000. The local match of $12,000 is already programmed in the Transportation Department's FY 2019 General Fund budget. This budget amendment will move the matching funds from the operating budget to a project budget along with the grant funds.

Council Goal(s):
- Transportation and Accessibility.

Committee(s):
- None

Pro(s):
- Provides an automated system for bicycle and pedestrian user counts eliminating the need to collect the data manually.

Con(s):
- None

Fiscal Impact:
- The FY 2019 General Fund operating budget already includes the required $12,000 in local matching funds. This budget amendment moves the matching funds and the grant funds into a Special Revenue Fund budget. In addition, there will be minimal ongoing maintenance costs to keep the equipment in good operating order.

Motion: Move to adopt a budget amendment for automated bicycle and pedestrian counting equipment.

ORDINANCE BOOK NO. 32 - PAGE 260

C. RESOLUTION NO. 19-1 - RESOLUTION AUTHORIZING ADDITIONAL FUNDING FOR THE GENERAL SERVICES AGREEMENT WITH BBC RESEARCH & CONSULTING FOR THE 2016 DISPARITY STUDY PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT

Action Requested: Adoption of a resolution to approve additional funding for the General Service Contract with BBC Research & Consulting for the 2016 Disparity Study Project.

Background:
- At its March 28, 2017 meeting, City Council approved a contract with BBC Research & Consulting in the amount of $319,948.
- The Disparity Study utilized the City's contractual awards in construction, goods, services, architectural and engineering services from fiscal years 2012 through 2017.
- The purpose of the study was to update the City's goals, market area and recommendations for changes in the current Minority Business Plan.
- BBC Research & Consulting costs exceeded the original budget by $9,950. This overage was not known to City staff until the end of the project.
- The Consultant dedicated substantially more hours than originally anticipated in the areas of data collection and compilation as well as meetings and presentations to conduct the study accurately and successfully. The additional funds includes:
  - Revise and finalize the disparity study report and help the City compile it for public dissemination;
  - Respond to additional questions and consult on the City's MBE Plan; and
  - Provide any additional analyses as it relates to finalizing the disparity study process.

Council Goal(s):
- Diverse Community
- Thriving Economy

Committee(s): None

Pro(s):

- Requires additional funding from the existing Community & Economic Development FY 2018-19 budget.

Con(s):

- None

Fiscal Impact:

- As noted above, the initial contract amount was $319,948
- The $9,950 amendment will bring the total amount to $329,898. Funding for the additional $9,950 will come from the existing Community & Economic Development FY 2018-19 budget.

Motion:

- Move to adopt a resolution authorizing approval of additional funding for the General Services Contract with BBC Research & Consulting Contract for the 2016 Disparity Study Project and authorizing the City Manager to execute an amendment to the contract increasing it by $9,950.

RESOLUTION BOOK NO. 40 - PAGE 214

D. RESOLUTION NO. 19-2 - RESOLUTION PLACING CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT 192 HAYWOOD STREET WITH BUNCOMBE COUNTY CLERK OF SUPERIOR COURT PURSUANT TO CONSENT STAY PENDING CITY'S APPEAL TO THE NORTH CAROLINA SUPREME COURT

Summary: WHEREAS, pursuant to the City's February 14, 2017 findings of fact and conclusions of law, the Asheville City Council voted to deny a request by PHG Asheville, LLC ("PHG") for a conditional use permit ("CUP") to construct an eight-story, 178,412 square foot hotel and on-site parking structure on 2.05 acres of land (PIN 9649-20-1616) located at 192 Haywood Street; and WHEREAS, PHG sought judicial review of the City Council's denial of the CUP, and the Buncombe County Superior Court on November 2, 2017 reversed the City Council's decision and remanded with an order for the City Council to issue the CUP; and WHEREAS, the City timely appealed the Superior Court order to the North Carolina Court of Appeals; and WHEREAS, pursuant to a December 6, 2017 agreement, the City and PHG agreed that PHG would not seek to enforce the Superior Court order during the appeal to the North Carolina Court of Appeals, and that the City would not issue the CUP before a final decision by that court; and WHEREAS, on November 6, 2018, the North Carolina Court of Appeals affirmed the Superior Court order and remanded the case to Buncombe County Superior Court for further remand to the City to issue the CUP to PHG (the "COA Opinion"); and WHEREAS, on November 14, 2018, legal counsel for the City notified legal counsel for PHG that the City intended to file a petition for discretionary review ("PDR") with the North Carolina Supreme Court, which would seek review of the COA Opinion; and WHEREAS, on November 26, 2018, PHG initiated enforcement proceedings in Buncombe County Superior Court for the purpose of obtaining the permit notwithstanding the City's PDR; and WHEREAS, in response to PHG's initiation of enforcement proceedings, the City on December 6, 2018 filed a motion with the Buncombe County Superior Court to stay or enjoin enforcement during the pendency of the City's PDR; and WHEREAS, in an effort to avoid further litigation between the parties about the status of the CUP while the City's PDR is pending with the Supreme Court, and to avoid unnecessary costs and expenses, the City and PHG have mutually agreed to a stay of the enforcement proceedings initiated by PHG, and

the City has agreed to deposit the CUP with the Buncombe County Clerk of Superior Court pursuant to N.C. Gen. Stat. § 1-291 while the City's PDR is pending before the North Carolina Supreme Court; and NOW, THEREFORE, the City Council hereby issues the CUP for the sole purpose of depositing it with the Buncombe County Clerk of Superior Court pursuant to N.C. Gen. Stat. § 1-291, and pursuant to the following agreement between the City and PHG: (1) If the City's PDR is denied by the Supreme Court, the CUP will be immediately released to PHG; (2) If the City's PDR is granted by the Supreme Court, the CUP shall remain with the Clerk of Superior Court pending a final decision from the Supreme Court, and upon a final decision from the Supreme Court, either party may petition the Buncombe County Superior Court for the release or revocation of the CUP.

RESOLUTION BOOK NO. 40 - PAGE 215

E. RESOLUTION NO. 19-3 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AND SIGN A GREENWAY EASEMENT OVER PROPERTY LOCATED AT 53 TANGLEWOOD DRIVE FOR PUBLIC ACCESS TO THE FALCONHURST NATURE PRESERVE NEIGHBORHOOD

Action Requested: Adoption of a resolution authorizing the City Manager to accept an easement, and to execute the appropriate documents, that is granted by property owner/developer East West Craggy Development, LLC to provide a public trail access to the Falconhurst Nature Preserve from Tanglewood Drive in the Falconhurst neighborhood.

Background:

- The Falconhurst Nature Preserve is a 7.9 acre city-owned property (PIN 963-817-3304) in West Asheville within the Falconhurst neighborhood located north of Tanglewood Drive, south of Patton Avenue, east of Mitchell Avenue, and west of Louisiana Avenue.
- The City accepted donation of the Falconhurst Nature Preserve from the Conservation Trust for North Carolina in 2012, authorized by City Council Resolution 08-58, subject to deed restrictions to protect the site from development and maintain its integrity as a nature preserve, while still permitting appropriate public recreational use.
- In 2015, the East West Craggy Development, as a stipulation of their conditional zoning (CZ Ord 4390) of the Craggy Park subdivision, agreed to provide public access to the public via a walking trail on their property located at 53 Tanglewood Drive (PIN 963-816-3605), to the adjacent, Falconhurst Nature Preserve.
- The public access easement will be donated to the City at no cost. It will be a 20-foot wide easement that starts at Tanglewood Drive and ends at the property line where the Falconhurst Nature Preserve property begins and totals approximately 0.25 acres.
- The City is partnering with community partners including the Asheville Design Center, a program of Mountain True, to construct natural surface trails within the Falconhurst Nature Preserve.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- Multi-modal Transportation Commission - September 26, 2018 - approved unanimously.
- Greenway Committee - October 4, 2018 - approved unanimously.
- Planning & Economic Development Committee - December 18, 2018 - approved unanimously.

Pro(s):

- Provides legal access to the Falconhurst Nature Preserve, which is otherwise landlocked.
- Satisfies a condition of the 2015 Conditional Zoning Ordinance.

- No cost to the City to accept the easement.

Con(s):
- None.

Fiscal Impact:
- There is no fiscal impact to the city other than a sign that would be fabricated by the Transportation Department and installed at the trailhead at 53 Tanglewood Drive. Funds for the sign fabrication and installation are included in the current year operating budget.

Motion:
- Move to adopt a resolution authorizing the City Manager to accept an easement, and to execute the appropriate documents, that is granted by property owner/developer East West Craggy Development, LLC to provide a public trail access to the Falconhurst Nature Preserve from Tanglewood Drive in the Falconhurst neighborhood.

RESOLUTION BOOK NO. 40 - PAGE 217

F. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MOUNTAIN TRUE TO CONSTRUCT AND MAINTAIN NATURAL SURFACE TRAILS WITHIN THE FALCONHURST NATURE PRESERVE

This action was removed from the Consent Agenda and will be voted on separately due to a conflict of interest by Councilwoman Mayfield.

G. RESOLUTION NO. 19-5 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION FROM THE PRESERVATION SOCIETY OF ASHEVILLE AND BUNCOMBE COUNTY TO BE APPLIED TOWARDS THE THOMAS WOLFE CABIN MASTER PLANNING PROJECT

ORDINANCE NO. 4720 - BUDGET AMENDMENT TO ACCEPT A DONATION FROM THE PRESERVATION SOCIETY OF ASHEVILLE AND BUNCOMBE COUNTY FOR THE WOLFE CABIN CABIN MASTER PLANNING PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to negotiate and enter into an agreement with the Preservation Society of Asheville and Buncombe for the donation of $7,500 for the Thomas Wolfe Cabin master planning project and adoption of a budget amendment in the General Fund in the amount of $7,500 to accept the donation.

Background:
- The City of Asheville released an RFC to solicit master planning and professional design services for the Thomas Wolfe Cabin at Azalea Park.
- The cabin was designated as a local historic landmark in 1983 for its association with local author Thomas Wolfe who stayed at the cabin upon his return to Asheville after the successful publication of his controversial novel, *Look Homeward Angel* in 1929.
- A consultant team, led by Lord Aeck Sargent, was selected as the most qualified team to complete the project. Their proposal exceeded the original project budget.
- Staff negotiated a contract, which required supplemental funds and reached out to the Preservation Society of Asheville and Buncombe County, the city's partners on the

project, for the supplemental funding, which they agreed to provide so that the project could move forward.

Council Goal(s):
- A Smart City

Committee(s):
- Planning and Economic Development Committee - December 18, 2018 - Update

Pro(s):
- The additional funding will allow the project to move forward, which is the next step in the rehabilitation of the cabin.
- The master plan will include a comprehensive assessment of the cabin and site, including infrastructure improvements and connectivity of the site to surrounding destinations, trails and the Swannanoa Greenway.

Con(s):
- None

Fiscal Impact:
- The project has an overall cost of $75,000, supported by funding from the following sources:
  - City of Asheville Planning and Urban Design Department's operating budget ($30,000);
  - City of Asheville Parks and Recreation Department operating budget ($30,000);
  - City of Asheville Community and Economic Development Department operating budget ($7,500); and,
  - the Preservation Society of Asheville and Buncombe County, $7,500.

Motion:
- Move to approve: 1) a resolution authorizing the City Manager to negotiate and enter into an agreement to accept $7,500 from the Preservation Society of Asheville and Buncombe County; and 2) a budget amendment in the General Fund in the amount of $7,500 from the Preservation Society of Asheville and Buncombe County for the Thomas Wolfe Cabin master planning project.

RESOLUTION BOOK NO. 40 - PAGE 219
ORINANCE BOOK NO. 32 - PAGE 262

H. RESOLUTION NO. 19-11 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION FROM THE U.S. TENNIS ASSOCIATION FOR IMPROVEMENTS AT ASTON PARK TENNIS CENTER

ORDINANCE NO. 4721 - BUDGET AMENDMENT TO ACCEPT GRANT FROM THE U.S. TENNIS ASSOCIATION FOR IMPROVEMENTS AT ASTON PARK TENNIS CENTER

Action Requested: Budget Amendment to accept funding from the USTA.

Background:
- USTA Fed Cup 2018 was held at US Cellular Center in February 2018.
- USTA pledged $35,000 for a "Legacy Grant".

- The Legacy Grant is intended to fund a retractable awning and some tables and chairs at the Aston park Tennis Center.

Council Goal(s):
- Financially Resilient Community

Committee(s):
- None

Pro(s):
- A retractable awning and tables and chairs can be installed at the Aston Park Tennis Center.

Con(s):
- None

Fiscal Impact:
- Restricted revenue of $35,000; no City match required.

Motion:
- Move to Authorize City Staff to accept $35,000 from USTA.

RESOLUTION BOOK NO. 40 - PAGE 226
ORDINANCE BOOK NO. 32 - PAGE 264

I. RESOLUTION NO. 19-6 - RESOLUTION AUTHORIZING THE PURCHASING MANAGER TO DISPOSE OF SURPLUS CITY-OWNED PROPERTY (2010 JOHN DEERE 410J BACKHOE) VALUED AT $30,000 OR MORE

Action Requested: Approval of a resolution authorizing the sale of one (1) 2010 John Deere 410J Backhoe deemed surplus City personal property.

Background:
- The City's Water Resources Department -- Maintenance Division, identified a 2010 John Deere 410J Backhoe as surplus personal property, with no anticipation of utilization by the City.
- Pursuant to N.C.G.S. §160A-266, the Sale and Disposal of Personal Property valued at $30,000 or more must be approved by City Council. The City's Purchasing Manager has authority to dispose of personal property valued at less than $30,000 by private negotiation and sale.
- The estimated wholesale value of the 2010 John Deere 410J Backhoe is listed at $30,000+, $1000 - $10,000 above wholesale, depending on condition. Bids will be solicited through Public Surplus online auction.

Council Goal(s):
- n/a

Committee(s):
- None

Pro(s):
- Promotes City of Asheville fiscal responsibility of disposing of surplus property which generates revenue
- Space utilization eliminates the need to store large, unused equipment

- Competitive process yielded market price

Con(s):
- None

Fiscal Impact:
- The backhoe is fully depreciated and the Water Resources Fund will recognize the entire amount as revenue from the sale of assets.

Motion:
- Move to adopt a resolution authorizing the sale of one (1) 2010 John Deere 410J Backhoe deemed surplus City personal property.

RESOLUTION BOOK NO. 40 - PAGE 220

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda without Consent Agenda "F". This motion was seconded by Councilman Young and carried unanimously.

ITEM REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTE

F. RESOLUTION NO. 19-4 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH MOUNTAIN TRUE TO CONSTRUCT AND MAINTAIN NATURAL SURFACE TRAILS WITHIN THE FALCONHURST NATURE PRESERVE

Councilman Young moved to recuse Councilwoman Mayfield from participating in this matter due to a conflict of interest. This motion was seconded by Vice-Mayor Wisler and carried unanimously (Councilwoman Mayfield did not vote).

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an agreement with Mountain True to construct and maintain natural surface trails within the Falconhurst Nature Preserve.

Background:
- The Falconhurst Nature Preserve is a 7.9 acre city-owned property (PIN 9638-17-3304-00000) in West Asheville located north of Tanglewood Drive, south of Patton Avenue, east of Mitchell Avenue, and west of Louisiana Avenue within the Falconhurst neighborhood.
- The City accepted the donation of the Falconhurst Nature Preserve from the Conservation Trust for North Carolina in 2012, authorized by City Council Resolution 08-58. The conservation agreement is subject to deed restrictions to protect the site from development and maintain its integrity as a nature preserve while still permitting appropriate public recreational use. The deed restrictions allow for low impact improvements such as natural surface trails.
- An access easement from East West Craggy Development, LLC from Tanglewood Drive in the Falconhurst neighborhood iis on the January 8, 2019 agenda.
- The Asheville Design Center (ADC), a program of MountainTrue, has designed a natural

surface trail system for the Falconhurst Nature Preserve and within the donated public access easement granted to the City by East West Craggy Development, LLC.
- Mountain True intends to coordinate volunteers of the Falconhurst neighborhood to construct and maintain the natural surface trails.
- The Conservation Trust of North Carolina is supportive of the project.
- The trails would be constructed and maintained at no expense to the City.

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- Multi-modal Transportation Commission - September 26, 2018 - approved unanimously.
- Greenway Committee - October 4, 2018 - approved unanimously.
- Planning & Economic Development Committee - December 18, 2018 - approved unanimously.

Pro(s):
- Provides a unique opportunity for the neighborhood to enjoy natural surface trails in a natural setting.
- Provides a neighborhood connection to the proposed Smith-Mill Greenway corridor once it is constructed.
- Provides an opportunity for community members to help construct and maintain a nature area and walking trails.

Con(s):
- None

Fiscal Impact:
- There is no fiscal impact to the city. Mountain True will provide the labor and materials to construct the tails.

Councilman Young moved to adopt a resolution authorizing the City Manager to enter into an agreement with Mountain True to construct and maintain natural surface trails within the Falconhurst Nature Preserve. This motion was seconded by Vice-Mayor Wisler and carried unanimously (Councilwoman Mayfield was recused from this vote).

RESOLUTION BOOK NO. 40 - PAGE 218

III. PRESENTATIONS & REPORTS: None

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE 2018-19 ANNUAL ACTION PLAN FOR THE REALLOCATION OF AN ESTIMATED $1,396,100 IN FEDERAL HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS

RESOLUTION NO. 19-7 - RESOLUTION AMENDING THE 2018-19 ANNUAL ACTION PLAN FOR THE REALLOCATION OF AN ESTIMATED $1,396,100 IN FEDERAL HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS

Community Development Director Michael Blair said that this is the consideration of a resolution authorizing the City Manager to submit an Amendment to the 2018-2019 Consolidated Action Plan for the HOME Investment Partnership Program, enabling the City of Asheville and the

Asheville Regional Housing Consortium to reallocate $1,396,100 of HOME funding from the U.S. Department of Housing and Urban Development. This public hearing was advertised on December 28, 2018, and January 4, 2019.

Background:

- The City has $1,396,100 in HOME funds available for reallocation.
- The Asheville Regional Housing Consortium received applications for unallocated HOME funding totalling $2,055,000 and made recommendations.
- HOME funds must be used for housing programs within the four-county Consortium area (Buncombe, Henderson, Madison, and Transylvania counties)
- Federal HOME Program and HUD regulations require a public hearing be held before substantial plan amendments can be adopted by the HOME Lead Entity, the City of Asheville.

Council Goal(s):

- Expand Asheville's supply of quality, affordable homes for current and future residents, including promoting affordable housing located close to the CBD, jobs, and transportation.

Committee(s):

- The Asheville Regional Housing Consortium approved this reallocation of funds on November 1, 2018.

Pro(s):

- The proposed reallocation of $1,396,100 commits and puts toward viable projects federal HOME Program funding and amends the Fiscal Year 2018-19 Annual Plan.
- An additional 170 affordable rental units will be created, and 12 homeowners will be assisted with down payment assistance, in the Asheville Regional Housing Consortium jurisdiction.
- Reflects the carefully considered recommendations of the Asheville Regional Housing Consortium.

Con(s):

- None.

Fiscal Impact:

- The Action Plan is fully funded from federal CDBG and HOME entitlement grants, unused funds from previous completed projects, and estimated program income. There is no other fiscal impact associated with this action.

Mayor Manheimer opened the public hearing at 5:11 p.m., and when no one spoke, she closed the public hearing at 5:11 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Councilman Young moved to approve a resolution authorizing the City Manager to submit an Amendment to the 2018-2019 Consolidated Action Plan for the HOME Investment Partnership Program. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 221

B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CONDITIONAL ZONING OF PROPERTY LOCATED AT 275 AND 281 HAZEL MILL ROAD

FOR CHANGES TO A RESIDENTIAL DEVELOPMENT ZONED RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL ZONE

ORDINANCE NO. 4722 - ORDINANCE TO AMEND THE CONDITIONAL ZONING OF PROPERTY LOCATED AT 275 AND 281 HAZEL MILL ROAD FOR CHANGES TO A RESIDENTIAL DEVELOPMENT ZONED RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT/CONDITIONAL ZONE

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to amend a previously approved conditionally zoning of property located at 274 and 281 Hazel Mill Road for changes to a residential development zoned RM-16 Residential Multi-Family High Density District/Conditional Zone. This public hearing was advertised on December 28, 2018, and January 4, 2019.

Background:

- The subject property at 275 and 281 Hazel Mill Road (PINs 9638-39-9131 and 9638-39-6188) is currently owned by Berltex Real Estate Holdings, LLC; the applicant and contact is Bob Grasso.
- The project was previously approved as a conditional zoning from Residential Multi-Family Medium Density District (RM-8) to Residential Multi-Family High Density District (RM-16 CZ) by City Council on June 23, 2015, under Ordinance No. 4430.
- The development includes 113 residential units (one and two bedroom units) housed in 10 buildings with a maximum of 222 surface parking throughout the site with 10% of the units being affordable.
- The development includes compliant landscaping and open space amenities as shown on the site plans and required by code.
- The overall project is generally the same as the original conditional zoning approval but the following changes have been proposed by the applicant and are detailed in the B.1 conditions list:
    - Sidewalk realignment to preserve existing trees along Hazel Mill Road (eight foot sidewalk/walkway set back from Hazel Mill Road up to approximately 30 feet from the road)
    - Sidewalk changed from six foot back of curb to a five foot planting strip and five foot sidewalk along Clayton
    - Removal of on-street parking along Clayton Avenue and relocation to a new internal parking area
    - New entrance from Clayton Avenue to access relocated parking (increase to three driveways)
    - Pavers eliminated from parking area and flexibility requested for building materials
    - Bus passes offered for two years instead of in perpetuity
    - The developer will be required to submit a report on the number of bus passes issued in the two year period

Council Goal(s):

- A Well-Planned and Livable Community
- Quality Affordable Housing
- Transportation and Accessibility

Committee(s):

- Technical Review Committee - November 5, 2018 - approved with conditions

- Planning & Zoning Commission - December 5, 2018 - recommended approval (7-0)

Pro(s):
- The project has previously been approved by City Council and the proposed modifications do not substantially change the overall project details
- The project includes 10% of the dwelling units dedicated as affordable
- The development is aligned with the designated Future Land Use category of the Living Asheville Comprehensive Plan for this area (residential neighborhood when proximate to a growth area)

Con(s):
- Staff recommends the sidewalk along Hazel Mill Road follow the previous approval of six-foot back of curb rather than what the applicant is proposing

Fiscal Impact:
- If constructed, the project would have a positive fiscal impact on tax revenues received by the city.

Ms. Bernstein said that the applicant has requested the sidewalk along Hazel Mill Road be eight feet in width and setback up to 35 feet from the edge of the road, to preserve a line of white oak trees along the stretch of the frontage. Staff was not supportive of that request as they want the sidewalk to be six foot back of curb as approved in 2015.

Councilwoman Mayfield supported the sidewalk amendment proposed by the applicant, noting that the Chair of the Tree Commission also supports the applicant's amendment.

In response to Councilwoman Mayfield regarding annual bus passes, Mr. Harry Pilos, applicant, said that he would be agreeable to provide annual bus passes for at least 10 years for any resident of affordable units.

Mayor Manheimer opened the public hearing at 5:21 p.m.

Ms. Sarah Skinner thanked Council for recognizing the need for affordable housing. She hoped that Council would consider lower AMI levels as the City's standards for affordability.

Mr. Tracy DeBruhl suggested the applicant contact representatives from different agencies, i.e., the Veterans Quarters, to help where needed to move the project forward.

Mayor Manheimer closed the public hearing at 5:25 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mayfield moved to recommend approval of the conditional zoning amendment (with the amendment to the B.1 conditions that the developer shall provide annual bus passes for at least 10 years for any resident of affordable units) for White Oak Grove Apartments at 275 and 281 Hazel Mill Road from Residential Multi-Family High Density District Conditional Zone to Residential Multi-Family High Density Conditional Zone and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in that: (1) the amendment does not substantially deviate from the project details previously approved other than the changes to the site plan; (2) the development is located with close access to commercial uses, transit and employment opportunities; (3) the project includes dedicated affordable residential units; and (4) the proposal is aligned with the

Future Land Use map in the Living Asheville Comprehensive Plan. This motion was seconded by Councilman Kapoor and carried unanimously.

ORDINANCE BOOK NO. 32 – PAGE 266

C. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF PROPERTY LOCATED AT 99999 FERRY ROAD FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO COMMERCIAL EXPANSION DISTRICT/CONDITIONAL ZONE FOR UP TO 15,000 SQUARE FEET OF COMMERCIAL USES AND TO RESIDENTIAL EXPANSION DISTRICT/CONDITIONAL ZONE FOR A MIX OF HOUSING TYPES TOTALLING 418 UNITS, RESULTING IN A SPLIT-ZONED PARCEL; AND AMENDMENT TO THE FUTURE LAND USE MAP TO CHANGE FROM TRADITIONAL NEIGHBORHOOD AND NEIGHBORHOOD CENTER TO RESIDENTIAL NEIGHBORHOOD, NEIGHBORHOOD CENTER AND PARKS/OPEN SPACE

ORDINANCE NO. 4723 - ORDINANCE TO CONDITIONAL ZONE PROPERTY LOCATED AT 99999 FERRY ROAD FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO COMMERCIAL EXPANSION DISTRICT/CONDITIONAL ZONE FOR UP TO 15,000 SQUARE FEET OF COMMERCIAL USES AND TO RESIDENTIAL EXPANSION DISTRICT/CONDITIONAL ZONE FOR A MIX OF HOUSING TYPES TOTALLING 418 UNITS, RESULTING IN A SPLIT-ZONED PARCEL AND AMENDMENT TO THE FUTURE LAND USE MAP TO CHANGE FROM TRADITIONAL NEIGHBORHOOD AND NEIGHBORHOOD CENTER TO RESIDENTIAL NEIGHBORHOOD, NEIGHBORHOOD CENTER AND PARKS/OPEN SPACE

Urban Planner Vaidila Satvika said that this is the consideration of an ordinance to conditionally zone property located at 99999 Ferry Road from RM-16 Residential Multi-Family High Density District to Commercial Expansion District/Conditional Zone for up to 15,000 square feet of commercial uses and to Residential Expansion District/Conditional Zone for a mix of housing types totalling 416 units, resulting in a split-zoned parcel; and amendment to the Future Land Use Map to change from Traditional Neighborhood and Neighborhood Center to Residential Neighborhood, Neighborhood Center and Parks/Open Space. This public hearing was advertised on December 28, 2018, and January 4, 2019.

Background:

- Property PIN is 9636-10-3860, also known as 99999 Ferry Road; owned by Buncombe County.
- The 137 acre city-owned property was rezoned from industrial to residential last year and was then sold to Buncombe County.
- The proposed project includes up to 15,000 square feet of commercial uses and a mix of housing types totaling 416 units.

Council Goal(s):

- A Well-Planned Livable Community

Committee(s):

- Planning & Zoning Commission: Approved unanimously on December 5, 2018

Pro(s):

- Provides a well-planned and livable community by offering a mix of housing units that will help to meet the housing demand while respecting the existing neighborhood and surrounding natural environment.
- Compatible with current and desired future land uses as identified in the Living Asheville Comprehensive Plan.
- Helps preserve environmentally sensitive land adjacent to the French Broad River.
- Aligns with the community character for this area as specified in the Living Asheville Comprehensive Plan.
- Developer will provide open area for future greenway.

Con(s):

- Encouraging a higher density in areas not currently served by transit.

Fiscal Impact:

- If constructed, the project would have a positive fiscal impact on tax revenues received by the city.

Mr. Satvika said that there are two access points off Ferry Road. There are three buildings that will provide 36 condos and 188 duplexes. He revised the site plan, pointing out there are 820 trees being added, stormwater capture ponds, a dog park, greenway easement for the entire perimeter, and 105 parking spaces distributed throughout the site. He said that the developer has agreed to a condition of at least 5% of the total number of units to be affordable to people at or below 100% of AMI. The other amendment to the conditions is that the total number of units shall not exceed 416 units by may be reduced, depending on market conditions.

In response to Councilwoman Mayfield, Mr. Satvika said that we needed this conditional zoning split parcel because they wanted to include some small commercial (8-15,000 sq feet) activity and that is not allowed in residential expansion.

Ms. Jennifer Lanning, Real Estate Agent representing the developer, said the 5% of affordable units are geared toward workforce housing. The area lends itself nicely for single-family homes. The units range from approximately $450,000 down to $200,000. The housing crisis in Asheville is not just in the lower level, but also in the middle level. We hope to address that as well. Lower levels are more for apartments, but these are a for-sale level. We have been in discussions with Habitat for Humanity and they might be able to fit into their project. She said their intention is that every unit, except the condo units, will have a one or two car garage.

Ms. Christy Stout, Traffic Engineer, said they did and submitted a Traffic Impact Study to the City and the N.C. Dept. of Transportation (NCDOT). The NCDOT will be making a final determination on any improvement needs shortly. In the study they looked at the amount of vehicles that would be generated by this development. The a.m. trips are about 225 (about 170 are exiting in the morning - about 3 per minute). The p.m. trips are about 295. Entering in the p.m. will be about 3 per minute as well. The driveways and intersections are Level of Service C or better under existing and projected movements, except for the exiting movements (from Ferry Road to Brevard Road) in the p.m. and that is a Level of Service D.

In response to Councilwoman Mayfield, Ms. Lanning said that the build-out is 2-5 years, starting this year.

Mayor Manheimer gave a brief history of the site.

Mayor Manheimer opened the public hearing at 5:49 p.m.

Mr. Michael Bowman, adjoining property owner, requested more than 20 feet buffer in his backyard that adjoins the project.

Mr. Solesby, adjacent property owner, suggested deleting the commercial piece and reducing the number of units. The commercial piece will bring commercial traffic in the residential area. In addition, traffic in the area is already congested.

Mr. Casey Campfield felt this project is out of reach for the low and moderate income community and hoped the City would negotiate a better number of affordable units.

Mr. Amber Banks felt we need to look at lowering the Area Median Income, and ask the developer to hire locals for the construction.

Ms. Leah Carter, adjacent property owner, felt that the project will bring in too much density in the area and will impact traffic.

Mayor Manheimer closed the public hearing at 5:59 p.m.

In response to Councilwoman Mayfield, Mr. John Kinnaird, Land Planner, said that there is a 20 foot minimum buffer along every property line and in some places the buffer is 50 feet or more.

When Councilwoman Mayfield asked about the commercial piece, Ms. Lanning said that their intention is to have neighborhood support for the commercial piece for people who live in the area.

In response to Councilwoman Mayfield, Ms. Lanning said that they may be able to get closer to 8-10% of the total number of units to be affordable, but they don't want to commit more than 5% at this time until they see the economy. They want to be on the conservative for-sale market side.

Councilman Young said it was difficult for him to support this project as he felt nothing in this project is affordable; however, he does understand that there are other income levels that require housing. He hoped that a higher percentage of affordable units could be negotiated.

After a brief discussion, Ms. Lanning said that she was confident that 8% affordable units can be reached, but was not sure about beyond that.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to recommend approval of the conditional zoning request for the Ferry Road subdivision (with the amendment to the condition that at least 8% of the total number of units at initial sale will be affordable to people at or below 100% of AMI as published annually by the Dept. of HUD. City shall be notified of sales price prior to final CO of unit to ensure the initial sales price is at this affordability price point) from Residential Multi-Family High Density District (RM16) to Commercial Expansion District (COM EXP) and Residential Expansion District (RES EXP) and declare that this approval is also deemed an amendment to the Future Land Use Map within the Living Asheville Comprehensive Plan, and find that the request and resulting Future Land Use Map amendment from Traditional Neighborhood and Neighborhood Center to Residential Neighborhood, Neighborhood Center and Parks/Open Space is reasonable, is in the public interest, meets the development needs of the community and is consistent with the city's comprehensive plan in that this Project: (1) provides a mix of housing units that will help to meet the demand for housing in Asheville; (2) is compatible with current and desired future land

uses; (3) helps to preserve environmentally sensitive land adjacent to the French Broad River; and, (4) aligns with the community character for this area as specified in the Living Asheville Comprehensive Plan. This motion was seconded by Councilman Kapoor and carried unanimously.

ORDINANCE BOOK NO. 32 – PAGE 277

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 19-8 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROPERTY TAX BILLING AND COLLECTION FEE AGREEMENT WITH BUNCOMBE COUNTY

Director of Finance Barbara Whitehorn said that the action requested is to authorize the City Manager to Execute a Property Tax Billing and Collection Fee Agreement between the City of Asheville and Buncombe County

Background:

- A new agreement with Buncombe County replacing the 2005 agreement that established the fee charged to the City at 1.5% of total tax levy. The City saw a significant increase in costs with revaluation; the 2016-17 cost for billing was $895,000.
- Effective July 1, 2019
- Three year agreement
- Year 1: $815,000; 2.5% annual increase

Council Goal(s):

- Financially Resilient Community

Committee(s):

- Finance and HR Committee, November 27, 2018: unanimously recommended authorization

Pro(s):

- Billing for tax collections will be predictable and not linked to taxable values of property. Over the three year contract, the billed amount remains below the 2017 level of $895,000.

Con(s):

- None

Fiscal Impact:

-

FY 2019-20	FY 2020-21	FY 2021-22
$815,000	$835,375	$856,259

- Option to add Special Assessment District(s) at $7,500 set up fee and $18.50/bill
- The approximate annual savings to the City is $100,000

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved to authorize the City Manager to Execute a Property Tax Billing and Collection Fee Agreement between the City of Asheville and Buncombe County. This motion was seconded by Councilwoman Smith and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 223

B. BOARDS & COMMISSIONS

Regarding the Board of Electrical Examiners, no one applied for the layman seat; therefore, City Council instructed the City Clerk to continue advertising.

Regarding the Citizens-Police Advisory Committee, the Citizens-Police Advisory Committee recommended the seats be re-advertised in order to get a more diverse applicant pool. Therefore, it was the recommendation of the Boards & Commissions Committee and the consensus of Council, to readvertise for the two seats in order to get a more diverse applicant pool.

RESOLUTION NO. 19-9 - RESOLUTION APPOINTING A MEMBER TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Affordable Housing Advisory Committee.

There is currently an unexpired term left by Mr. Scott Dedman until September 1, 2019.

The following individuals applied for the vacancy: Bob Ray, Natalie Kramer, Teresa Kirkwood, Kerri McCoy, Grace Barron-Martinez, Andy Barnett, J.V. Farr, Margie Bukowski and Amber Banks.

It was the consensus of the Boards & Commissions Committee to appoint Andy Barnett.

Vice-Mayor Wisler moved to appoint Andy Barrett to fill the unexpired term of Mr. Dedman,term to expire September 1, 2019, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 224

RESOLUTION NO. 19-10 - RESOLUTION APPOINTING AN ALTERNATE MEMBER TO THE BOARD OF ADJUSTMENT

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing an Alternate member to the Board of Adjustment.

There is currently an unexpired term left by Ms. Christine Longoria until January 21, 2019.

The following individuals applied for the vacancy: Ken Sherlin, Paul Harkrider and Robert Carroll.

It was the consensus of the Boards & Commissions Committee to appoint Robert Carroll.

Vice-Mayor Wisler moved to appoint Robert Carroll to fill the unexpired Alternate term of Ms. Longoria, term to expire January 21, 2019, and then a full three-year Alternate term until January 19, 2022, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 225

RESOLUTION NO. 19-12 - RESOLUTION APPOINTING MEMBERS TO THE DOWNTOWN COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Downtown Commission.

The terms of Brent Campbell, Franzi Charen, Dane Barrager and Pamela Winkler expired on December 31, 2018.

The following individuals applied for the vacancy: Carleton Collins, Kelly Prime, Richard Winchell, Jane Mathews, Rebecca Huber-Brown, Greg Hoffman, Aaron Ryba, Sarah Craycraft, Jody Kuhne, Vernon Robinson, John Kledis, Peter Landis, Stu Helm and Claudette Silver.

It was the consensus of the Boards & Commissions Committee to reappoint Mr. Campbell, Ms. Charen, Mr. Barrager and Ms. Winkler.

Vice-Mayor Wisler moved to reappoint Brent Campbell, Franzi Charen, Dane Barrager and Pamela Winkler to each serve an additional three-year term respectivefully, terms to expire December 31, 2021, or until their successors have been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 227

RESOLUTION NO. 19-13 - RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Homeless Initiative Advisory Committee.

Mr. Gene Bell has resigned, thus leaving an unexpired term until January 19, 2019.

The following individuals applied for the vacancy: David Nash and Amber Banks.

It was the consensus of the Boards & Commissions Committee to appoint David Nash.

Vice-Mayor Wisler moved to appoint David Nash to serve the unexpired term of Mr. Bell, term to expire January 19, 2019, and then a full three-year term, term to expire January 19, 2022, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 228

RESOLUTION NO. 19-14 - RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Metropolitan Sewerage District Board.

The term of Chris Pelly expires on January 19, 2019.

The following individuals applied for the vacancy: None.

It was the consensus of the Boards & Commissions Committee to waive the rules and reappoint Mr. Pelly to a third term.

Vice-Mayor Wisler moved to reappoint Chris Pelly to serve an additional three-year term , term to expire January 19, 2022, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 229

RESOLUTION NO. 19-15 - RESOLUTION APPOINTING MEMBERS TO THE MOUNTAIN COMMUNITY CAPITAL FUND OPERATING COMMITTEE AND CREDIT UNDERWRITING SUBCOMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Mountain Community Capital Fund Operating Committee and Credit Underwriting Subcommittee.

On September 11, 2018, City Council adopted Resolution No. 18-241 authorizing the City Manager to execute the Mountain Community Capital Fund and Technical Assistance Program Allocation of Services and Duties Agreement. The by-laws of the organization asks that two community stakeholders be appointed by the City of Asheville. The Operating Committee shall also be comprised of (1) two members of City staff to be appointed by the City of Asheville; (2) two members of County staff be appointed by Buncombe County; (3) two community stakeholders be appointed by Buncombe County; and (4) representatives of Participating Lenders.

The following individuals applied for the vacancy: Lynn Smith, Jacob Blass, Grant Millin and Dee Williams.

It was the consensus of the Boards & Commissions Committee to appoint Lynn Smith and Dee Williams.

Vice-Mayor Wisler moved to appoint Lynn Smith and Dee Williams to each serve a two-year term respectively, terms to expire two years after the entire Committee is established. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 230

RESOLUTION NO. 19-16 - RESOLUTION APPOINTING A MEMBER TO THE RIVERFRONT REDEVELOPMENT COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Riverfront Redevelopment Commission.

The term of Jane Mathews (design professional) expired on January 1, 2019.

The following individuals applied for the vacancy: Shelly Schenker, Brent Starck, Stuart Cowles, Emily Boyd, Daniel Brown, Michael McDonough and Greg Hoffman.

It was the consensus of the Boards & Commissions Committee to reappoint Ms. Mathews.

Vice-Mayor Wisler moved to reappoint Jane Mathews (design professional) to serve an additional three-year term , term to expire January 1, 2022, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 231

RESOLUTION NO. 19-17 - RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABILITY ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Sustainability Advisory Committee on Energy & the Environment.

The terms of Anna Priest, Keith McDade and John O'Connor expired on December 31, 2018.

The following individuals applied for the vacancy: Amy Smith, Ursula Jorch, Susan Bean, Michelle Myers, Dave Penrose, Carol Ann Lyndon, Greg Jennings, Steve Linton, Lynn Pace and Ashley Ray Edwards.

It was the consensus of the Boards & Commissions Committee to reappoint Ms. Priest, Mr. McDade and, at the request of the Committee, to re-advertise for the third seat.

Vice-Mayor Wisler moved to (1) reappoint Anna Priest and Keith McDade to each serve an additional three-year term respectivefully, terms to expire December 31, 2021, or until their successors have been appointed; and (2) re-advertise for the third seat. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 232

RESOLUTION NO. 19-18 - RESOLUTION APPOINTING MEMBERS TO THE TREE COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Tree Commission.

The terms of Stephen Hendricks and Amy Smith expired on December 31, 2018.

The following individuals applied for the vacancy: Chip Hood, Patrick Gilbert and Jonathan Watterson.

It was the consensus of the Boards & Commissions Committee to reappoint Mr. Hendricks and Ms. Smith.

Vice-Mayor Wisler moved to reappoint Stephen Hendricks and Amy Smith to each serve an additional three-year term respectivefully, terms to expire December 31, 2021, or until their successors have been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 233

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Tom Halladay and Mr. Casey Campbell both spoke in opposition of redistricting Asheville.

Mr. Jonathan Wainscott spoke about the redistricting map and its demographic make-up.

Ms. Susan B. Loftis presented Council with the following draft resolution regarding I-26: "Whereas, the City of Asheville has worked hand in hand with NCDOT; and Whereas, the NCDOT has developed in good faith the current plan based on the wishes of the City; and Whereas, the City and its citizens have only recently been in a position to realize fully the consequences of the large land taking and the 4b flyovers; and Whereas, the citizens of Asheville attended the Tuesday, Dec. 4 meeting and overwhelming expressed concern and opposition to the current plans. The City of Asheville acknowledges the need for an I-26 connector project but opposes the current layout and requests that NCDOT project team meet with Julie Mayfield, Debra Campbell, the new city manager, and a small group of citizens to address our concerns in an effort to improve the project."

Mr. Tracy DeBruhl spoke about the Citizens-Police Advisory Committee and his interest in being appointed to this Committee.

Mr. Ben Williamson commented on future housing developments. He felt there is not a housing shortage for people making far above the AMI, but a shortage for those who are at or especially below the AMI. He hoped Council will be firm with future developers to challenge them to do much more to truly address affordable housing.

Mr. Reid Thompson commented about the number of zoning violations related to the commercial activity of Greenlife on Maxwell Street. Mayor Manheimer said that a memorandum has been prepared regarding Maxwell Street enforcement and will be provided to City Council as well as Mr. Thompson.

Closed Session

At 6:42 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); (2) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee pursuant to N.C. Gen. Stat. sec. 143-318.11 (a)(6) and to prevent the disclosure of information that is confidential pursuant to N. C. Gen. Stat. sec. 160A-168, the Personnel Privacy Act, pursuant to N. C. Gen. Stat sec. 143.318.11 (a)(1). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 6:51 p.m., Councilman Kapoor to come out of closed session. This motion was seconded by Councilwoman Smith and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:51 p.m.

Magdalen Bouleson
CITY CLERK

MAYOR

Tuesday – January 22, 2019 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; Interim City Attorney Sabrina Rockoff; and City Clerk Magdalen Burleson

Absent: Councilman Brian D. Haynes (out of town)

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING JANUARY 22, 2019, AS "NATIONAL DAY OF RACIAL HEALING"

Mayor Manheimer read the proclamation proclaiming January 22, 2019, as "National Day of Racial Healing " in the City of Asheville. She presented the proclamation to Equity & Inclusion Director Kimberlee Archie, who introduced her team, and who introduced Ms. Phyllis Utley and Mr. DeWayne Barton to accept the proclamation. Mr. Barton briefed City Council on some activities taking place during the day.

B. PROCLAMATION PROCLAIMING FEBRUARY 4-10, 2019, AS "CELEBRATE TENNIS WEEK"

Councilwoman Mayfield read the proclamation proclaiming February 4-10, 2019, as "Celebrate Tennis Week" in the City of Asheville. She presented the proclamation to Mr. Demp Bradford, Executive Director of the Asheville-Buncombe Regional Sports Commission, and others, who briefed City Council on some activities taking place during the week.

C. INNOVATION IN SUSTAINABILITY AWARD

Mr. Jason Walls, District Manager of Duke Energy in Asheville, presented the City of Asheville with Duke Energy's 25th Annual Power Partner Award 2018 for Innovation in Sustainability. He explained this is the 25th consecutive year, Duke Energy has selected six outstanding organizations to receive the company's prestigious Power Partner award. Duke Energy established the Power Partner award in 1992 to honor businesses and other organizations that achieve exemplary results in categories that include solutions innovation, community excellence, economic development, sustainability innovation and storm restoration. In citing the City and County for the award, he said in 2016, the City of Asheville and Buncombe County worked with Duke Energy to convene the Energy Innovation Task Force aimed at achieving three goals: (1) Avoid or delay the need for a new peaking power plant in western North Carolina; (2) Promote energy efficiency and demand-side management; and (3) Create programs through close community engagement. The Energy Innovation Task Force's Blue Horizons Project, for example, is a coordinated effort to engage all customers (residential, commercial and industrial) in helping build a cleaner and smarter energy future for the region.

II. CONSENT AGENDA:

A. **APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 8, 2019**

B. **RESOLUTION NO. 19-19 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH THE HARPER CORPORATION FOR THE NORTH FORK WATER TREATMENT PLANT SODIUM BICARBONATE SILO REPLACEMENT PROJECT**

Action Requested: Adoption of a resolution authorizing the City Manager to execute a construction agreement with The Harper Corporation for the North Fork Water Treatment Plan (NFWTP) Sodium Bicarbonate Silo Replacement Project.

Background:

- On December 13, 2018, the Water Resources Department (WRD) received bids for the subject project.
- The scope of the project includes replacement of the sodium bicarbonate storage silo, mixing and feed equipment at the NFWTP.
- The Lead & Copper Rule requires that the City treat the drinking water with sodium bicarbonate as part of corrosion control programs for the water distribution system. The project will replace equipment installed in 1996.
- In response to the Advertisement for Bids, the department received three bids from:
  1. The Harper Corporation, Greenville SC - $968,000 ($909,000 base bid, $59,000 Alternate #1);
  2. J.S. Haren, Etowah TN - $1,007,000 ($957,000 base bid, $50,000 Alternate #1); and
  3. Brushy Mountain Builders, Lenoir NC - $1,042,000 ($997,000 base bid, $45,000 Alternate #1).
- Following a review of the bids by City staff and the project engineer, Brown and Caldwell, The Harper Corporation was selected as the lowest responsible, responsive bidder.
- The WRD requests authorization to contract with The Harper Corporation for the bid amount of $968,000 ($909,000 base bid + $59,000 potential Alternate #1) plus a 15% contingency in the amount of $145,200 for a total project budget in the amount of $1,113,000.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- N/A

Pro(s):

- This project will replace the existing equipment that reached the end of its functional life cycle.
- Ensure the City meets EPA Lead & Copper requirements.
- Supports capital investment in the City of Asheville.

Con(s):

- None.

Fiscal Impact:

- The Water Resources Department currently has the funds needed for this construction agreement budgeted in the "Water Treatment Plant Project" in the Capital Improvement Program Fund.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a construction agreement with The Harper Corporation for the North Fork Water Treatment Plan (NFWTP) Sodium Bicarbonate Silo Replacement Project.

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C. RESOLUTION NO. 19-20 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH MCGUIRE, WOOD & BISSETTE FOR LEGAL SERVICES

ORDINANCE NO. 4724 - BUDGET AMENDMENT TO FUND CONTRACT AMENDMENT WITH MCGUIRE, WOOD & BISSETTE AND ADDITIONAL OUTSIDE LEGAL SERVICE EXPENSES

Action Requested: Adoption of a resolution authorizing the City Manager to amend a contract with McGuire, Wood & Bissette for legal services; and the associated budget amendment, from General Fund unassigned fund balance, in the amount of $300,000 to fund the contract amendment and additional outside legal service expenses.

Background:

- On September 11, 2018, the City entered into an agreement with McGuire, Wood & Bissette for legal services.
- Sabrina Rockoff has been maintaining office hours in City Hall and serving as Interim City Attorney until a new City Attorney is hired.
- Peter Kanipe, in addition to other staff with McGuire, Wood & Bissette have been assisting as needed.
- The original contract had a not to exceed amount of $200,000, and due to the delay in hiring a new City Attorney a contract amendment is necessary to the not to exceed $200,000 section of the contract.
- In addition, due to the delay in hiring a new City Attorney along with other outside legal service expenses that have exceeded initial estimates, a budget amendment is necessary, in the amount of $300,000, from General Fund unassigned fund balance. ($100,000 outside legal services and $200,000 for interim City Attorney services.)

Council Goal(s):

- N/A

Committee(s):

- N/A

Pro(s):

- Provides much needed resources to the City during this interim period.

Con(s):

- None identified

Fiscal Impact:

- As noted above, the funding for this budget amendment will come from unassigned General Fund fund balance. Based on year-end revenue and expense estimates from the first quarter of Fiscal Year 2018-19, coupled with this additional fund balance appropriation, staff is projecting that unassigned fund balance will end the year at 14.6%.

A complete update to revenues and expenses and fund balance projections will be provided to City Council as part of the Q2 Financial Report in February.

Motion:

- Move to adopt a resolution authorizing the City Manager to amend a contract with McGuire, Wood & Bissette for legal services; and the associated budget amendment, in the amount of $300,000 to fund the contract amendment and additional outside legal service expenses.

RESOLUTION BOOK NO. 40 - PAGE 235
ORDINANCE BOOK NO. 32 - PAGE 283

D. RESOLUTION NO. 19-21 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH FIELDS CONSULTING GROUP RELATED TO THE PROMOTIONAL PROCESSES IN THE ASHEVILLE POLICE DEPARTMENT

Action Requested: Adoption of a resolution authorizing an amendment to the Fields Consulting Group contract.

Background:

- In 2016, the Asheville Police Department (APD) contracted with the Fields Consulting Group to provide professional services related to the promotional processes for the ranks of Sergeant, Lieutenant and Captain. The contract has been renewed 3 times and is currently at a funding level of $89,000.
- The 2018 promotional process has been concluded. Fields Consulting Group has submitted their final invoice. The total charge exceeds the contract encumbered balance by $3,000. APD agrees that the total charge is correct. The contract cannot be renewed beyond the current balance without City Council approval.
- The Fields Consulting Group contract needs to be amended by $3,000 to a total of $92,000 to allow for payment of the vendor's final invoice.

Council Goal(s):

- Connected and Engaged Community

Committee(s):

- Finance & Human Resources Committee – January 22, 2019 meeting.
- Did not go through Public Safety Committee since their January meeting was cancelled.

Pro(s):

- Funding allows for a professional promotion process at APD.

Con(s):

- None.

Fiscal Impact:

- An additional $3,000 will be charged to APD's fiscal year 2019 operating costs. Funding will come from the existing Fiscal Year 2018-19 Police Department operating budget.

Motion:

- Motion to adopt a resolution authorizing an amendment to the Fields Consulting Group contract.

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Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Kapoor and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. REVIEW OF BUDGET PRIORITIES & COMMUNITY FEEDBACK

Chief Financial Officer Barbara Whitehorn said that the goals of the project is (1) to improve community access to budget process; (2) improve staff understanding of community profiles; and (3) provide community input for Council consideration in budget process.

During the process and engagement portion, staff (1) held four community meetings (budget overview, check-in on neighborhood survey results, and on-site staff); (2) held Council education sessions (monthly discussions of departmental budgets); and (3) had an on-line Open City Hall Survey.

She used a chart showing the citizen survey results in which we received 343 responses. Results were public safety - 90%; environmental protection & sustainability - 88%; affordable housing development - 85%; sidewalks, bikeways & greenways - 84%; improving roads - 83%; public transportation - 77%; food security - 71%; youth recreational programs - 70%; City parks - 68%; maintenance of public buildings - 68%; adult recreational programs - 51%; and recreation centers - 50%.

For the budget Open City Hall we had 441 visits and received 79 responses. She used a chart showing the budget Open City Hall which ranged from environment to City Parks and Recreation. Other priorities included homelessness; mitigating impact of tourism and development, especially in low-income communities; rideshare and alternative transit options; City employee pay and retaining talented workforce; better paying jobs in the community; improving downtown parking options; and traffic congestion. Benefits and lessons learned include (1) community input is valuable to staff in developing recommendations and is also valuable to Council for decision-making; (2) inclusive community outreach to people less likely to use an online survey; (3) feedback opportunities at public meetings need more structure; (4) include community education on the City's role and limitations; and (5) meet people where they are.

Potential strategies for Fiscal Year 2021 include (1) continued education on City role, responsibilities and resources (informational videos and other resources; and (2) more impactful engagement (develop a more effective way of collecting input; outreach to community leaders; additional meeting locations and times; and piggyback on existing community meetings).

IV. PUBLIC HEARINGS:

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A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE MAKING ALL SUBDIVISIONS IN HISTORIC OVERLAY DISTRICTS AND ON LOCAL HISTORIC LANDMARK PROPERTIES A MAJOR WORK

Councilman Young moved to table this public hearing. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

B. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING A PORTION OF PROPERTY LOCATED AT 252 PATTON AVENUE AND A PORTION OF PROPERTY LOCATED AT 28 KNOXVILLE PLACE FROM CENTRAL BUSINESS DISTRICT AND RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT TO CENTRAL BUSINESS DISTRICT EXPANSION/CONDITIONAL ZONE TO CONSTRUCT AN ELECTRIC UTILITY SUBSTATION

ORDINANCE NO. 4725 - ORDINANCE TO CONDITIONALLY ZONE A PORTION OF PROPERTY LOCATED AT 252 PATTON AVENUE AND A PORTION OF PROPERTY LOCATED AT 28 KNOXVILLE PLACE FROM CENTRAL BUSINESS DISTRICT AND RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT TO CENTRAL BUSINESS DISTRICT EXPANSION/CONDITIONAL ZONE TO CONSTRUCT AN ELECTRIC UTILITY SUBSTATION

At this time, Interim City Attorney Rockoff left the Council dais due to a conflict of interest, and in her place Senior Assistant City Attorney John Maddux sat in for her during this item.

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to conditionally zone a portion of property located at 252 Patton Avenue and a portion of property located at 28 Knoxville Place from Central Business District and RM-8 Residential Multi-Family Medium Density District to Central Business District Expansion/Conditional Zone to construct an electric utility substation. This public hearing was advertised on January 11 and 18, 2019.

Background:

- The project area includes portions of two separate lots - one zoned CBD and one zoned RM-8. The balance of the two properties, along with three additional residential lots to the south, are proposed to be graded in conjunction with the utility substation project to prepare the surrounding property for future development.
- A typical air-insulated substation is a permitted use in all zoning districts and is not subject to special design requirements.
- Duke Energy is proposing to construct a gas-insulated switchgear (GIS) substation on the property.
- The GIS is proposed to be enclosed within a single two-story building that will be 25-feet tall and 5,200 square feet.
- The unique operational needs of the building prevents normal compliance with the downtown design standards and several conditions modifying design standards are included in the proposal.

Council Goal(s):

- A Well-planned and Livable Community.
- A Connected and Engaged Community.

Committee(s):

- Technical Review Committee - September 17, 2018 - approved with conditions.
- Downtown Commission - October 12, 2018 - approved unanimously.
- Planning & Zoning Commission - December 5, 2018 - approved unanimously.

Pro(s):

- Proposes the use of a GIS substation resulting in a much smaller impact leaving room for future development that will help screen the substation from view.
- Includes the dedication of additional land as right-of-way along Patton Ave. and Clingman Ave. to allow for future transportation improvements (to be done by others);
- The owner/developer utilized a thorough public input and community engagement process that resulted in a community supported design;
- Provides a critical service need in an area targeted for significant growth.
- The development is aligned with the designated Future Land Use category of the Living Asheville Comprehensive Plan for this area (utility service to support growth)

Con(s):

- Adjacent property may not be suitable for some uses that are sensitive to the external effects of a substation;
- Results in a visual impact on a key gateway property into the downtown.

Fiscal Impact:

- There is no direct fiscal impact, however, the substation will directly support, and is necessary for, current and future development in and around the downtown area. This future development will have a positive fiscal impact.

In response to Councilwoman Mayfield, Mr. Walls said the difference between an gas-insulated facility is it's about the insulation needed to keep the electrical components insulated from one another. He thanked the community for their commitment and willingness shown throughout this process to come up with a solution that fits Asheville.

In response to Mayor Manheimer, Mr. Walls said the site is large enough to levering those two out parcels will allow us to sell it back into the market to help offset the increased cost of technology. There is a gas-insulated substation in Chapel Hill but this is the first one in the state that Duke Energy Progress has built.

Mayor Manheimer opened the public hearing at 5:47 p.m., and when no one spoke, she closed the public hearing at 5:47 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the conditional zoning request from Central Business District and Residential Multi-family Medium Density to Central Business District - Conditional Zone (CBD- CZ) to allow for the construction of a 5,200 square foot, one-story, gas-insulated substation and find that the request is reasonable, is in the public interest and is consistent with the comprehensive plan in that the project: 1) minimizes land use impacts through innovative design; 2) utilized a thorough public input and community engagement process; and, 3) provides a critical service need in an area targeted for significant growth. This motion was seconded by Councilwoman Smith and carried unanimously.

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V. UNFINISHED BUSINESS:

A. CONSIDERATION TO SUPPORT OPTION 1 AS THE NEXT STEPS FOR THE HAYWOOD/PAGE REDEVELOPMENT PLANNING

RESOLUTION NO. 19-22 - RESOLUTION AUTHORIZING THE CITY MANAGER TO IDENTIFY A MULTI-YEAR FUNDING STRATEGY TO COMPLETE THE SITE DESIGN AND IMPLEMENTATION PLAN FOR HAYWOOD STREET AND PAGE AVENUE REDEVELOPMENT PROJECT

Director of Planning & Urban Design Todd Okolichany said that this is consideration to authorize City Manager to Identify a Multi-Year Funding Strategy to Complete the Site Design and Implementation Plan for City-Owned Property on Haywood Street and Page Avenue

Background:

- In 2016, the Asheville City Council approved a community visioning process for the future use of city-owned properties located at 68-76 Haywood Street and 33-39 Page Avenue.
- The Haywood Street Visioning Project Advisory Team Final Report ("Vision Report") was created by the Asheville Design Center and an Advisory Team comprising of community members. The report was presented to and accepted by City Council on March 28, 2017.
- On September 12, 2017, City Council approved the release of a Request for Qualifications (RFQ) and an associated timeline to create a final preferred plan for city-owned properties located at 68-76 Haywood Street and 33-39 Page Avenue.
- A team led by Nelson Byrd Woltz Landscape Architects was identified (through the RFQ process) as the top-ranked firm.
- The Finance and Human Resources Committee reviewed the negotiated project budget of approximately $324,000 on April 23, 2018, and asked staff to come back later in 2018 with recommendations on alternative funding strategies that would keep the project a priority. An additional $16,000 was identified by staff as a budget impact for an updated survey of these properties.
- Staff presented an update on the project to the Planning and Economic Development (PED) Committee of Council on December 10, 2018.

Council Goal(s):

- Council Strategic Priority Goal #8: Develop a plan for Haywood Street land use and implement as appropriate.
- Living Asheville, Asheville's Comprehensive Plan #18: Facilitate Real Estate Development That Maximizes Public Benefit.

Committee(s):

- The Planning and Economic Development Committee of City Council recommended the following to Council at their December 10, 2018, meeting:*"...request that the City Manager, in support of option 1 , identify possible funding to move forward with the Haywood St / Page Ave Site Planning project".*
- The Asheville Downtown Commission voted unanimously at their January 11, 2019, meeting to recommend "*that Council fund the work of the consultant team led by Nelson Byrd Woltz to develop a final design plan, building on the Vision Plan completed in 2017 by the Haywood Street Advisory Team*".

Pro(s):

- This direction would help staff continue exploring options to implement Council Strategic Priority #8 and further the vision outlined in the Vision Report.
- This project aligns with the Living Asheville Plan by investing in the downtown.

Con(s):

- None

Fiscal Impact:

- As noted above, the estimated cost for this project is $340,000, which is not included in the current adopted budget. Once staff identifies a funding strategy for the project, Council would need to amend the current budget to fund the project or include funding in future year adopted budgets. A multi-year funding strategy was discussed at the December 10, 2018 PED meeting.

Mr. Okolichany said that Option 1 is to hire the Nelson Byrd Woltz Landscape Architects with that money to be allocate over two fiscal years. The option would include identifying funding for up to $340,000 but splitting the work over the current fiscal year and Fiscal Year 2019-20. At this time, no funding has been allocated for this project unless this initiative is re-prioritized against other current City Council priorities. Based on the results of the Fiscal Year 2018 Comprehensive Annual Financial Report, the Finance Department does not recommend using Fund Balance as a revenue source at this time. Staff is also looking for opportunities to fund the new survey for the properties as part of existing planned capital improvements for Haywood Street. Alternately, the entire funding request could be made as part of the Fiscal Year 2019-20 budget process.

Option 1's pro is this option would provide City Council with the most data in order to make an informed decision about the long-term, sustained use and programming of 68-76 Haywood Street and 33-39 Page Avenue and the surrounding area, while continuing a previous process that was supported by the community and City Council.

Option 1's con is this is the most costly option and budget budget has been identified to date. Splitting the scope of work over two fiscal years gives uncertainty to the final outcome and deliverables.

Councilwoman Mayfield said that at the Finance & HR Committee, she learned that the City have a little over $114,000 available from the sale of a piece of property that was going to be for a study related to affordable housing. She said if that money doesn't have to go into that pot where we already have designated monies for affordable housing, that City staff consider using those proceeds to at least fund a portion of this.

The following individuals spoke in support of Option 1 with most supporting Elder & Sage Community Gardens being an integral part of whatever design is created for this area:

Mr. David Nutter
Mr. Wanda Lovejoy
Ms. Clare Hanrahan
Mr. David Johnson
Ms. Amber Banks
Mr. Chris Joyell
Ms. Mary Everest
Mr. Craig Cline
Mr. Scott Owen
Ms. Rachel Bliss
Mr. Andrew Fletcher

Mr. David Madden spoke in support of allowing some space to a small museum

Mr. Roy Harris hoped that somewhere on the site there will be an African American element.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved to adopt a resolution authorizing the City Manager to identify a multi-year funding strategy to complete the Site Design and Implementation Plan for city-owned properties on Haywood Street and Page Avenue. This motion was seconded by Councilwoman Smith and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 237

VI. NEW BUSINESS:

A. ORDINANCE AMENDING PROVISIONS OF CHAPTER 10, ARTICLE IV OF THE CODE OF ORDINANCES CONCERNING NOISE REGULATION

Senior Assistant City Attorney John Maddux said that this is the consideration of amending provisions of Chapter 10, Article IV of the Code of Ordinances concerning noise regulation.

Background:

- City staff have identified certain inefficiencies and structural problems in the City's noise ordinances. For that reason, staff are proposing revisions to those ordinances with the intention of promoting better and more efficient enforcement, eliminating administrative challenges related to collecting civil penalties and making ordinance language clearer.
- These changes include
    - Removing the Noise Ordinance Appeals Board (NOAB) as an enforcement mechanism;
    - Punishing violations as an infraction rather than a misdemeanor;
    - Providing Development Services with authority to regulate construction noise through a permitting process;
    - Regulating animal noise solely through the animal ordinance; and
    - Eliminating redundant and confusing provisions. Complaints currently pending before the Noise Ordinance Appeals Board will be provided a window in which they will be heard and concluded.
- The City Manager has expressed an interest in undertaking a more comprehensive review of the City's noise regulations with the intention of making more substantive changes if necessary. These revisions, therefore, should be considered a first-step in a longer-term effort aimed at identifying how noise will be regulated in Asheville.

Council Goal(s): A well-planned and livable community.

Committee(s): On December 17, 2018, the Public Safety Committee voted unanimously to recommend the City Council adopt the proposed revisions.

Pro(s):

- Reduces inefficiencies; allocates enforcement authority to city personnel best positioned to achieve compliance;

Con(s):

- Does not address commercial noise, which is a frequent source of complaints

Fiscal Impact: The City has collected approximately $13,050 for violations of the City's Noise Ordinance since 2009. This amount has fallen off significantly in the past three years, however, so the fiscal impact would be quite minimal under current trends.

Mr. Maddux further explained the current ordinance inefficiencies and deficiencies in the way the ordinance regulates noise. He then reviewed the current ordinance's exceptions, police enforcement, and Noise Ordinance Appeals Board (NOAB).

He then reviewed the proposed changes:

(1) The collection of unpaid civil penalties is impractical, and as a result, violating the noise ordinance carries no practical, enforceable consequences.

Proposed Solution - Punish violations as infractions instead of civil penalties. The person committing the infraction may be punished by a fine of not more than $100.00 per violation, plus court fees, unless they are waived by the court.

Under North Carolina law, cities may punish ordinance violations as misdemeanors, non-criminal infractions or civil penalties. Misdemeanors and infractions are administered by the courts, and courts may impose very real sanctions if they are not paid. Revisiting the ordinance so that a violation is punished as an infraction would, therefore, help ensure that violating the ordinance carries real consequences.

(2) The NOAB is inefficient and largely unsuccessful method for resolving noise disputes between residents. In addition, the NOAB would be unable to issue citations for infractions.

Proposed Solution - Disband NOAB.

Citations for infractions may only be issued by sworn law enforcement officers, and as a result, this revision would require disbanding the NOAB. Eve if that were not the case, however, staff would recommend eliminating the NOAB as it is rarely used for hearing appeals from police officer issued citations. In addition, the NOAB's adversarial citizen complaint process has proven an efficient and largely unsuccessful method for resolving noise disputes. As such, eliminating the NOAB process would not negatively impact enforcement, and could actually incentivize residents to mediate their disputes, which staff has found to be a far better process for resolving noise issues. In addition, in situations where police do not hear the noise or simply disagree that the noise rises to the level of a violation, citizens would be able to seek enforcement through the magistrate's office.

(3) The ordinances do not effectively address noise concerns caused by building construction.

Proposed Solution - Amend code to provide Development Services with authority to regulate construction noise.

Construction noise has been a major source of citizen complaints over the past several years, however, the noise ordinances have proven ineffective at regulating this particular concern. Police officers called to respond to citizen complaints about construction noise are often not in the best position to balance one party's right to the quiet enjoyment of their property against another's right to engage in construction. In addition, the ordinance contains a confusing provision pertaining to "after-hours" permit for construction enforcement authority. For these reasons, staff proposes amending the City Code to provide the City's Development Services Department with authority to regulate construction noise as a component of the building permit process, and further amending the code to exempt construction performed pursuant to a permit from regulation under the

noise ordinances. These revisions would provide the City with far more authority than it currently possesses to regulate construction noise while also placing that authority with the City department best positioned to effectively use that authority.

(4) Noise caused by barking dogs is currently regulated by both the City's animal ordinance and the City's noise ordinance, which can lead to confusion.

Proposed Solution - Amend the City Code so that animal noise is solely regulated under the animal ordinances contained in Chapter 3.

Staff proposes exempting animal noise, which is otherwise regulated by the City's animal ordinances contained in Chapter 3 of the City Code, from regulation under the noise ordinances. This revision would help clear up confusion regarding the proper source of authority for issuing citations for barking dogs, but more importantly, it would allow animal control officers, who are not sworn law enforcement officers, to continue issuing civil penalties for barking dogs despite the revision to make violations of the noise ordinance infractions.

(5) The noise ordinance contains a number of redundant and confusing sections.

Proposed Solution - Amend ordinances to eliminate redundant language.

The noise ordinances contain a list of "frequent sources of complaint," which does not aid enforcement, and that often leads to confusion. For example, the list of 19 activities includes "yelling, shouting," as well as "parties" as activities "tending to produce unreasonably loud and raucous sounds," but whether those activities constitute a violation still depends on whether they are being conducted in a manner that "disturbs a person of reasonable sensitivity." This list, therefore, does not aid enforcement, but often leads to a misperception that certain activities are absolutely prohibited. For that reason, staff recommends that the list be removed.

Councilman Kapoor moved to adopt an ordinance amending provisions of Chapter 10, Article IV of the Code of Ordinances of the City of Asheville concerning noise regulation. This motion was seconded by Vice-Mayor Wisler.

In response to Mayor Manheimer, Councilman Young said that when you get an infraction, it's up to the District Attorney's Office or Assistant District Attorney if they want to dismiss the charge. Court costs for infractions is $188, and this fine would be $100. If you miss the court date, there is an additional $200 penalty for failure to appear. And, if they don't take care of the court case by a certain amount of time, their license could be suspended. Once their license is suspended, he felt this noise ordinance could be used in some various adverse ways. You can pay the infraction online. There is no automatic referral to the Mediation Center.

City Manager Campbell said that staff will be undertaking a more comprehensive review of the noise regulations. The recommended changes are more structural changes. They do not address the substantive issues related to noise, particularly those that impact residential areas, in particular noise from commercial establishments, light nightclubs, bars, restaurants, etc. We would like to have another phase of community engagement and public dialogue with involvement by our Planning & Urban Design staff, as well as Development Services to address some of these more broader issues. There has to be balance. We are a community that has a large sector of our economy related to tourism, but we also have an incredibly livable community where we want our residential areas to be protected as much as possible. We are trying to find that balance of maintaining the vibrancy that we have in our community, but also to protect the ability to sleep and enjoy life in your home. With this particular issue, we want a sense of reasonableness and

clear lines of "if you do these infractions, there will be consequences in terms of penalties." We are trying to clarify as much as possible the steps. This next phase will be related to clarity of the ordinance language.

Mr. Maddux said that there are some existing complaints. The NOAB will be in place for 90 days and those existing complaints will be heard within that timeframe. No new complaints will be heard.

In response to Councilwoman Smith, Mr. Maddux said that it is the Asheville Police Department's practice to give a warning first.

The following individuals spoke in opposition of the noise ordinance revisions until the comprehensive review is undertaken with public engagement:

Mr. Andrew Fletcher
Mr. Peter Landis
Ms. Martha Salyers
Mr. Casey Campfield
Ms. Diana Davidson
Mr. Philip Lenowitz
Mr. Jonathan Wainscott

Mayor Manheimer said that Council mostly receives complaints around commercial activity and would support continuing the process until we look at a more comprehensive approach.

Vice-Mayor Wisler, liaison to the NOAB, agrees that we need to look at the noise regulations in a comprehensive manner, but supported adopting these revisions, with the idea that the comprehensive piece will proceed quickly.

Councilman Young could not support these revisions as he felt they were not looked at through an equity lens. He felt this ordinance can affect other people's lives in an adverse way and did not support opening up pathways to the criminal justice system.

Councilman Kapoor withdrew his motion to adopt the noise ordinance revisions.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Jonathan Wainscott spoke in favor of City elections being in the even year cycle.

Matilda Bliss, Casey Campfield and Kim Roney spoke about redistricting and the overwhelming numbers of Asheville citizens who voted against district. Mayor Manheimer explained that the City is soliciting some legal advice on their options regarding redistricting.

Rupa Russe spoke about zoning code enforcement.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:58 p.m.

Magdalen Bowlerson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – February 12, 2019 - 3:00 p.m.

Capital Improvement Program Budget Worksession

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; and City Clerk Magdalen Burleson

City Manager Campbell said that this will be an update on the Capital Improvement Program. She said that like most communities, Asheville has historically been challenged to fund capital needs. Recent investments have improved the overall quality of our capital assets. Continued investments are required to maintain our momentum.

Chief Financial Officer Barbara Whitehorn provided an overview of the capital planning and budgeting. A capital asset is land;buildings and improvements; infrastructure (streets, sidewalks); and equipment and machinery. Capital assets are separate from operating because of scale of investment, longer time horizon, use of debt, and project based not program based.

She then reviewed our history of capital investments. Our last GO Bond referendum was approved in 1986, and the last attempt unsuccessful was in 1999.

Ms. Whitehorn then reviewed the current status of projects (1) GO Bond Projects where the initial phase has been completed; (2) GO Bond Projects that are under construction; (3) GO Bond Projects that are in design; and (4) GO Bond Projects that are in planning. Using maps, she showed the geographic investments of Bond Projects and other CIP Projects. Using charts, she reviewed the projected capital spend. She explained the road resurfacing and condition impact; and playground improvements. She explained leveraging limited resources, such as FTA grants, MPO grants, MSD partnership; and others.

Ms. Whitehorn then reviewed future needs and costs, showing a citizen survey of investment priorities with public safety being 90% and recreation centers coming in last at 50%. She then talked about the community feedback that was sought.

The current CIP Total (FY 20-23) is $60 Million; and the requested by Departments (FY 20-24) is $330 Million. Existing CIP (ongoing allocations) include computer replacement; facility maintenance and roof replacement; fleet (General, Fire Department, Transit); park facilities and turf replacement; new sidewalk construction; and road resurfacing. Existing CIP (new projects) include public safety radio replacement; Chunn's Cove Bridge Rehabilitation; Hazel Mill Road sidewalk; I-26 Connector; and NC-191 sidewalk.

She then detailed the different types of department requests (1) planned projects with additional needs; (2) additional maintenance needs; and (3) unfunded projects. Unfunded projects include (1) Transit Master Plan recommendations (a) Facility replacement - $50 Million; and (b) service expansion - $12 Million; (2) Transit expansion - $76 Million; (3) Thomas Wolfe Renovation - $60 Million; (4) McCormick Field Infrastructure Upgrades - $5 million; and Greenway System expansions - $26 Million.

City Manager Campbell said that as we work on what Council's strategic priorities can be categorized as short, medium and long-term, we will have a better approach on how we can address these needs. These are our priorities and we will look at our financing toolbox so that we can hopefully reduce that gap between need and our ability to address those needs.

Ms. Whitehorn said that next steps include (1) provide information to Council about

requests and available resources (February); (2) staff continue to review and develop recommended CIP based on strategic priorities and financial capacity (February/March); (3) Council review draft of preliminary 5-year CIP (March/April); and (4) proposed CIP budget adoption (May/June).

Ms. Whitehorn responded to various questions/comments from Council and those which could not be readily answered would be sent to Council via a memorandum. Some questions/comments were: what is the plan to begin the maintenance facility replacement from the transit master plan recommendations; is there funding included for the facilities study included in the transportation budget; request to see list of projects that total the $330 Million of unfunded projects, along with potential partnerships and grants and what kind of debt they would be eligible for; confirmation that the three high impact sites identified, along with oak hill and cedar hill affordable housing properties are not included in the unfunded projects.

At 3:46 p.m., Mayor Manheimer adjourned the worksession.

Tuesday – February 12, 2019 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; Interim City Attorney Sabrina Rockoff; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer, along with a member of the Boy Scouts, led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 22, 2019

B. ORDINANCE NO. 4726 - ORDINANCE TO CHANGE THE SPEED LIMIT ALONG SECTIONS OF LYMAN STREET AND RIVERSIDE DRIVE FROM 30 MPH TO 25 MPH

Action Requested: Adoption of an ordinance changing the posted speed limit along sections of Lyman Street and Riverside Drive from 30 mph to 25 mph.

Background:

- N.C. Gen. Stat. § 20-141 gives the City the authority to regulate speed limits within its corporate limits.
- Posted speed limits are typically based on an engineering and traffic investigation.
- The River Arts District Transportation Improvement Project (RADTIP), currently under construction, has a design speed of 30 mph.
- During the design phase, the target speed was determined to be 25 mph and according

to the Policy on Geometric Design of Highways and Streets, 2018 7th Edition (The Green Book), the target speed is intended to be used as the posted speed limit.

Council Goal(s):
- Transportation and Accessibility.

Committee(s):
- None

Pro(s):
- Meets the design criteria of an ongoing project.
- Complements the multi-modal aspects of an ongoing project.

Con(s):
- None

Fiscal Impact:
- Cost of installing and maintaining speed limit signs included in the current operating budget.

Motion:
- Motion to approve an ordinance enacting a 25 mph speed limit on Lyman Street from SR 3556 (Amboy Road) to Riverside Drive and on Riverside Drive from Lyman Street to Hill Street.

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C. RESOLUTION NO. 19-23 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH COOPER CONSTRUCTION COMPANY INC. FOR THE NORTH FORK BRIDGE TRANSMISSION LINE BYPASS PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a construction agreement with Cooper Construction Company, Inc., for the North Fork Bridge Transmission Line Bypass Project.

Background:
- On January 7, 2019, the Water Resources Department (WRD) issued an Advertisement for Bids for the North Fork Bridge Transmission Line Bypass Project.
- The scope of work for this project includes the installation of approximately 1,700 Linear Feet (LF) of 36-inch transmission line and appurtenances along North Fork Road with tie-ins to the existing 36 and 24-inch transmission lines to the north and south of the bridge crossing the North Fork of the Swannanoa River.
- This proposed project has been determined to be a critical installation that will provide a redundant water transmission line bypass feed to a section of existing transmission mains, which are highly susceptible to failure during flooding events on the North Fork of the Swannanoa River.
- In response to the Advertisement for Bids, the WRD received three bids on January 29, 2019. Companies responding were:
    1. Cooper Construction Company, Inc.; Flat Rock, NC – Bid: $1,850,740.00
    2. McClam & Associates, Inc..; Little Mountain, SC – Bid: $2,629,021.25
    3. Piedmont Utility Group, Inc.; Mooresboro, NC – Bid: $8,898,171.94

- Following a review of the bids by City Staff and the project engineers, McGill Associates,the firm Cooper Construction Company, Inc., was selected as the lowest responsible, responsive bidder.
- The WRD requests authorization to contract with Cooper Construction for the bid amount of $1,850,740 plus a 15% contingency in the amount of $277,611 for a total project budget in the amount of $2,128,351.

Council Goal(s):
- A Financially Resilient City.

Committee(s):
- Not Applicable.

Pro(s):
- This project will add a redundant water transmission line in an area where the existing transmission lines are at high risk of failure due to flooding. By adding the redundant transmission line, our ability to continue to provide water service to our customers during flooding events along North Fork of the Swannanoa River are greatly enhanced.
- This project is aligned with the City and the WRD goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.

Con(s):
- None.

Fiscal Impact:
- The Water Resources Department currently has the funds needed for this construction agreement budgeted in the "Master Plan / Large Waterline Replacement" project in the Capital Improvement Program Fund.

Motion:
- Move to adopt a resolution authorizing the City Manager to execute a construction agreement with Cooper Construction Company, Inc., for the North Fork Bridge Transmission Line Bypass Project.

RESOLUTION BOOK NO. 40 - PAGE 238

D. RESOLUTION NO. 19-24 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDED GRANT AGREEMENT WITH THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY REDUCING A PREVIOUS AWARD OF $1,000,000 TO $25,000 IN TOURISM PRODUCT DEVELOPMENT FUNDS

Action Requested: Adoption of resolution authorizing the City Manager to sign an amended grant agreement with Buncombe County Tourism Development Authority reducing a previous award of $1,000,000 to $25,000 in Tourism Product Development Funds.

Background:
- Beaucatcher Greenway is an unbuilt segment of the proposed River to Ridge Greenway and Trail Network that is part of the Greenway Master Plan adopted in 2009 and updated in 2013. It was added to the Capital Improvement Plan (CIP) in 2012.
- The City was awarded $1,000,000 from the Tourism Development Authority (TDA) through the Tourism Product Development Fund (TPDF) in 2015 - $975,000 was for

construction of the original design of Beaucatcher Greenway, and $25,000 was for a crossing and amenities on Amboy Road.

- The Amboy Road project was completed, but the Beaucatcher Greenway project was put on hold when bids came in over budget.
- The grant contract with TDA for $975,000 for Beaucatcher Greenway has expired.
- Subsequent community input has shown support for a modified, more natural version of the greenway with some paved areas for parking and accessibility, which staff is now exploring and expects to complete by 2022.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- Greenways Committee was provided an update at their February 2019 meeting.

Pro(s):

- The City will continue to remain in good standing with the TDA by resolving this expired grant agreement.
- Once the modified grant is signed, the City can invoice for the Amboy Road project.
- The modified version of Beaucatcher Greenway is scheduled to be completed by 2022.

Con(s):

- The City's budget to build Beaucatcher Greenway will be reduced by $975,000.

Fiscal Impact:

- This will reduce budget due to expired grant contract and change to Beaucatcher Greenway project scope.
- This adjustment will allow us to receive the $25,000 grant for the completion of the Amboy Road project.

Motion:

- Motion to adopt a resolution authorizing the City Manager to sign an amended grant agreement with Buncombe County Tourism Development Authority reducing a previous award of $1,000,000 to $25,000 in Tourism Product Development Funds.

RESOLUTION BOOK NO. 40 - PAGE 239

E. RESOLUTION NO. 19-25 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH NHM CONSTRUCTORS OF ASHEVILLE FOR THE IMPROVEMENT TO THE STORM DRAINAGE, SIDEWALK AND BUS TRAVEL LANES AT THE ART BUS STATION ON COXE AVENUE

Action Requested: Adoption of resolution authorizing the City Manager to execute a contract for the improvement to the storm drainage,sidewalk and bus travel lanes at the ART Bus Station on Coxe Avenue.

Background

- The ART Bus Station has failing storm drainage infrastructure that is in need of repair.
- The failing drainage infrastructure has caused damage to the travel lanes for the buses and the building is subject to flooding during heavy rains. This project will help eliminate these problems.

- The sidewalks are not in compliance with ADA regulations. This project will also bring the ART Bus Station site back into compliance with ADA standards.
- The lowest responsible bidder was NHM Constructors,LLC of Asheville NC in the amount of $271,301.00 plus a 10% contingency of $27,130.00, for a total of $298,431.
- The project was advertised on September 24,2018, and bids were opened on October 23, 2018. The results were as follows:
    - Patton construction group. of Arden, NC $580,600.00
    - Thomas construction, Inc. of Johnson City, TN $398,310.00
    - NHM constructors, Inc. of Asheville, NC $271,301.00

Council Goal(s):
- A Well-Planned and Livable Community

Committee(s):
- NA

Pro(s)
- Will add to pedestrian safety with improved sidewalks.
- Make an improved and durable travel lane for buses.
- Correct existing drainage problems.

Con(s):
- Work will cause minor inconvenience to ART users.
- Project costs exceeded the initial estimates requiring the use of $195,000 from the CIP contingency budget.

Fiscal Impact:
- The initial budget for this project totaled $170,000; funded with a mix of Federal Transit Administration grant funds and City funds. In order to fully execute the contract with NHM Constructors,LLC plus the contingency, the project requires additional funding of $195,000 for a new total budget of $365.035. The additional funding will come from the CIP contingency that was included in the Adopted FY 2019-20 Budget.

Motion:
- Motion to authorize the City Manager to execute a contract for the improvement to the storm drainage,sidewalk and bus travel lanes at the ART Bus Station on Coxe Avenue.

RESOLUTION BOOK NO. 40 - PAGE 240

F. RESOLUTION NO. 19-26 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, GRANT FUNDING FROM THE N.C. DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE PURPOSE OF REDUCING CONTAMINATION IN THE RECYCLING STREAM AND IMPROVE MATERIAL QUALITY

Action Requested: Adoption of a resolution authorizing the City Manager to apply for, and accept funding if awarded, from the NCDEQ for the CWRAR Grant.

Background:
- Apply for grant funds, in the amount of $30,000, for outreach efforts to reduce contamination in the recycling stream and improve material quality.
- Outreach efforts will include:
    - Radio and newspaper ads,

  - Annual mailers, brochures, magnets and posters,
  - In-home recycling bins, and
  - Indoor standing banner displays.
- CWRAR Grant recipients are required to provide a cash match equal to or exceeding 20% of the requested grant funds.

Council Goal(s):
- A Clean and Healthy Environment

Committee(s):
- Finance Committee - January 22, 2019 - approved

Pro(s):
- Helps support City's waste reduction goal while leveraging state funding

Con(s):
- None

Fiscal Impact:
- If awarded, the City will be required to provide a cash match of $6,000, or 20% of the requested grant funds of $30,000, totaling $36,000 for the project.

Motion:
- Motion to approve a resolution authorizing the City Manager to apply for and accept funding if awarded from NCDEQ.

Councilman Haynes outlined some of the outreach efforts. He then read the following statement from Asheville Greenworks "With a mission to *inspire, equip and mobilize individuals and communities to take care of the places we love to live,* Asheville GreenWorks prioritizes waste reduction and litter prevention in the City of Asheville and throughout Buncombe County. From our on-the-ground experience, we witness firsthand the obstacles to waste reduction in our community, such as misconceptions about what can and cannot be recycled. When items that cannot be recycled, such as plastic shopping bags, paper towels, aluminum foil and hard plastics, wind up in residential recycling bins, they can contaminate the whole load. Contamination of plastic recycling is a major issue facing recyclers across the country, as China -- a country that once accepted 30 to 40 percent of U.S. paper, plastic and metal recyclables -- banned many types of plastics it would accept and made the standards for plastic cleanliness impossibly high. As a result of these rule changes, local recyclers are unable to sell their recyclables and the U.S. recycling industry is at risk. GreenWorks recognizes education as an essential component of reducing plastic contamination at the curb. We are working with the City of Asheville, Curbside Recycling and Land of Sky Regional Council to conduct recycling outreach and education aimed at reducing confusion and contamination throughout the city. Funding from NC DEQ for the City to carry out more education on plastic recycling is timely and imperative to address the issue at its roots."

RESOLUTION BOOK NO. 40 - PAGE 241

G. RESOLUTION NO. 19-27 - RESOLUTION OF INTENT TO SET A PUBLIC HEARING TO CLOSE AN UNOPENED RIGHT-OF-WAY OFF FAIRFAX AVENUE

Action Requested: Adoption of a resolution to set a public hearing for March 12, 2019, for the closure of unopened right of way off Fairfax Ave.

Background:

- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- Christopher D. Meyer has petitioned the closure and owns both adjacent properties, 700 Haywood Rd. (PIN # 9638-24-3333) and 12 Fairfax Ave. (PIN # 9638-24-3235)
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - November 28, 2018 - Recommendation to move it forward with no vote.

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con(s):

- There are property owners who are concerned about accessing the property. However, the access is not via the right of way being considered to be closed but rather along the property line between the two properties.

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Motion:

- Motion to adopt resolution of intent to set a public hearing, March 12, 2019.

RESOLUTION BOOK NO. 40 - PAGE 242

H. RESOLUTION NO. 19-28 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENT AGREEMENT WITH GHD FOR PROFESSIONAL ENGINEERING SERVICES FOR WATER RESOURCES DEPARTMENT TREATMENT IMPROVEMENTS & RESIDUALS DISPOSAL OPTIONS

Action Requested: Adoption of a resolution authorizing the City Manager to execute a Supplemental Agreement with GHD Consulting, Inc., for professional engineering services for the Treatment Improvements and Residuals Disposal Options Project.

Background:

- The Water Resources Department (WRD) has a current Master Agreement with GHD Consulting Services, Inc., for on-call professional engineering services for water treatment plant (WTP) projects. GHD was selected in response to City RFQ No. 298-WTPOnCallEng for On-Call Engineering Services issued on August 11, 2014. Specific projects are authorized under a separate Supplemental Agreement.
- The WRD desires to enter into a Supplemental Agreement with GHD for the subject project.

- For many years, the WRD has taken the water treatment residuals, also known as "sludge", from all three water treatment plants to the Metropolitan Sewerage District (MSD) to be treated.
- MSD can no longer accept residuals from water treatment facilities due to their new Air Quality Title V permit and renewed National Pollutant Discharge Elimination System (NPDES) permit.
- Buncombe County landfill has agreed to take the residuals for a period of two years while we analyze other treatment and/or disposal option.
- The WRD requests authorization to contract with GHD for the proposed amount of $218,500 plus a 15% contingency in the amount of $32,775 for a total project budget in the amount of $251,275.
- The scope of services to be performed by GHD include: project meetings, data collection, full scope residuals analysis that contains bench scale testing, regulatory review, and a climate study.

Council Goal(s):
- A Financially Resilient City

Committee(s):
- N/A

Pro(s):
- This project will develop an alternative solution for disposal of water treatment plant residuals.

Con(s):
- None

Fiscal Impact:
- The Water Resources Department currently has the funds needed for this consulting agreement budgeted in the "Water Treatment Plant Project" in the CIP Fund.

Motion:
- Move to adopt a resolution authorizing the City Manager to execute a Supplemental Agreement with GHD Consulting, Inc., for professional engineering services for the Treatment Improvements and Residuals Disposal Options Project.

RESOLUTION BOOK NO. 40 – PAGE 244

I. RESOLUTION NO. 19-29 - RESOLUTION AUTHORIZING THE CITY MANAGER ENTER INTO A CONTRACT WITH PATTON CONSTRUCTION GROUP INC. FOR THE HILL STREET AND BINGHAM ROAD SIDEWALK PROJECT

Action Requested: Adoption of resolution authorizing the City Manager to execute a contract with Patton Construction Group Inc. for the construction of one sidewalk on Hill Street and the other sidewalk on Bingham Road in the amount of $260,667 plus a 10% contingency of $26,066.75.

Background:
- The City of Asheville passed a General Obligation Bond in 2016 and within this Bond money was budgeted to construct new sidewalks.

- Hill Street was identified as one of the sidewalks for construction as part of the bond referendum.
- This new construction will complete the sidewalk connection from Courtland Avenue to Riverside Drive.
- Bingham Road sidewalk is part of the neighborhood sidewalk program.
- The neighborhood sidewalk program identifies sidewalk connectivity opportunities throughout the city and is funded through the capital budget.
- The section bid with this project will make the connection along Bingham Road and fill the gaps that currently exist near Pearson Bridge Road
- Both of these sidewalks improve connectivity and improve pedestrian safety in their respective areas.

Council Goal(s):
A Well-Planned and Livable Community

Committee(s):
- NA

Pro(s)
- Will fill in sections of missing sidewalk that add to pedestrian safety.
- Project works towards fulfillment of the General Obligation Bond.

Con(s):
- Work will cause some traffic delays during construction.

Fiscal Impact:
- The project is funded by a combination of the General Obligation Bond from 2016 and the Neighborhood Sidewalks Program, with the breakdown of Hill Street being 100% bond funded and Bingham Road being 100% General Fund.

Motion:
- Motion to authorize the City Manager to execute a contract with Patton Construction Group Inc. for the construction of one sidewalk on Hill Street and the other sidewalk on Bingham Road in the amount of $260,667 plus a 10% contingency of $26,066.75.

RESOLUTION BOOK NO. 40 - PAGE 245

J. ORDINANCE NO. 4727 - BUDGET AMENDMENT FOR THE SCOPE OF WORK AMENDMENT TO THE BIKE SHARE FEASIBILITY STUDY

Action Requested: Adoption of a budget amendment in the amount of $14,500 to move funds from the General Fund to the Special Revenue Fund to allow addition of e-scooters to the existing consultant contract for the Bike Share Feasibility Study.

Background:
- City of Asheville and it's consultant, Alta Planning + Design, have been working on a feasibility study for bike share potential and direction.
- As reported to Council late last year, based on the emergence of e-scooters as another form of shared mobility devices, Transportation staff proposed to expand the scope of the study to add e-scooters and potentially other shared micro-mobility devices, and add a proposed request for proposals (RFP) for an initial pilot share program and suggested regulations for e-scooters.

- The initial project was funded in part with a grant, so the project has its own budget in the special revenue fund, which must be amended in order to amend the study scope.
- The amendment would allow an addition of up to $14,500 to the initial $49,949 contract amount.
- This amendment moves funding from one budget to another, it does not seek new city funding.

Council Goal(s):
- Equitable and Diverse Community
- Clean and Healthy Environment

Committee(s):
- None

Pro(s):
- Addresses emerging issue of e-scooters

Con(s):
- Expands study budget and extends timeline

Fiscal Impact:
- Redirects up to $14,500 funding in the Transportation Planning General Fund budget to the expanded study scope.

Motion:
- Motion to adopt the budget amendment to increase funding for the Bike Share Feasibility Study.

ORDINANCE BOOK NO. 32 - PAGE 294

K. RESOLUTION NO. 19-30 - RESOLUTION AUTHORIZING THE CITY MANAGER TO UTILIZE EXCESS LIABILITY INSURANCE RECOVERY FUNDS FOR PROPERTY AND LIABILITY CLAIMS

ORDINANCE NO. 4728 - BUDGET AMENDMENT OF INSURANCE RECOVERY FUNDS RECEIVED TO BE UTILIZED TOWARDS PROPERTY AND LIABILITY CLAIMS

Action Requested: Adoption of a budget amendment and resolution authorizing reimbursed Insurance Recovery funds to be utilized for Property and Liability claim expenses.

Background:
- This fiscal year, City of Asheville (City) excess liability carriers reimbursed $301,592.38 for two (2) liability claims that exceeded the City's self-insured retention limit.
- One claim was an automobile liability claim involving a Parks & Recreation vehicle; and the other was for a law enforcement liability claim.
- The City's Property and Liability Fund incurred the claims expenses to resolve the claims.
- City staff requests Council authorization to budget the reimbursed funds for property and liability claims expenses.

Council Goal(s):

- Vision - Smart City; striving to control City costs and provide the highest possible level of service.

Committee(s):
- N/A

Pro(s):
- Reimburses the City Property & Liability Fund for expenses incurred above the retention limit.
- Provides budget authorization to resolve liability claims.

Con(s):
- None.

Fiscal Impact:
- The $301,592.38 in Insurance Recovery Revenue was received and recorded in the City's Property and Liability Fund. Budgeting this revenue will reimburse funding to pay claims expenses.

Motion:
- Motion to adopt a budget amendment and resolution authorizing $301,592.38 of Insurance Recovery funds be utilized for property and liability claim expenses.

RESOLUTION BOOK NO. 40 - PAGE 246
ORDINANCE BOOK NO. 32 - PAGE 296

L. RESOLUTION NO. 19-31 - RESOLUTION IN SUPPORT OF A STATEWIDE INITIATIVE FOR LEGISLATIVE FUNDING TO RE-ESTABLISH A PASSENGER RAIL CONNECTION FOR WESTERN NORTH CAROLINA

Summary: Through the adoption of this resolution, the City of Asheville fully supports the creation of a comprehensive bus-rail system to serve Western North Carolina, that includes sufficient funding by the North Carolina General Assembly to the North Carolina Department of Transportation Rail Division for the proposed Amtrak Thruway bus service between Asheville and Salisbury. This service will be evaluated after two years by Amtrak, the North Carolina Department of Transportation Rail Division, the Western North Carolina Rail Committee Inc and the communities served by the Salisbury-Asheville bus-rail connection.

Former Representative Ray Rapp said this is an opportunity to re-establish the passenger rail service connection from Asheville to Salisbury. He then gave a brief history of the project and hoped Council will endorse this unique opportunity for Asheville.

RESOLUTION BOOK NO. 40 - PAGE 247

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Mayfield and carried unanimously.

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

A. **PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE CONDITIONS OF ORDINANCE NO. 4722 FOR THE CONDITIONAL ZONING OF PROPERTY LOCATED AT 275 AND 281 HAZEL MILL ROAD**

ORDINANCE NO. 4729 - ORDINANCE AMENDING ORDINANCE NO. 4722 TO AMEND THE CONDITIONS FOR THE CONDITIONAL ZONING OF PROPERTY LOCATED AT 275 AND 281 HAZEL MILL ROAD

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to amend the conditions of Ordinance No. 4722 for the conditionally zoning of property located at 274 and 281 Hazel Mill Road. This public hearing was advertised on February 1 and 8, 2019.

Action Requested: Wording correction on the amendment to a previously approved conditional zoning at 275 and 281 Hazel Mill Road.

Background:

- The amendment to the conditional zoning was approved by City Council on January 8, 2019; however the condition regarding the sidewalk along Hazel Mill Road was not adopted with the correct wording.
- Pursuant to the intent of both the developer and City Council as discussed at that public hearing, and as illustrated on the site plan, the condition (number 10) should be amended as follows:
    - "The sidewalk along Hazel Mill Road will be eight feet in width and setback up to 35 feet from the edge of the road as shown on the attached site plan. An easement will be granted by the developer/property owner for public use of the sidewalk but the sidewalk will be privately maintained."

Council Goal(s):

- A Well-Planned and Livable Community
- Quality Affordable Housing
- Transportation and Accessibility

Committee(s):

- Technical Review Committee - November 5, 2018 - approved with conditions
- Planning & Zoning Commission - December 5, 2018 - recommended approval (7-0)

Pro(s):

- The project was approved by City Council with the intention for the sidewalk as proposed by the applicant, and as shown on the site plan map.

Con(s):

- None noted

Fiscal Impact:

- If constructed, the project would have a positive fiscal impact on tax revenues received by the city.

Mayor Manheimer opened the public hearing at 5:22 p.m.; and when no one spoke, she closed the public hearing at 5:22 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Kapoor moved to approve the conditional zoning amendment to ordinance 4722 for White Oak Grove Apartments at 275 and 281 Hazel Mill Road from Residential Multi-Family High Density District Conditional Zone to Residential Multi-Family High Density Conditional Zone with the corrected condition regarding the sidewalk (Condition #10) , and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in that: (1) the amendment does not substantially deviate from the project details previously approved other than the changes to the site plan; (2) the development is located with close access to commercial uses, transit and employment opportunities; (3) the project includes dedicated affordable residential units; and (4) the proposal is aligned with the Future Land Use map in the Living Asheville Comprehensive Plan. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

ORDINANCE BOOK NO. 32 – PAGE 298

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION ADOPTING THE DOWN PAYMENT ASSISTANCE POLICY

Mayor Manheimer announced that this will be considered at the February 26, 2019, meeting. Staff is making technical adjustments to the language in the proposed policy to make it as easy to understand as possible. The intent and substance of the proposed policy will remain the same.

B. BOARDS AND COMMISSIONS

Regarding the Board of Electrical Examiners, no one applied for the layman seat; therefore, City Council instructed the City Clerk to continue advertising.

RESOLUTION NO. 19-32 - RESOLUTION APPOINTING MEMBERS TO THE CITIZEN-POLICE ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Citizens-Police Advisory Committee.

There is currently an unexpired term left by Sir Charles Gardner (resident of property owned by the Housing Authority) until June 30, 2019. In addition, there is an unexpired term left by Mr. Cliff Joslin (South Asheville representative) until June 30, 2020.

The following individuals applied for the vacancy for the South representative: Robert Woolley, Kaaren McNulty and Tracey DeBruhl.

It was the consensus of the Boards & Commissions Committee to readvertise for the resident of the Housing Authority property seat since no one applied; and to appoint Kaaren McNulty as the South Asheville representative.

Vice-Mayor Wisler moved to appoint Karen McNulty (South Asheville representative) to fill the unexpired term of Mr. Joslin, term to expire June 30, 2020, or until her successor has been appointed. This motion was seconded by Councilman Kapoor and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 249

RESOLUTION NO. 19-33 - RESOLUTION APPOINTING A MEMBER TO THE SUSTAINABILITY ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Sustainability Advisory Committee on Energy & the Environment (SACEE).

The term of Josh O'Connor expired on December 31, 2018.

The following individuals applied for the vacancy: Susan Bean, Michelle Myers, Dave Penrose, Carol Ann Lydon, Greg Jennings, Steve Linton, Lynn Pace, Ashley Ray Edwards, Ron Edgerton, Chris Pelrine, Daniel Falkenstein, Paul Schulman, Andrea Baty and Patricia Williams.

At the recommendation of SACEE, It was the consensus of the Boards & Commissions Committee to appoint Chris Pelrine.

Vice-Mayor Wisler moved to appoint Chris Pelrine to serve a three-year term, term to expire December 31, 2021, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 250

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mayor Manheimer gave a brief update of the Vance Elementary softball field noting that one of our Parks Bond would help co-fund the softball improvements at Vance Elementary. This is a project in partnership with the Asheville school system. She used a drawing to show where the current outfield fence is located, where the proposed outfield fence is located, and the proposed baseline fences. On February 18, 2019, the School Board will hold their regular meeting and they will invite members of the Vance community to speak at the meeting. We will have our Parks & Recreation Director at that meeting to answer questions and provide information. The school will also host an evening meeting at Vance Elementary about the proposal. The project has not been finalized. The City committed to a community-oriented process for all our bond funded projects, but this was unusual because of the partnership process with the school system and it's being built on school grounds.

Ms. Tracey Wold spoke about transit system and the need to ensure the Transit Master Plan is funded, implemented and monitored.

Mr. Timothy Poulton, parent of child in Vance Elementary School, explained why the Vance Elementary softball field project relates closely to the City's desire to partner with the schools to close our achievement gap. He was concerned about seeing a pattern of approach to communication in trying to close those gaps. He hoped that we would encourage collaboration and communication with everyone.

Ms. Leigh Coward urged City Council to take action against districts.

Mr. Devinceo Priester felt we need to build up the Housing Authority and work together as a team to fight crime and homelessness.

Ms. Sara Munro was concerned about policing in schools.

Closed Session

At 5:45 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit, or potential lawsuit. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3); and (3) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6); and to prevent the disclosure of information that is confidential pursuant to N.C. Gen. Stat. § 160A-168, the Personnel Privacy Act. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 7:02 p.m., Vice-Mayor Wisler to come out of closed session. This motion was seconded by Councilman Young and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:02 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

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Monday – February 18, 2019 - Noon

Special Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; and City Clerk Magdalen Burleson

Mayor Manheimer opened the special meeting.

At Noon, Councilwoman Mayfield moved to go into closed session to consider the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee pursuant to N.C. Gen. Stat. sec. 143-318.11 (a)(6) and to prevent the disclosure of information that is confidential pursuant to N. C. Gen. Stat. sec. 160A-168, the Personnel Privacy Act, pursuant to N. C. Gen. Stat sec. 143-318.11 (a)(1). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 6:06 p.m., Councilman Young go out of closed session. This motion was seconded by Councilman Kapoor and carried unanimously.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Monday – February 26, 2019 - 2:30

Special Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; and City Clerk Magdalen Burleson

Mayor Manheimer opened the special meeting.

At 2:30 p.m., Vice-Mayor Wisler moved to go into closed session to consider the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee pursuant to N.C. Gen. Stat. sec. 143-318.11 (a)(6) and to prevent the disclosure of information that is confidential pursuant to N. C. Gen. Stat. sec. 160A-168, the Personnel Privacy Act, pursuant to N. C. Gen. Stat sec. 143-318.11 (a)(1). This motion was seconded by Councilman Kapoor and carried unanimously.

At 4:59 p.m., Councilman Kapoor moved to come out of closed session. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

Tuesday – February 26, 2019 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; Interim City Attorney Sabrina Rockoff; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING FEBRUARY, 2019, AS "NATIONAL 211 MONTH"

Mayor Manheimer proclaimed February 2019 as "National 211 Month" in the City of Asheville. She presented the proclamation to Ms. Marla Browne, Director of NC 211, and others, who briefed City Council on some activities taking place during the month.

B. PROCLAMATION PROCLAIMING MARCH 10, 2019, AS "ZELDA FITZGERALD DAY"

Vice-Mayor Wisler proclaimed March 10, 2019, as "Zelda Fitzgerald Day" in the City of Asheville. She presented the proclamation to Mr. Jim Mackenzie, who briefed City Council on some activities taking place during the day.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 12, 2019; AND THE SPECIAL MEETING HELD ON FEBRUARY 18, 2019

B. ORDINANCE NO. 4730 - BUDGET AMENDMENT TO REDUCE BEAUCATCHER GREENWAY BUDGET FROM EXPIRED TOURISM PRODUCT DEVELOPMENT FUNDS GRANT

Action Requested: Adoption of a budget amendment, in the amount of $975,000, to reduce Beaucatcher Greenway budget from expired Tourism Product Development Funds grant.

Background:

- City Council adopted a resolution on February 12, 2019, authorizing the City Manager to sign an amended grant agreement with Buncombe County Tourism Development Authority reducing a previous award of $1,000,000 to $25,000 in Tourism Product Development Funds.
- The City's budget now must be amended to remove the $975,000.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None.

Pro(s):

- The City's budget will accurately reflect the reduction of funds approved on February 12, 2019.

Con(s):

- None.

Fiscal Impact:

- Reduces funding for Beaucatcher Greenway project in the budget due to expired grant contract and change to Beaucatcher Greenway project scope.

Motion:

- Motion to adopt a budget amendment, in the amount of $975,000, to reduce Beaucatcher Greenway budget from expired Tourism Product Development Funds grant.

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C. RESOLUTION NO. 19-34 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A THREE-YEAR GENERAL SERVICES AGREEMENT WITH AN OPTION FOR TWO ONE-YEAR RENEWALS WITH CAROLINA MANAGEMENT TEAM FOR THE WATER STORAGE TANK AND PIPE COATING AND MAINTENANCE PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a three-year General Services Agreement with an option for two (2) one-year renewals with Carolina Management Team for the Water Storage Tank and Pipe Coating and Maintenance Project.

Background:

- The Water Resources Department (WRD) issued a Request for Proposals (RFP) for the Water Storage Tank and Pipe Coating and Maintenance Project on November 6, 2018.
- The project scope includes cleaning, preparing, and recoating of seven pump station/storage tanks sites.
- In response to the RFP, the WRD received two proposals from:
    1. Carolina Management Team (CMT), Asheville NC - $300,496.00
    2. SE Diving Services LLC, Greenville SC - $139,888.10
- SE Diving Services had several, major mathematical errors on their cost proposal form, they primarily specialize in interior tank cleaning, and planned to subcontract most, if not all, of the work. Due to those factors, SE Diving Services is considered non-responsive.
- CMT is a local, woman-owned company that the WRD has contracted with before for similar projects. They are known for their high quality of work across NC and the US.
- The contract amount for Year 1 will be for the proposed amount of $300,496 plus a 10% contingency. Years 2-5 will follow the WRD's 5-year CIP budget of $250,000 annually for this project. At the end of the five year period, the total amount expected for this project should not exceed $1,330,546.00.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- N/A

Pro(s):

- Approval of the project will allow the WRD to complete necessary rehabilitation and repair on approximately 10 locations per year, depending on locations and size of work to be done. The project will also extend the sustainability of the assets.
- The project will provide a local WMB company with work for several years.

Con(s):

- None

Fiscal Impact:

- The Water Resources Department currently has the funds needed for Year 1 of this agreement budgeted in the "Pump Station/Storage Tank Projects" in the CIP Fund. Years 2-5 will follow the WRD's 5-year CIP budget of $250,000 annually.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a three-year General Services Agreement with an option for two (2) one-year renewals with Carolina Management Team for the Water Storage Tank and Pipe Coating and Maintenance Project.

RESOLUTION BOOK NO. 40 - PAGE 251

D. RESOLUTION NO. 19-35 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FRENCH BROAD PAVING INC. FOR THE FISCAL YEAR 2019 ASPHALT RESURFACING PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with French Broad Paving Inc. in the amount of $1,875,353.00

plus a 15 % contingency of $281,303.00 ($2,156,656.00 total) for the contract known as Asphalt Resurfacing FY 19.

Background:

- A list of warranted streets was assembled to be addressed by this contract. The work will include milling of existing pavement, patching, resurfacing, application of new pavement markings, installation of curb, and sidewalk repairs. These streets were selected by our Agile Assets pavement management software based upon the condition of the existing asphalt. City staff visually confirmed the results generated by the software.
- The project was advertised on November 30, 2018, and bids were opened on December 18, 2018. The results were as follows:
    - French Broad Paving, Inc. of Marshall, NC $1,875,353.00
    - Rogers Group, Inc. of Nashville, TN $2,133,118.60
    - Harrison Construction, Inc. of Asheville, NC $2,880,310.50
- A 15% contingency ($281,303.00) has been added to allow payment of any unforeseen costs that typically arise during construction. The work produced from this contract will address a number of roads that are in need of repair.
- The preservation contract calls for an approximately ⅛" microsurface treatment to be applied to roads with asphalt that is still in good condition. This treatment extends the service life of the existing asphalt.

Council Goal(s):

- Transportation and Accessibility
- Smart City

Committee(s):

- n/a

Pro(s):

- Will repair approximately 3.8 miles of roadways within the Asheville City limits.
- Will improve mobility and safety on city streets.

Con(s):

- None

Fiscal Impact:

- The total budget for the Fiscal Year 2019 Streets Program is $2.8 million. This funding is our annual repaving project and is not bond funded. The total cost of this contract, including contingency, is $2,156,656. The remaining funds in this budget will be used for our Fiscal Year 2019 Asphalt Preservation contract.

Motion:

- Motion to adopt a resolution awarding the contract to French Broad Paving, Inc. and authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of $1,875,353 plus a 15% contingency of $281,303.00 ($2,156,656.00 total) for the contract known as FY19 Asphalt Resurfacing, City of Asheville Project K1901.

RESOLUTION BOOK NO. 40 - PAGE 252

E. RESOLUTION NO. 19-36 - RESOLUTION AUTHORIZING THE CITY

MANAGER TO ENTER INTO A MULTI-YEAR CONTRACT WITH MOTOROLA FOR MAINTENANCE AND SUPPORT OF PUBLIC SAFETY RADIO SYSTEM

Action Requested: Adoption of a resolution clarifying annual expenses related to an agreement with Motorola, Inc. to provide maintenance coverage for the City's radio system.

Background:

- In February 2018, the City adopted a maintenance agreement with Motorola Solutions to provide maintenance on the City's radio communications systems.
- Funding for the agreement is to be appropriated annually in the City budget process.
- The initial term of the agreement runs from December 1, 2017, to June 30, 2022.
- The agreement also includes an option to renew for an additional 60 months as requested in the original request for proposals for the purchase of the radio system.
- Per direction from City Attorney, this resolution serves to clarify fixed expenses for this contract.

Council Goal(s): Smart City

Committee(s):

- **n/a**

Pro(s):

- The primary benefit of this agreement is to keep the City's radio system reliable and operational for public safety officers.
- By keeping the radio system in optimal condition the City is also able to provide communication services to several outside agencies, thereby improving interagency communications.

Con(s):

- None noted.

Fiscal Impact:

- The maintenance agreement annual expenses for the initial term of the agreement are as follows:

FY-18	$226,366	FY-19	$388,053
FY-20	$394,529	FY-21	$401,568
FY-22	$410,171		

- Funding for each year of the contract will be included in the annual budget process.

Motion:

- Motion to adopt a resolution clarifying radio maintenance coverage expenses for the term of December 1, 2017, through June 30, 2022.

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F. RESOLUTION NO. 19-37 - RESOLUTION AMENDING THE 2019 CITY COUNCIL MEETING SCHEDULE TO ADD THE CITY COUNCIL ANNUAL RETREAT ON MARCH 8, 2019, BEGINNING AT 8:30 A.M. IN THE BUNCOMBE COUNTY ADMINISTRATIVE BUILDING, LOCATED AT 200 COLLEGE STREET, ASHEVILLE, N.C.

RESOLUTION BOOK NO. 40 - PAGE 254

G. RESOLUTION NO. 19-38 - RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A LEASE AGREEMENT WITH THE MEN'S GARDEN CLUB OF ASHEVILLE FOR A GREENHOUSE OPERATION ON A PORTION OF CITY-OWNED REAL PROPERTY AT 80 HARDESTY LANE

Action Requested: Approval of a resolution authorizing the City Manager to negotiate and execute a lease agreement between the City of Asheville (City) and the Men's Garden Club of Asheville, for a greenhouse operation on a portion of City-owned real property at 80 Hardesty Lane.

Background:

- The Men's Garden Club of Asheville is a non-profit organization that seeks to serve and inspire the community through area beautification projects that feature horticultural and gardening expertise. Each year, the Men's Garden Club cultivates a large variety of plant material to sell to the public to fund their projects for young people in the City.
- Beginning in 2000, the Club leased a 0.50 acre portion of City owned property at 80 Hardesty Lane and they established a greenhouse and storage sheds to support that operation. To benefit the community, the club proposed to revitalize and re-establish the ornamental gardens at the Azalea Soccer Complex. The group has worked closely with Parks Maintenance to maintain those gardens.
- The property at 80 Hardesty Lane is approximately 33 acres in total and is located at the back of the Azalea Park, between the Swannanoa River and the railroad. The following uses also take place on that parcel: beneficial landfill, organic farm and an industrial composting operation.
- The members of the Men's Garden Club had a five year lease that expired in 2018. Staff working in Parks Maintenance and Real Estate met with club officers and revisited the previous agreement. The current lease proposal includes in-kind services provided by the Men's Garden Club in the form of grounds and landscape maintenance of the ornamental gardens at the John B. Lewis Soccer Complex, in exchange for continued use of the greenhouse and sheds at 80 Hardesty Lane. The term is for a period of 5 years with an option to renew for an additional 4 year period.
- These proposed terms are in compliance with the City's "Real Estate Lease Guidelines for City-owned Real Property."

Council Goal:

- Well Planned and Liveable Community

Committee:

- N/A.

Pro(s):

- Continues a long standing community partnership with the Men's Garden Club.
- Beautification of John B. Lewis Soccer Complex.
- Lessee will pay all utilities.
- Lessee will be responsible for routine maintenance of all improvements.
- Leveraging limited resources by partnering with a community non-profit.

Con(s):

- No monetary compensation will be received.
- Parks & Recreation staff time will be needed to monitor their compliance.

Fiscal Impact: The General Fund will not receive rental income.

Motion:

- Motion to adopt a resolution authorizing the City Manager to negotiate and execute a lease agreement with the Men's Garden Club of Asheville with a term of 5 years, allowing for one renewal of four years.

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Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilman Young moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. UPDATE ON HOMESTAY PERMITS AND SHORT TERM RENTALS

Principal Planner Shannon Tuch provided the following report on homestay permits and short term rentals:

"This is one in a series of regular and periodic updates to City Council regarding short-term rental activity.

Background:

- Rental of a property within the City of Asheville for a duration of less than one month is considered "short-term" and the rental of an entire home/apartment on a short-term basis has never been allowed in Asheville's residential districts.
- Short-term vacation rentals, while not allowed in residential districts, were allowed in most commercial districts.
- The following timeline describes council actions regarding Homestays & STVRs over recent years:
  - Homestays were added as a new land use in 2006 (originally called Bed & Breakfast Homestay)
  - August 2015 - Ordinance No. 4445 is adopted, which increases the penalty for unpermitted/illegal lodging.
  - November 2015 - Ordinance No. 4470 is adopted, which expands opportunities for Homestays and relaxes permit requirements.
  - May 2016 - Ordinance No. 4505 is adopted, which clarifies residency requirements for Homestays.
  - January 2018 - Ordinance No. 4637 is adopted, which removes short-term vacation rentals as a permitted use in most non-residential or commercial districts and establishes an annual permit requirement. This ordinance also removes hotels and other forms of lodging as permitted uses, establishes

definitions for different forms of lodging in addition to establishing a definition for *Kitchen*.
  - July & August 2018, the Planning & Economic Development Committee holds meetings to explore the definition of *Kitchen* and other clarifications intended to support enforcement.
- The last report before the full City Council was October 2018.

Permit Metrics (2018):
- 272 Homestay permits were issued
- 394 Homestay permits were renewed
- 666 Homestay permits are active

Enforcement Metrics (2018):
- 204 enforcement actions were performed (NOVs + Citations for STVRs only).
- 68 properties remain out of compliance.
- 19 illegal STVR legal cases are in review or have action pending.
- $16,700 in fines has been collected.

- 3775 rental listings in Asheville (includes multiple listings for individual properties).
- 1179 short-term units are identified, a little over half (56%) are properties with homestay permits. The balance of units are unpermitted rentals, lawful short term units which include Bed & Breakfast rooms, Inns, and some Hotels.
- 117 short-term units are unidentified (approx. 10%). This represents the best identification rate to date.

- 120 (approx.) lawful, nonconforming STVRs have been identified.
- Approximately 60 additional lawful, nonconforming STVRs have been permitted and/or are under construction.

Other items of note:
- As part of the ordinance amendment adopted in January of 2018, the city now requires an annual permit for all lawful but nonconforming STVRs. This new annual permit is available online and is currently active and in use. Before strictly enforcing this requirement, however, a period of time to identify all STVR properties and provide mailed notification to all owners was needed. Notification is planned to go out within the next few weeks providing information on the need to obtain the permit and instructions on how to apply. Active enforcement will begin sometime after that."

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE TREE AND RIPARIAN ENHANCEMENT PLAN AS A STAND ALONE PLAN AND AS AN AMENDMENT TO THE 2004 WILMA DYKEMAN RIVERWAY MASTER PLAN

RESOLUTION NO. 19-39 - RESOLUTION ADOPTING THE TREE AND RIPARIAN ENHANCEMENT PLAN AS A STAND ALONE PLAN AND AS AN AMENDMENT TO THE 2004 WILMA DYKEMAN RIVERWAY MASTER PLAN

Assistant Planning & Urban Design Director Stephanie Monson said that this is the consideration of a resolution adopting the Tree and Riparian Enhancement Plan as a stand alone plan and as an amendment to the 2004 Wilma Dykeman Riverway Master Plan. This public hearing was advertised on February 15 and 22, 2019.

Action Requested: Adoption of Tree & Riparian Enhancement Plan as a small area plan for the River Arts District and an update to the 2004 Wilma Dykeman RiverWay Master Plan

Background:

- The plan was funded by a grant from the Duke Water Resources Foundation and was completed in 2018.
- It includes detailed suggestions for the City's RADTIP Project Area in the form of stream buffer improvements, stream and stormwater enhancements, pollinator improvements, invasive management, art and education, and habitat structures on city-owned property (only); cost estimates are provided for each project.
- There are no regulatory changes proposed in this plan, and the plan does not address private property.
- The plan contents were guided by community input from the Riverfront Commission, the Tree Commission, the general public, and meetings with dozens of potential partners.
- The total cost to implement the plan - without partnership/outside assistance - is estimated at $485,000.
- The plan includes a few "Big Ideas" to help implement the plan, including formalizing a collaborative between the City and key stakeholders on a long-term commitment to partner on implementing the plan.
- Adopting this plan would not bind the City to using any public funds on projects, but staff estimates the City could reasonably expect to invest $80,000 (of not currently dedicated monies) to help implement the plan.
- The plan suggests using partnerships, grant funding, community involvement and the leveraging of the City's current capital projects to implement the plan with the least amount of fiscal impact to the City's budget and creating a financial strategy to make sure the large financial investments made by the City and private property owners in this area are well-maintained and continue providing returns on the investments.

Council Goal(s):

- Strategic Priority # 19: RADTIP
- A Well Planned and Livable Community Vision
- Clean and Healthy Environment Vision

Committee(s):

- The Asheville Area Riverfront Redevelopment Commission - September 2018 and unanimously recommended that Council adopt the plan.
- Council's Planning and Economic Development Committee - July 2018 and recommended Council consider it for adoption.
- The Planning and Zoning Commission - January 14, 2019, and unanimously supported it's adoption.

Pro(s):

- Addresses Council and community vision for riverfront in a cost effective manner that encourages community engagement.

Con(s):

- None.

Fiscal Impact:

- Adopting the plan will have no fiscal impact. Council or future Councils can choose whether or not to support City matches or seed funding to support grant applications for major projects. Staff notes that several of the projects in the plan are already being implemented at no cost to the City (Artful Wildlife Habitat, Capt Bowen Bridge Ecology Murals, Water Quality Educations/Recycled Material Sculpture and Signage).

Mayor Manheimer opened the public hearing at 5:24 p.m.

Mr. Devinceo Priester spoke in support of the Plan.

Ms. Dawn Chavez, Executive Director of Asheville Greenworks, spoke in support of the Plan.

Mayor Manheimer closed the public hearing at 5:26 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Mayfield moved to adopt the Tree & Riparian Enhancement Plan as a small area plan for the River Arts District and as an update to the Wilma Dykeman RiverWay Master Plan in that the plan: (1) Supports Council's desire to create a cleaner, healthier environment, and a well-planned and livable community, as adopted in their 2036 Vision; (2) Promotes a best practice of periodically updating existing adopted plans so they remain relevant and help guide community interest in partnering with the City to implement plans; (3) Supports improvement of water quality, an important part of the emerging river recreation economy; and (4) Aligns with the *Living Asheville Comprehensive Plan*, supporting goals contained in the Harmony with the Natural Environment theme. This motion was seconded by Councilman Young and carried unanimously.

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B. **PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF PROPERTY LOCATED AT 130 AND 99999 ROCK HILL ROAD FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO COMMUNITY BUSINESS I/CONDITIONAL ZONE FOR THE REUSE OF AN EXISTING BUILDING FOR AN ACUPUNCTURE CLINIC AND WELLNESS USE; AND AMENDMENT TO THE FUTURE LAND USE MAP FROM RESIDENTIAL NEIGHBORHOOD TO NEIGHBORHOOD CENTER**

Vice-Mayor Wisler moved to continue this public hearing until March 12, 2019. This motion was seconded by Councilwoman Smith and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. **RESOLUTION NO. 19-40 - RESOLUTION ADOPTING A CITY DOWN PAYMENT ASSISTANCE POLICY THAT INCLUDES $1 MILLION IN FUNDING FROM THE HOUSING BOND AND $400,000 IN FUNDING IN PARTNERSHIP WITH THE FEDERAL HOME LOAN BANK OF ATLANTA'S COMMUNITY HEROES DOWN PAYMENT ASSISTANCE INITIATIVE**

Mr. Paul D'Angelo, Housing Development Specialist said that this is the consideration of a resolution to adopt a Down Payment Assistance Policy.

Action Requested: Adoption of the Down Payment Assistance Policy

Background:

- The City of Asheville has $1 Million of bond funds allocated for down payment assistance (DPA) to support homeownership opportunities for households making 80% or less of the area median income (AMI).
- Staff has been working with the Affordable Housing Advisory Committee (AHAC) presenting potential partnerships for DPA funds, including the Housing Authority in support of their Housing Choice Voucher (HCV) Homeownership program, OnTrack WNC, Mountain Housing Opportunities (MHO) and Habitat for Humanity to fully understand how our funding can work with local partners and families in-need.
- The North Carolina Housing Finance Agency provided guidance on best practices in a DPA policy.
- The City of Asheville has another stream of funding in partnership with the Federal Home Loan Bank of Atlanta (FHLBA) that will provide a combined total of $400,000 in Down Payment Assistance to eligible full time employees of the City of Asheville and Asheville City Schools with between 80% and 120% of AMI adjusted for household size and meet the requirements as outlined in the Policy. $300,000 is coming from our own Housing Trust Fund while the FHLBA is providing $100,000.
- The Policy was passed unanimously by the Affordable Housing Advisory Committee (AHAC) at their January 3, 2019, meeting.
- The Housing & Community Development Committee (HCD) asked for a few clarifications to the policy at their January 15, 2019, meeting and voted to move it forward to full council for a vote.

Council Goal(s):
- Quality Affordable Housing
- Equitable and Diverse Community

Committee(s):
- Affordable Housing Advisory Committee - January 3, 2019
- Council's Housing and Community Development Committee - January 15, 2019

Pro(s):
- This DPA Policy targets moderate and lower income families and provides homeownership opportunities which is a key goal of our affordable housing initiatives
- This Policy begins utilizing Housing Bond funding that was passed in November, 2016
- This Policy was vetted thoroughly with local stakeholders, banks, mortgage lenders, and other experts on DPA

Con(s):
- The funding is limited
- Time limitations
    - Bond Funds must be spent by October, 2023
    - FHLBA Funds may have to be spent by March, 2020

Fiscal Impact:
- Up to $1M from the Affordable Housing Bond as needed; $300,000 from Housing Trust Fund as needed with the program balance of $100,000 provided by the Federal Home Loan Bank.

He explained the purpose of the Policy is to provide residents of the City of Asheville and those who want to become residents of the City of Asheville with affordable homeownership financing opportunities. He then explained the two funding sources, along with the property requirements, first-time homebuyer requirement, down payment requirement, and counseling requirement. He said eligible borrowers that meet all requirements will have funds reserved once their qualified bank/lender contacts the City of Asheville requesting DPA and provides the completed loan application, including a copy of the Offer to Purchase and Contract.

Regarding the repayment of the DPA loan (1) there are no monthly payments or interest associated with the DPA Program loans; (2) the loan will be a 30-year loan; (3) unless otherwise noted, repayment of the DPA loan is required when the home is sold, refinanced, title is otherwise transferred, or the home ceases to be the borrower's primary residence; and (4) in addition to the repayment of the original DPA loan amount, the borrower will be required to pay a percentage of the original DPA loan amount based upon the Appreciation Value of the home. He then explained some repayment examples. He then reviewed the external and internal marketing.

He said that working with Community Development Finance, our underwriting will assist in providing guidance on the policy, set standards, and provide direction to bankers/lenders and homeowners. It is the intention that this DPA Policy be a living document that can be evaluated and adjusted as needed to be fully effective in its efforts to provide residents of the City of Asheville and those who want to become residents of the City of Asheville with affordable homeownership financing opportunities.

Mr. Devinceo Priester spoke in support of this policy.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved to adopt the Down Payment Assistance Policy. This motion was seconded by Councilman Young and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Devinceo Priester suggested a community parade consisting of the Asheville Police Department, Asheville Fire Department, Council members, etc. to reach out to the community.

Closed Session

At 5:45 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit, or potential lawsuit. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3); and (3) To consider the qualifications, competence, performance, character, fitness, or conditions of appointment of an individual public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6); and to prevent the disclosure of information that is confidential pursuant to N.C. Gen. Stat. § 160A-168, the Personnel Privacy Act. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1). This motion was seconded by Councilman Kapoor and carried unanimously.

At 7:23 p.m., Vice-Mayor Wisler to come out of closed session. This motion was seconded by Councilwoman Mayfield and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:23 p.m.

Magdalen Bourneson
CITY CLERK

Esther G. Manheimer
MAYOR

66

Friday – March 8, 2019 - 9:00 a.m.
200 College Street

Annual Retreat

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; Interim City Attorney Sabrina Rockoff; and City Clerk Magdalen Burleson

Mayor Manheimer welcomed everyone to the City Council Annual Retreat.

Mayor Manheimer then convened the retreat. She said the purpose of the retreat is to help inform the City Manager and staff about Council priorities and aligning those priorities in the budget process.

City Manager Campbell provided an overview of the day. She said that this retreat will give staff a better understanding of Council's priorities and will direct staff to focus on our limited resources on those things that will have the greatest impact to 1-3 years, in particular. We will exercise prioritization to ensure the work staff has done is consistent with the types of projects they need to work on. She said that Council will then talk about strategies and priorities and how to align them as part of the budget process. Staff will then provide Council detailed information about not only challenges for this year, but longer term of a 5 year budget process. She then introduced Mr. Ed Manning, Executive Director of Leadership Asheville, who would be facilitating the treat. Mr. Manning explained the guidelines that maximize Council's success as an elected body.

Assistant City Manager Cathy Ball reviewed with Council some of their major accomplishments from the strategic plan.

City Manager Campbell said that staff wants to make sure Council's goals are implemented in an effective and efficient manner. Therefore, our objectives are (1) build on great work that has been done to date; (2) further refine and clarify organizational and community priorities; (3) opportunity to link budgetary and staff resources to priorities; (4) development clear performance metrics and schedules for completion of work (ultimately link department and employee work plans to enhance accountability and impact on the community.)

She said that at the Management Team retreat and work groups they (1) maintained vision statement and themes; (2) revised goals - shortened and clarified, noting that some goals became strategies; (3) added timeframe for completion (short-term, medium-term, long-term); and (4) are seeking direction today to finalize and align with budget.

She said they took the goals and revised, shortened them, made some strategies, and then identified some things on-going, short-term (1-3 years), medium-term (4-7 years) and long-term (8+ years). Council's exercise is to define the revised strategies and timeframe. She reminded them to think about resources (funding and staff) noting that ongoing strategies is a resource drain as well. She asked that Council narrow the strategies down to 10-15 things. Staff wants to do good for the community, but in order to do that we need to align our resources with Council's priorities to be as impactful as possible.

Council then prioritized their strategies, along with the timeframes, as outlined below. City Manager Campbell said the revised Council goals, with alignment to strategies, along with the timeframe will then be linked into the budget process.

Short 1-3 years	12	E.2 Implement phase one recommendations of the Transit Master Plan.
	11	D.2 Develop a strategy for sale or lease of city-owned land to incentivize affordable housing development.
	10	A.5 Expand partnership opportunities with Asheville City Schools through the Equity Collaborative to eliminate disparities in access to quality schools and other educational resources.
	9	B.1 Develop specific implementation plan and schedule to amend the UDO and ordinances to reflect recommendations in the Comprehensive Plan.
	8	F.1 Develop a business inclusion program to increase minority contractor participation in response to the Disparity Study.
	7	D.1 Review and update Comprehensive Housing Affordability Strategy with a goal of assessing the effectiveness of the tools and encouraging development of mixed income communities.
	6	A.6 Develop and implement a strategy based on the NLC report to foster economic mobility.
		H.11 Identify opportunities to develop new tax revenue
		H.8 Participate in the BCTDA management and planning initiative to develop a capital investment plan for high priority projects.
		H.9 Identify opportunities to fund transit service via a dedicated revenue stream.
	5	B.3 Complete corridor studies and other plans for identified transit-corridors to encourage supportive development that will be sensitive and complement adjacent neighborhoods.
	4	B.4 Develop a plan for use of city-owned property on Haywood Street.
		D.3 Market and implement down payment assistance and other housing programs for low/moderate income residents.
	3	H.6 Complete a comprehensive classification and compensation study.
		H.7 Review and revise human resource policies.
	1	B.5 Complete a plan for the North Charlotte Street Innovation District.
		B.6 Complete a plan for the South Slope Extension Innovation District.
		C.1 Implement energy efficiency and demand-side management programs that will reduce energy consumption in Asheville and Buncombe County based on recommendations from the Energy Innovation Task Force.

City Manager Campbell also provided Council with a list of recommendations from some of our various boards & commissions. She said that Council can consider these, if they wish, as part of the budget process.

Deputy Finance Director Tony McDowell reviewed with Council's operating budget financial forecast of the Quarter 2; the five-year forecast (purpose, assumptions, inclusions and structural gap); and the Mission/HCA investment options. He, along with other budget staff, responded to questions/comments from Council.

Chief Financial Officer Barbara Whitehorn reviewed the Capital Improvement Plan review regarding the Council the historic level of community investment; future needs and costs; and Mission/HCA investment options. He, along with other budget staff, responded to questions/comments from Council.

City Council then gave feedback on this retreat.

At 2:12 p.m., Mayor Manheimer adjourned the meeting and announced that City Council will gather later in the evening for dinner.

Magdalen Bowlesson
City Clerk

Esther E Manheimer
Mayor

Monday – March 12 , 2019 - 4:30 p.m.
Council Chamber - 2nd Floor of City Hall

Special Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; Interim City Manager Debra Campbell; Interim City Attorney Sabrina Rockoff; and City Clerk Magdalen Burleson

Mayor Manheimer opened the special meeting to appoint a new City Attorney.

RESOLUTION NO. 19-41 - RESOLUTION APPOINTING BRAD R. BRANHAM AS CITY ATTORNEY

Mayor Manheimer was pleased to announce that after a competitive nationwide search, they are pleased to announce that they have named Brad R. Branham as Asheville's next City Attorney. Mr. Bradham brings a depth of knowledge on topics such as transit, affordable housing, complex redevelopment of city-owned land, and other legal challenges that must be tackled to continue to deliver a better quality of life for all of Asheville's residents.

On behalf of Council, Mayor Manheimer thanked Interim City Attorney Sabrina Rockoff, Mr. Peter Kanipe and other attorneys in Ms. Rockoff's firm to help fill in during this transition period. She also thanked the City Attorney's Office staff for their patience during this transition.

Councilwoman Mayfield moved to appoint Brad R. Branham as City Attorney effective April 8, 2019. This motion was seconded by Councilman Kapoor and carried unanimously.

Mr. Branham thanked City Council for giving him this opportunity. He said he was truly honored at being offered this position. He appreciated Council's support.

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At 4:36 p.m., Mayor Manheimer adjourned the special meeting and said the regular formal meeting will begin at 5:00 p.m.

Tuesday – March 12, 2019 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; Interim City Attorney Sabrina Rockoff; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

Councilman Haynes said that he regrets that at the last Council meeting he didn't publicly voice his support for Buncombe County Sheriff Quentin Miller's policy on ICE cooperation and detention. This is exactly the kind of leadership he expected from our new Sheriff and he applauds him in this effort.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 26, 2019

B. MOTION APPROVING THE BOARD OF ALCOHOLIC BEVERAGE CONTROL'S TRAVEL POLICY ADOPTED JANUARY 26, 2016

Summary: Each year the N.C. ABC Commission, in compliance with Chapter 18-B700, Article 7, g (2), requires its ABC boards to get annual approval of board travel policies from their appointing authorities. Section g (2) of 18B-700 states, "The local board shall annually provide the appointing authority's written confirmation of such approval...".

The ABC Board formally requests the City of Asheville's written confirmation of the Asheville Board of Alcoholic Control Travel Policy.

C. RESOLUTION NO. 19-42 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT ADDITIONAL GRANT FUNDS UNDER THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY, FOR THE HIGH INTENSITY DRUG TRAFFIC AREA 2018 GRANT

ORDINANCE NO. 4731 - BUDGET AMENDMENT FOR THE HIGH INTENSITY DRUG TRAFFIC AREA 2018 GRANT

Action Requested: Adoption of (1) a resolution authorizing the City Manager to accept additional grant funds for the Asheville HIDTA 2018 Grant; and (2) a budget amendment in the City's Special Revenue Fund in the amount of $238,789.

Background:

- On October 23, 2018, the City Council approved resolution 18-276 authorizing the City Manager to enter into an agreement to accept grant funds under the Executive Office of the President, Office of National Drug Control Policy in the amount $106,627. This new modification of $238,789 is an increase to the previously approved amount for a new total of $345,416.
- The purpose of the Asheville HIDTA program is to reduce drug trafficking and production in the United States, specifically in places where drug related activities are having a significant harmful impact.
- The Asheville HIDTA is comprised of members of the United States Drug Enforcement Agency, Asheville Police Department, and the Sheriff Office's of Buncombe, Henderson, Swain and McDowell Counties. The Asheville Police Department acts as fiduciary for the program.
- The additional funds will be used for overtime, services and supplies, such as intelligence and surveillance software, mobile phones and pagers, desktop, laptop and notebook computers, cameras and office supplies. The expenditure of all funds are tracked and audited by local and Federal authorities.

Council Goal(s):
- Connected and Engaged Community

Committee(s):
- Public Safety Committee - February 25, 2019
- Finance & Human Resources Committee – February 26, 2019

Pro(s):
- Federal HIDTA funds will be used for investigative purposes and program expenses.
- Continue to foster partnerships with Federal and local law enforcement agencies.

Con(s):
- Funding from the Office of National Drug Control is awarded annually.

Fiscal Impact:
- There is no impact to the City's General Fund Budget. Any amount spent by the City is reimbursed in total by the Federal government.

Motion:
- Motion to adopt (1) a resolution authorizing the City Manager to accept grant funds and (2) a budget amendment in the amount of $238,789 through the Office of National Drug Control Policy to modify the Asheville HIDTA 2018 Grant.

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ORDINANCE BOOK NO. 32 - PAGE 311

D. RESOLUTION NO. 19-43 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BRYANT LAND AND DEVELOPMENT INC. FOR THE FISCAL YEAR 2019 ASPHALT PATCHING PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of $175,030.00 plus a 20% contingency of $35,006.00 ($210,036.00 total) for the contract known as FY 19 Asphalt Patching.

Background:
- Asphalt preservation is a process that applies a ⅛" thick layer of asphalt to the existing asphalt surface. This layer helps protect the existing asphalt and will extend its service life before milling and full resurfacing is required.
- This contract is for preparatory work to be accomplished before the work covered by the Fiscal Year 2019 Asphalt Preservation contract.
- A list of streets will be addressed by this contract. The project was advertised on December 17, 2018, and the bid opening was January 10, 2019. We received the following bids.

Bryant's Land and Development, Inc. of Burnsville, NC	$175,030.00
WSH Construction of Charlotte, NC	$179,200.59
French Broad Paving of Marshall, NC	$443,650.00

- A 20% contingency ($35,006.00) has been added to allow payment of any unforeseen costs that may arise during construction.

Council Goal(s):
- Transportation & Accessibility

- Smart City

Committee(s):
- n/a

Pro(s):
- This work prepares 5.4 miles of roadways for the application of an asphalt preservation treatment. The preservation treatment will add to the lifespan of the existing pavement and will delay full resurfacing of the streets.
- Will improve mobility and safety on city streets.

Con(s):
- None

Fiscal Impact:
- The total budget for the Fiscal Year 2019 Streets Program is $2.8 million. Funding for this contract is coming partly from the Fiscal Year 2019 budget and from partly unused funds from previous fiscal years.

Motion:
- Motion to adopt a resolution authorizing the City Manager to execute a contract in the amount of $175,030.00 and a 20% contingency of $35,006.00 ($210,036.00 total) for the contract known as Fiscal Year 2019 Asphalt Patching, City of Asheville Project K1901 to Bryant Land and Development, Inc.

RESOLUTION BOOK NO. 40 - PAGE 266

E. RESOLUTION NO. 19-44 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SLURRY PAVERS INC. FOR THE FISCAL YEAR 2019 ASPHALT PRESERVATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of $418,359.40 plus a 15% contingency of $62,754.00 ($481,113.40 total) for the contract known as Fiscal Year 2019 Asphalt Preservation.

Background:
- Asphalt preservation is a process that applies a ⅛ inch thick layer of asphalt to the existing asphalt surface (as opposed to a full overlay which is 1 inch to 1 ½ inch thick). This layer helps protect the existing asphalt and will extend its service life before milling and full resurfacing is required.
- The list of attached streets will be treated as part of this contract. The project was advertised on December 17, 2018, and the bid opening was scheduled January 10, 2019. The City did not receive the minimum number of bids required to open bids at the first bid opening. The contract was re-advertised and a second bid opening was scheduled for January 18, 2019.
  Slurry Pavers, Inc. of Richmond, Virginia was the only bidder at $418,359.40.
- A 15% contingency ($62,754) has been added to allow payment of any unforeseen costs that may arise during construction.

Council Goal(s):
- Transportation and Accessibility
- Smart City

Committee(s):
- n/a

Pro(s):
- Will apply a preservation treatment to approximately 5.4 miles of roadways within the Asheville City limits. The preservation treatment will add to the lifespan of the existing pavement and will delay full resurfacing of the streets.
- Will improve mobility and safety on city streets.

Con(s):
- None.

Fiscal Impact:
- The total budget for the Fiscal Year 2019 Streets Program is $2.8 million. Funding for this contract is coming partly from the Fiscal Year 2019 budget and from unused funds from previous fiscal years.

Motion:
- Motion to adopt a resolution authorizing the City manager to execute a contract with Slurry Pavers, Inc. in the amount of $418,359.40 and authorize the City Manager to approve upto a 15% contingency of $62,754.00 ($481,113.40 total) for the contract known as Fiscal Year 2019 Asphalt Preservation, City of Asheville Project K1901.

RESOLUTION BOOK NO. 40 - PAGE 267

F. RESOLUTION NO. 19-45 - RESOLUTION AUTHORIZING THE SUEZ OZONE SYSTEM AS A PREFERRED BRAND ITEM FOR THE MILLS RIVER OZONE FACILITY EQUIPMENT REFURBISHMENT PROJECT

Action Requested: Adoption of a resolution to: (1) approve the written justification for the use of Suez as the preferred brand item for the Mills River Miscellaneous Plant Upgrades Project, Phase I: Mills River Ozone Equipment Refurbishment; (2) approve the specifications for Suez ozone feed equipment and control modules; and (3) add Suez as an independent line item in the "Unit Price Work" Bid Form when the construction portion of the project is bid.

Background:
- Ozone is used at the Mills River Water Treatment Plant (MRWTP) as part of the water treatment process.
- The existing ozone equipment at the MRWTP is 20 years old and at the end of its useful life.
- The Water Resources Department's Mills River Water Treatment Facility Ozone Equipment Refurbishment will soon be ready to bid.
- The total project is estimated to cost $898,000 and will include: Replacement of ozone dielectrics and generator internal components, and PLC-based controls.
- Once completed, the system's disinfectant feed system is anticipated to better remove source water contaminants from the drinking water supply as well as reduce the need for secondary disinfectants (chlorine).
- NCGS 133-3 allows the City to specify a preferred brand item based on performance standards if the preferred item will provide cost savings, maintain or improve the functioning of any process or system affected by the preferred item, or both and a justification identifying these criteria is made available in writing to the public.
- The attached Exhibit "A" is a memorandum from the project engineers CDM Smith outlining the justification to maintain the existing Asheville Suez Ozone System. This is

being presented and requested for approval in order to meet the requirements of NCGS 133-3.

Council Goal(s):
- Financially Resilient City.

Committee(s):
- N/A

Pro(s):
- Designating Suez as a preferred brand reduces the total project cost by maintaining the existing Suez brand ozone system rather than total replacement.
- An upgraded system will provide greater removal of bacteria, viruses, cryptosporidium and may help reduce the use of chlorine.
- This project is aligned with the City's and The Water Resources Department's goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.
- Approving Water Resources to use Suez may avoid additional costs of bidding the removal and replacement of the entire feed system at a future time.

Con(s): None

Fiscal Impact:
- There is no fiscal impact to this action. The Suez ozone feed equipment and control modules will be added as an independent bid item to the total construction cost of the entire Project.

Motion:
- Adopt a resolution to: (1) approve the written justification for the use of Suez as the preferred brand item for the Mills River Miscellaneous Plant Upgrades Project, Phase I: Mills River Ozone Equipment Refurbishment; (2) approve the specifications for Suez ozone feed equipment and control modules; and (3) add Suez as an independent line item in the "Unit Price Work" Bid Form when the construction portion of the project is bid.

RESOLUTION BOOK NO. 40 - PAGE 268

G. RESOLUTION NO. 19-46 - RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND AMEND AN INTERGOVERNMENTAL AGREEMENT WITH BUNCOMBE COUNTY TO IMPLEMENT THE SECOND YEAR OF A GRANT FUNDED WEATHERIZATION PROGRAM WITH A CITY MATCH

Action Requested: Adopt a resolution to authorize the City Manager to negotiate and execute an amendment to the Inter-Local Agreement with Buncombe County to implement the 2nd year of a grant funded weatherization program (Energy Upgrade Program) to include a $15,000 match already budgeted from the Fiscal Year 2019 Budget for Energy Innovation Task Force (EITF) Initiatives.

Background:
- Last year, the City partnered with the County to apply for a grant through the Southeast Sustainable Communities Fund (SSCF).

- The City and County entered into an Interlocal Agreement on November 21, 2017, to implement a weatherization program called Energy Upgrade Program effective from November 30, 2017, to January 31, 2020.
- The first year of the program leveraged $150,000 from the SSCF grant, $15,000 from the City, $60,000 from the County and $27,800 in in-kind support from Duke Energy and the North Carolina Sustainable Energy Association (NCSEA).
- The first year of the program provided weatherization services to 31 homes.
- The SSCF approved a second year of funding of $150,000 and the County has agreed to provide an additional $60,000 match. The City is now being asked to provide a $15,000 match.

Council Goal(s):
- A Clean and Healthy Environment
- Quality Affordable Housing

Committee(s):
- Finance and Human Resources Committee - January 22, 2019 - recommended approval.

Pro(s):
- SSCF approved a second year of funding totalling $150,000 and the County has agreed to supply a $60,000 match.
- Council approved $205,000 in the FY19 budget to support Energy Innovation Task Force (EITF) initiatives.

Con(s):
- None

Fiscal Impact:
- $15,000 already budgeted from the Fiscal Year 2019 budget for EITF Initiatives

Motion:
- Adopt a resolution to authorize the City Manager to negotiate and execute an amendment to the Inter-Local Agreement with Buncombe County, entered into on November 21, 2017, to implement the 2nd year of a grant funded weatherization program (Energy Upgrade Program) to include a $15,000 match already budgeted from the Fiscal Year 2019 Budget for Energy Innovation Task Force (EITF) Initiatives.

RESOLUTION BOOK NO. 40 - PAGE 307

H. RESOLUTION NO. 19-47 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH APPALACHIAN PAVING & CONCRETE INC. FOR THE EAST CHESTNUT STREET BRICK SIDEWALK REHABILITATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with Appalachian Paving & Concrete Inc. in the amount of $276,250.00 plus a 15% contingency of $41,437.50 ($317,687.50 total) for the contract known as E. Chestnut Street Brick Sidewalk Rehabilitation.

Background:
- East Chestnut Street is scheduled to be resurfaced in spring of 2019.
- While surveying the current ADA ramps on E. Chestnut staff determined that the entire brick sidewalk had deteriorated to the point that it needs to be replaced. The Public

Works Department collaborated with the City's Historic Resources staff to ensure that our project preserves the historic character of the street.

- The scope of this project is from Merrimon Avenue to Charlotte Street on the south side of the street.
- This project was advertised on January 16, 2019, and bids were opened on January 30, 2019. They results were as follows:

    - Appalachian Paving & Concrete, Inc. of Swannanoa, NC
      $276,250.00
    - Patton Construction Group of Arden, NC
      $412,300.00

- A 15% contingency ($41,437.50) has been added to allow payment of any unforeseen costs that arise during construction.

Council Goal(s):

- Transportation and Accessibility
- Smart City

Committee(s):

- n/a

Pro(s):

- Will rehabilitate approximately 1,200 linear feet of brick sidewalk. The section from Central Avenue to the western end of the brick sidewalk is especially hazardous because the existing bricks have been worn smooth by use.
- Will improve mobility and safety on city sidewalks.

Con(s):

- None

Fiscal Impact:

- The funding for this project is from savings from previous asphalt resurfacing projects. Resurfacing funds have historically been used to repair sidewalks along roads that are scheduled to be resurfaced. This project is funded with CIP funds. The total cost of this contract, including contingency, is $317,687.50.

Motion:

- Motion to adopt a resolution awarding the contract to Appalachian Paving & Concrete, Inc. and authorizing the City Manager to execute on behalf of the City of Asheville a contract in the amount of $276,250.00 plus a 15% contingency of $41,437.50 ($317,687.50 total) for the contract known as East Chestnut Street Brick Sidewalk Rehabilitation, City of Asheville Project K1901.

RESOLUTION BOOK NO. 40 - PAGE 308

I. ORDINANCE NO. 4732 - ORDINANCE ENACTING A THROUGH TRUCK PROHIBITION ALONG SYCAMORE DRIVE FROM SWEETEN CREEK ROAD TO HENDERSONVILLE ROAD

Action Requested: Adoption of an ordinance enacting a through truck prohibition along Sycamore Drive in South Asheville.

Background:

- The City of Asheville Code of Ordinances Section 19-60 regulates trucks traveling along designated residential streets.
- Large trucks are routinely using Sycamore Drive as a "shortcut" between Sweeten Creek Road and Hendersonville Road.
- Large trucks are not able to safely navigate the limited horizontal clearance at the Norfolk Southern railroad trestle, resulting in the trucks getting stuck.
- These events cause delay to the traveling public, require resources to help them clear the area, and sometimes damage the public infrastructure and private property.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- n/a

Pro(s):

- Prohibits through trucks from using Sycamore Drive.
- Keeps through trucks on US numbered routes.
- Eliminates delay to the traveling public.

Con(s):

- None

Fiscal Impact:

- The cost of installing and maintaining truck prohibition signs is included in the current operating budget.

Motion:

- Motion to approve an ordinance enacting a through truck prohibition along Sycamore Drive from Sweeten Creek Road to Hendersonville Road in South Asheville.

ORDINANCE BOOK NO. 32 - PAGE 313

J. MOTION ADOPTING A REVISED 2019-20 OPERATING BUDGET SCHEDULE

K. **RESOLUTION NO. 19-48 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SIDEWALK MAINTENANCE AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION TO ACCEPT MAINTENANCE RESPONSIBILITIES FOR A NEW SIDEWALK AND A BUS SHELTER PAD ALONG THE SOUTHBOUND APPROACH OF HENDERSONVILLE ROAD FROM OVERLOOK ROAD TO HOME TRUST BANK**

Action Requested: Adoption of a resolution authorizing the City Manager to 1) execute a sidewalk maintenance agreement with the N.C. Dept. of Transportation (NCDOT), 2) for the City to accept maintenance responsibility for a new sidewalk and a bus shelter pad constructed by the NCDOT along the southbound approach of US 25 (Hendersonville Road) from SR 3503 (Overlook Road) to Home Trust Bank, and 3) to reimburse the NCDOT 100% of the actual cost for bus shelter improvements estimated to be $2,200.

Background:
- The NCDOT has identified a need to make improvements at the intersection of US 25 (Hendersonville Road) and SR 3503 (Overlook Road).
- The City approved a resolution supporting the project on March 13, 2018.
- According to NCGS 160A-296 and NCDOT policy, the City must maintain the sidewalk.

Council Goal(s):
- Transportation and Accessibility
- A Well Planned and Livable Community

Committee(s):
- None

Pro(s):
- A new section of sidewalk will be constructed
- Bus shelter improvements are included in the project.

Con(s):
- The City is responsible for maintaining the new sidewalk and bus shelter.

Fiscal Impact:
- The estimated $2,200 cost of constructing a bus shelter pad is included in the current operating budget.

Motion:
- Motion to approve a resolution authorizing the City Manager to 1) execute a sidewalk maintenance agreement with the North Carolina Department of Transportation (NCDOT, 2) for the City to accept maintenance responsibility for a new sidewalk and a bus shelter pad constructed by the NCDOT along the southbound approach of US 25 (Hendersonville Road) from SR 3503 (Overlook Road) to Home Trust Bank, and 3) to reimburse the NCDOT 100% of the actual cost for bus shelter improvements estimated to be $2,200.

RESOLUTION BOOK NO. 40 - PAGE 309

L. **RESOLUTION NO. 19-49 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION (FBRMPO) FOR SECTION SECTION 5310 FUNDS, AND IF SUCCESSFUL, TO ACCEPT THE GRANTS AND SIGN ALL**

THE APPROPRIATE AGREEMENTS WITH THE FBRMPO, FEDERAL, AND/OR STATE AGENCIES

Action Requested: Adoption of a resolution authorizing the City Manager to apply to the French Broad River Metropolitan Planning Organization (FBRMPO) for Section 5310 Funds, and if successful, to accept the grants and sign all the appropriate agreements with the FBRMPO, Federal, and/or State agencies.

Background:

- The FBRMPO has opened a call for projects to use Federal Transit Administration Section 5310 Funds and they will be distributed via a competitive process.
- Section 5310 Funds provide enhanced mobility to seniors and individuals with disabilities.
- The application deadline is March 29, 2019.
- Staff is pursuing funding in the amount of $187,500 to help offset the annual cost of paratransit service.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- Finance & HR Committee - February 26, 2019 - approved unanimously

Pro(s):

- Enables the use of Federal Funds to help provide needed assistance.
- Enables the City to offset part of the annual operating cost to provide paratransit service.

Con(s):

- The City is responsible for the 20% local match which equates to $37,500.

Fiscal Impact:

- The local match of $37,500 will be included in the proposed FY 2019-20 operating budget.

Suggested Motion:

- Motion to approve a resolution authorizing the City Manager to apply to the French Broad River Metropolitan Planning Organization and to execute appropriate agreements with the French Broad River Metropolitan Planning Organization, Federal, and/or State agencies.

RESOLUTION BOOK NO. 40 - PAGE 310

M. RESOLUTION NO. 19-50 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BUNCOMBE COUNTY FOR FIRE PROTECTION AND AMBULANCE AND RESCUE SERVICES

Action Requested: Adoption of resolution authorizing the City Manager to enter into an agreement with Buncombe County for fire protection and ambulance and rescue services.

Background:

- The Asheville Special Fire Protection & Ambulance and Rescue Service District of Buncombe County was established and created effective July 1, 2016. It is comprised of the Biltmore Estate property, and portions of the Haw Creek District. It is served by the Asheville Fire Department for fire protection, ambulance, and rescue services.

- The Biltmore Estate has been served by the City of Asheville Fire Department since 1995 and Haw Creek has been served by the City of Asheville Fire Department since 2009 through contracts with Buncombe County.
- The County levies a special tax in the Asheville Special Fire Protection & Ambulance and Rescue Service District and appropriates those funds to the City of Asheville.
- The funds collected by the County as a result of the tax collected and the corresponding sales tax revenue due the District will be paid to the City by the last day of each month in twelve equal monthly installments.
- At the end of the fiscal year, the County will reconcile the monthly payments made to the City and the actual amounts collected to make a final adjusted payment in July of the following fiscal year.
- The Asheville Fire Department will furnish fire protection and other emergency services as part of the Buncombe County EMS System in the Asheville Special Fire Protection & Ambulance and Rescue Service District and will provide the necessary equipment and personnel.
- The term of the current agreement will end June 30, 2021.

Council Goal(s):
- Connected and Engaged Community

Committee(s):
- Finance & Human Resources Committee - February 26, 2019 approved unanimously
- Public Safety Committee - February 25, 2019 approved unanimously

Pro(s):
- This contract provides revenue for the City of Asheville that is greater than the cost of services.

Con(s):
- None

Fiscal Impact:
- The agreement has an overall positive fiscal impact on tax revenues received by the city.
- The fire tax rate for the Haw Creek area of the District is $8.60, and the fire tax rate for the Biltmore Estate area of the District is $8.50
- In FY19-20, property, sales, and DMV tax revenues generated by the district and appropriated to the City are estimated at $385,578.
- In FY 18-19, service provided in these districts cost approximately $2,000.

Motion:
- Motion to adopt a resolution authorizing the City Manager to enter into an agreement with Buncombe County for fire protection and ambulance and rescue services.

RESOLUTION BOOK NO. 40 - PAGE 311

N. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FLETCHER HOSPITAL INC. (D/B/A ADVENT HEALTH HENDERSONVILLE) FOR PHYSICIAN SERVICES AT THE EMPLOYEES HEALTH CENTER

Dr. Paul Martin felt that this proposal did not meet the minimal requirements of the RFP, the RFP received no input from stakeholders in developing the RFP requirements, the submission process was rushed, there was no true recruiting efforts on venus frequented by physician

candidates, Park Ridge did not receive a vote of approval from the selection committee; and local physicians were not recruited. He asked that this item be pulled for further review.

Interim Assistant City Manager Peggy Rowe said that we are under a temporary agreement with Park Ridge. We did do an RFP and we did invite Dr. Martin to participate in the RFP but he declined to do so. We believe Park Ridge is a good provider of the services that we need for our employees. It includes not only the physician on site, but also other services provided by Park Ridge.

Staff was directed by the majority of Council to provide Council with a memorandum addressing Dr. Martin's concerns.

O. RESOLUTION NO. 19-52 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, THE 2020 DWI TASK FORCE GRANT

Action Requested: Adoption of a resolution authorizing the City Manager to apply for and accept a grant from the North Carolina Governor's Highway Safety Program (NCGHSP). This grant will fund one (1) year of the multi-jurisdictional DWI Task Force that includes the Asheville Police Department (APD) and the Buncombe County Sheriff's Office (BCSO).

Background:

- Impaired drivers are a serious concern to public safety. The NCGHSP has funded the DWI Task Force since October, 2013 and continues to award funding to combat impaired driving within Buncombe County.
- The DWI Task Force is to focuses efforts on educating the public to the dangers of driving while impaired. This education is done through partnership with other agencies including local high schools and non-profit organizations.
- The DWI Task Force is comprised of four APD officers and two BCSO deputies. APD will continue to assign one sergeant and three officers while BCSO will continue to assign two deputies. APD acts as fiduciary for the program.
- The total of the grant is $465,689.00 and requires a 75% local match. The City of Asheville's portion of the match is $237,440.75. The Buncombe County match is $111,826.00. This represents a slight increase from the previous fiscal year program.
- The City's match is higher than the County's match because the City has more staff covered by the grant. The City has four police officers paid out of the grant while the County has two deputies.

Council Goal(s):

- Connected and Engaged Community

Committee(s):

- Public Safety Committee - February 25, 2019 meeting. Approved unanimously.
- Finance & Human Resources Committee – February 26, 2019 meeting. Approved unanimously.

Pro(s):

- Grant funds are used to pay for 25% of officer salaries, benefits and training costs.
- Potential reduction of impaired driving collisions, injuries and deaths.

Con(s):

- Funding from the NCGHSP is evaluated annually and is only available for a one year period.

Fiscal Impact:

- The City of Asheville match for Fiscal Year 2020 is $237,440.75. This amount will be included in the APD proposed Fiscal Year 2020 budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to apply for and accept grant funds from the North Carolina Governor's Highway Safety Program.

RESOLUTION BOOK NO. 40 - PAGE 313

P. RESOLUTION NO. 19-53 - RESOLUTION OF INTENT TO SET A PUBLIC HEARING ON APRIL 23, 2019, TO CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS COMMERCE STREET

Action Requested: Adoption of a resolution to set a public hearing for April 23, 2019, for the closure of an unopened right of way known as Commerce St.

Background:

- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- Biltmore Iron and Metal has petitioned the closure and owns one adjacent property, 1 Meadow Rd. (PIN # 9648-50-7911 and 9648-51-6002). Adjoining the petition is Asheville Area Habitat for Humanity, 33 Meadow Rd. (Pin # 9648-51-6002 and 9648-50-4827)
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - January 23, 2019 - Recommended closing the right of way and working with the property owner to secure a greenway easement along the river.

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources.

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Motion to adopt resolution of intent to set a public hearing, April 23, 2019.

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Q. RESOLUTION NO. 19-54 - RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT AN EASEMENT TO DUKE ENERGY

PROGRESS FOR ELECTRICAL UTILITY IMPROVEMENTS AT RICHMOND HILL PARK

Action Requested: Adoption of a resolution authorizing the City Manager to grant an easement to Duke Energy Progress for electrical utility improvements at Richmond Hill Park.

Background:

- Richmond Hill Park is a 150 acre park in West Asheville. The park lacks supporting amenities and planned improvements include new restrooms, a picnic shelter and site lighting. These improvements were funded as part of the 2016 bond program and the project is now moving forward.
- Electrical power will need to be extended into the park in order to provide these improvements. DEP has agreed to provide the extension of electrical services if the City provides the requested easement.
- An exhibit is attached showing where the electric line will be located. The easement will be 20 feet wide around the electrical infrastructure and 10 feet on all sides of the foundation of any DEP enclosure. The amount of permanent easement is approximately 13,000 square feet. The electrical line and conduit will be buried between the curb and sidewalk. The pad mounted transformer enclosure and manholes will be visible from the surface.

Council Goal(s):

- A Well Planned and Liveable Community

Committee(s):

- Recreation Board on January 14, 2019

Pro(s):

- The park improvements will increase community resources by adding new amenities and providing restrooms.
- Improves safety for users after dark, as additional site lighting is programmed.

Con(s):

- This project will generate a new, continuing electric bill after the improvements are constructed.

Fiscal Impact:

- City general funds will be used to pay the electric bill after the improvements are constructed.

Motion:

- Motion to approve a resolution authorizing the City Manager to convey an electrical easement to Duke Progress Energy (DEP) at Richmond Hill Park.

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R. RESOLUTION NO. 19-55 - RESOLUTION OF INTENT TO SET A PUBLIC HEARING ON APRIL 23, 2019, TO CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS ROSE STREET

Action Requested: Adoption of a resolution to set a public hearing for April 23, 2019, for the closure of an unopened right of way known as Rose St.

Background:

- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- Pet Vet Properties, LLC has petitioned the closure and owns two adjacent properties, 2 Hansel Ave. (PIN # 9638-48-8500) and 100 Rose St. (PIN # 9638-48-7515)
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - January 23, 2019 - MMTC unanimously supported the closure.

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con(s):

- None

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Motion:

- Motion to adopt resolution of intent to set a public hearing, April 23, 2019.

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S. RESOLUTION NO. 19-56 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM 2020 BIKESAFE NC GRANT, YEAR 1

Action Requested: Adoption of a resolution authorizing the City Manager to apply for and accept a grant from the North Carolina Governor's Highway Safety Program (NCGHSP) for Year 1 of the Bike/Safe NC program to allow the promotion of motorcycle safety within the Western Region.

Background:

- The Bike/Safe NC program is a partnership with the Governor's Highway Safety Program and the North Carolina State Highway Patrol that is aimed at reducing motorcycle fatalities.
- The primary goal of the BikeSafe NC program is to decrease statewide motorcycle fatalities by 25 percent from the 2013-2017 average of 179.4 to 134.00 by the end of September 2020.
- Grant funds will be used to promote awareness by contacting motorcycle dealers, clubs and associations to discuss current highway safety activities, training opportunities like Rider Skills Days and to provide legal updates. The City of Asheville, via the Asheville Police Department, will act as fiduciary for the program.
- The total of the grant is $5,000 and does not require local matching funds.

Council Goal(s):
- Connected and Engaged Community

Committee(s):
- Public Safety Committee - February 25, 2019 meeting. Passed unanimously.
- Finance & Human Resources Committee – February 26, 2019 meeting. Passed unanimously.

Pro(s):
- Grant funds are used to pay for travel and training.
- Potential reduction of statewide and regional motorcycle fatalities.

Con(s):
- None

Fiscal Impact:
- There is no impact to the City of Asheville's General Fund budget.

Motion:
- Motion to adopt a resolution authorizing the City Manager to apply for and accept grant funds from the North Carolina Governor's Highway Safety Program.

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Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Mayfield moved for the adoption of the Consent Agenda, with the deletion of Consent Agenda "N". This motion was seconded by Councilman Haynes and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. DO THE WRITE THING CHALLENGE

Ms. Tanya Presha, Academic and Program Support Coordinator, along with Ms. Kaylee Pearce, 2018 National Ambassador of the Do the Write Thing Challenge (which is an initiative of the National Campaign to Stop Violence) spoke about her experience and encouraged City Council to the reading and scoring the upcoming essays on the March 21st and 22nd.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF PROPERTY LOCATED AT 130 AND 99999 ROCK HILL ROAD FROM RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO COMMUNITY BUSINESS II/CONDITIONAL ZONE FOR THE REUSE OF AN EXISTING BUILDING FOR AN ACUPUNCTURE CLINIC AND WELLNESS USE; AND AMENDMENT TO THE FUTURE LAND USE MAP FROM RESIDENTIAL NEIGHBORHOOD TO NEIGHBORHOOD CENTER

Mayor Manheimer announced that the applicant has withdrawn his request for conditional zoning.

B. PUBLIC HEARING TO CONSIDER PERMANENTLY CLOSING AN UNOPENED RIGHT-OF-WAY OFF FAIRFAX AVENUE

RESOLUTION NO. 19-57 - RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY OFF FAIRFAX AVENUE

Streets Manager Chad Bandy said that this is the consideration of a resolution to permanently close an unopened right-of-way off Fairfax Avenue. This public hearing was advertised on February 15, 22, March 1 and 8, 2019.

Action Requested: Adoption of a resolution for the permanent closure of an unopened right of way off Fairfax Ave.

Background:

- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- Christopher D. Meyer has petitioned the closure and owns both adjacent properties, 700 Haywood Rd. (PIN # 9638-24-3333) and 12 Fairfax Ave. (PIN # 9638-24-3235)
- This closure allows maximum land use potential for further development complying with the Living in Asheville Comprehensive Plan..

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - October 24, 2019, September 26, 2018, and November 28, 2018 - Recommendation to move it forward with no vote.

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con(s):

- West Asheville Presbyterian Church currently accesses its propane tanks and fellowship hall via the former bank drive-through if the petitioner would allow the Church to continue to access the propane tank through the parking lot.

Fiscal Impact:

- None to the City.

Councilwoman Smith noted that not only will the Church's access to their propane tanks be restricted, but if the right-of-way is closed, their handicapped access to the fellowship hall will also be restricted because they drive over the right-of-way.

In response to Councilwoman Mayfield, Mr. Bandy said that the property owner owns both sides of the right-of-way and would like to combine them into one parcel. He believes the property owner would like to build a veterinary clinic on his property but he was not aware of any site specifics, e.g., the footprint of the building.

Mr. Tom Holman attorney representing the owners of the property at 700 Haywood Road, are excited about improving their property and adding a neighborhood small animal veterinary practice to serve the community. The final closure of this unopened alley will not in any way change the manner in which this property has been used in over 75 years. N.C. Gen. Stat. sec. 160A-299 grants the Council the power to close any street or road or portion thereof if the closure will not impair the access to any other property owner (which it won't); and the closure will not be contrary to the public interest (it will benefit the public interest). The closure will allow for more efficient use of the property without any artificial impediment that presently splits the parcel and benefits no one. Likewise, the closure will also help encourage improvements to the property that will help enhance it consistent with the zoning designation. He then showed some pictures that this alley was never intended to serve anything other than 700 Haywood Road. In 1920, 700 Haywood Road consisted of 4 parcels which fronted Haywood Road. All those lots are now owned by the applicant, as is the rear lot. There is no evidence that the alley has ever been opened to the public or used in any way other than access to the 4 front parcels. Consistent with that, he showed the recombination of the 4 properties in 1945 which a home on two of the parcels had a garage in their back on the alley which serviced the two parcels. He then showed a survey of the specific location of the alley. He appreciated the Church's concern that it has had the benefit of the use of this adjacent property during the last 2+ years since the bank has been closed. And, before then he understands there was an accommodation provided for by the bank because due to the bank's hours. The property owners want to be good neighbors, but they can't agree at this point what level of accommodation they can provide for this property, but it's not likely to be a drive-through just like any other property owner. Since purchasing the property, the property owners worked with the Church to agree to some form of accommodation, but that was not able to happen. All the accommodations would be entirely voluntary. The owners want to cooperate with the church.

In response to Councilman Kapoor, Interim City Attorney Rockoff said that the question before Council is that under N.C. Gen. Stat. sec. 160A-299, it grants the governing body of a municipality to close any street or road or portion thereof upon the following conditions: notification by registered mail to the adjoining property owners, publication of the notice, and determination by the governing body that the closing of said road is not contrary to the public interest and that no individual owning property in the vicinity of said street or road or in the subdivision in which is located said street or road will thereby be deprived of reasonable means of ingress and egress to his property.

Councilwoman Mayfield felt that if we close this alley, then it deprives the Church of access to two parts of their building that they currently use.

Mr. Holman said that the Church is asking for continued use of the alley which prohibits the property owners functional use of their property.

At 5:44 p.m., Mayor Manheimer opened the public hearing.

Mr. Billy Robinson, representing the West Asheville Presbyterian Church, said he disagreed that the closing will not deprive any individual owning property in the vicinity any reasonable means of ingress or egress. Over 61 years the congregation has had access via the alley. If the alley is closed, handicapped people will have to park on Haywood Road or Fairfax Avenue and walk to the fellowship hall. If the alley is closed, it will also impede the servicing of the propane trucks and they would have to move the children's playground to the front yard of the Church at Haywood Road, which they are not eager to do. He understood that the property owner talked to the Minister of the Church, and the Treasurer, but the Minister has no voice in the operation of a congregation. Therefore, he has not entered into any conversations with the congregation. The Multimodal Transportation Commission said they would like to have some time to negotiate an agreement but there has been no substantial movement by the property

owner to do so. He said that they also did not receive any notification of this closing, and found about about the closing by a sign being posted on the corner.

Mr. Patrick Price, member of West Asheville Presbyterian Church, said that Mr. Meyer (the property owner) approached the Minister in June of 2018 and the Minister died shortly thereafter. Then their Secretary retired. Mr. Meyer then approached the Treasurer of the Church. He, Mr. Price, then talked with Mr. Meyer and asked him to show them what his plans were for the property and he never got back to him. He felt that Mr. Meyer has no plan for the property. He said that the property is still owned by the bank. We have no objection to close the alley as long as we have access to the fellowship hall.

Mayor Manheimer closed the public hearing at 5:43 p.m.

Mr. Bandy explained that under the statutes, the only required mailings are to the adjacent property owners of the alley who would receive half ownership of the alley and since the property owner owns both properties on each side of the alley, no mailing was required.

Mr. Holman said that it is is not fair or accurate to say that his clients have not been acting in good faith. There has been over a year of communication and he sent a letter to the attorney he was told represented the Church on October 31, 2018, with a detailed proposal. His client has had this property under contract since October 2017 and they are the owners of the property. He restated that the final closure of this unopened alley will not in any way change the manner in which this property has been used in over 75 years

Mayor Manheimer said her understanding is part of the requirements around this closure are to meet the zoning requirements for the Haywood Road Corridor Overlay. She understands that the investor does not want to spend a lot of money on a plan until they know they can get the alley closed. She hears that the Church is making a prescriptive easement claim to be able to continue to access their property the way they have been doing for a very long time. That is not something Council can get involved in. We cannot negotiate property claims between two property owners. She was sympathetic to both sides and hoped some resolution can be reached about access.

Councilwoman Mayfield said she has no problem ultimately supporting the closure of the alley, but her interest is in seeing the two parties try to come together to create some sort of access agreement.

Vice-Mayor Wisler said this is a dispute between two property owners and she felt Council does not have the authority to be involved.

Councilman Young felt that the two property owners need to work together for some type of easement for the Church.

Councilwoman Smith said a portion of residents attend this Church who are not able-bodied to readily access the fellowship hall.

Councilman Kapoor felt that we have to abide by our statutes. He has sympathy for the Church but our requirements as a Council is to apply the law.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved to permanently close an unopened right-of-way off Fairfax Avenue. This motion was seconded by Councilman Kapoor and carried on a 4-3 vote, with Councilwoman Mayfield, Councilwoman Smith and Councilman Young voting "no".

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C. **PUBLIC HEARING TO CONTINUE CONSIDERATION OF THE CONDITIONAL ZONING OF 324 BILTMORE AVENUE FROM REGIONAL BUSINESS DISTRICT TO LODGING EXPANSION/CONDITIONAL ZONE FOR THE CONSTRUCTION OF A 7-STORY, 103 ROOM HOTEL**

ORDINANCE NO. 4733 - ORDINANCE TO CONDITIONALLY ZONE 324 BILTMORE AVENUE FROM REGIONAL BUSINESS DISTRICT TO LODGING EXPANSION/CONDITIONAL ZONE FOR THE CONSTRUCTION OF A 7-STORY, 103 ROOM HOTEL

Urban Planner Jessica Bernstein said that this is the continued consideration of the conditional zoning of 324 Biltmore Avenue from Regional Business District to Lodging Expansion/Conditional Zone for the construction of a 7-story, 103 room hotel. This matter was originally heard on October 23, 2018, but withdrawn. This public hearing was advertised on March 1 and 8, 2019.

Action Requested: Approval of a conditional zoning request at 324 Biltmore Avenue from Regional Business (RB) to Lodging Expansion Conditional Zone (LODG EXP CZ)

Background:

- The project site consists of a 0.78 acre parcel located at 324 Biltmore Avenue (PIN 9648-46-4336) and owned by Milan Asheville, LLC. The contact for the project is Warren Sugg.
- The proposal is to construct a new 88,593 square foot lodging facility with 103 rooms. The building is seven stories in height, except for within a 100 foot radius of nearby residential zoning, where the building height is reduced to 25 feet.
- There is a single vehicular access point from Biltmore Avenue that provides access to a maximum of 106 structured parking spaces.
- Ten foot wide sidewalks are provided along both frontages. A transit shelter will be provided at the corner of Biltmore Avenue and White Fawn Drive.
- The site will be improved with landscaping and open space as required by code with the conditions noted below.
- The design complies with design and operational standards as required by the proposed zoning district, Lodging Expansion Conditional Zone (LODG EXP CZ).
- The area is currently identified as an Employment / Anchor Institution Center on the Future Land Use Map in the Living Asheville Comprehensive Plan, where limited lodging uses are seen as complementary and supportive of nearby employment clusters.
- The applicant is requesting the following conditions be approved for this proposal:
    - Zero-foot setbacks along the front and side; three foot on the corner side and 10 feet for the rear. District standards are five feet for the front, 15 feet for the side and 25 feet for the rear,
    - Reduction in rear property line buffer to 10 feet in some areas (but increases up to 23 feet in other areas) where 15 feet is required,
    - Provision of large planters along Biltmore Avenue in lieu of street trees due to conflicts with utility lines and Department of Transportation prohibitions, and
    - Increase in impervious surface standards to 82 percent where 80 percent is allowed.

Council Goal(s):
- A Well-Planned and Livable Community
- Transportation and Accessibility

Committee(s):
- Technical Review Committee - September 17, 2018 - approved with conditions
- Planning & Zoning Commission - October 3, 2018 - recommended approval (6-0)
- City Council originally heard this request on October 23, 2018, but the applicant requested a continuance prior to a vote to be re-considered at a later date

Pro(s):
- The use and development is aligned with the designated Future Land Use category of the Living Asheville Comprehensive Plan for this area
- The applicant has included wide sidewalks, bike parking and a transit shelter on the site as well as an offer to provide bus passes to any guest or employee
- The applicant met on multiple occasions with members of the adjacent neighborhood and altered several site plan elements to better meet their requests and mitigate impacts such as noise, trash and access
- The proposal would support visitors to the Mission Hospital campus and other nearby medical uses

Con(s):
- The proposal does not expressly comply with all development standards as noted above

Fiscal Impact:
- None noted.

Ms. Bernstein said the only change from staff's perspective since this was before Council in October is a condition that the signage will comply with the allowances for similar uses in the Regional Business District.

In response to Councilwoman Mayfield, Ms. Bernstein said that there is one house immediately behind the proposed hotel but she has not spoken with that property owner about this hotel. She said the zoning district has a 100 foot radius from single-family or residential zoning, and the height is restricted to the height of that zoning district, which is 40 feet. She said they have actually reduced the height adjacent to that house is 25 feet, noting the grade change too. The tallest portion of the building (7-story) is at Biltmore Avenue. The applicant is asking for a reduction in the rear buffer, but in that particular section, the buffer is actually wider than the required 15 feet width.

Mr. Wyatt Stevens, representing Milan Asheville LLC, said that his applicant has had a series of neighborhood meetings and at one of the meetings Mr. Patel met with the owner of the house behind the hotel project. To his knowledge, she has no objection to this project with the reduced height and increased buffer. In his opinion, the only house whose view would be affected by the hotel is the house behind the hotel project. Higher up White Fawn there are additional houses but they are not oriented to the west and he didn't think that any of those homes will have their views affected by this 90-foot hotel. He said this is a good project from a good local family and they have proven to be good corporate citizens. He is convinced that this hotel will anchor all kind of important development in that location. This project is aligned with the future land use category in the Living Asheville Comprehensive Plan. He felt this project will also make safer that part of the City by a full-time security guard, security cameras and eyes on the street. On extended stay hotels of this type, 70-75% of the room nights go to business travelers,

families, patients, people who are visiting Mission Hospital, and tourists on the weekends. Asheville needs a pro-business development and this hotel meets that. Changes from the October meeting include the elimination of 163 hotel rooms on Smoky Park Highway - this hotel will have 103 hotel rooms. Also another change is that the Tourism Development Authority is going to look at how tourists impact our infrastructure. They have reached out to Mission Hospital and offered preferential pricing to families of patients at the Hospital, along with preferential pricing to the families of children in the Caiyalynn Burrell Child Crisis Center across the street. They have talked with Rev. Scott Rogers of the Asheville-Buncombe Community Christian Ministry (ABCCM) about opportunities to provide more jobs for veterans and other beneficiaries of ABCCM. They talked with Mountain Housing Opportunities and the Housing Authority of the City of Asheville regarding the revitalization of Lee Walker Heights. They will be able to provide a job training program (similar to ABCCM) for the residents of Lee Walker Heights. In addition, they will provide free bus passes to the residents of Lee Walker Heights, all of their staff and all of the hotel guests who would like one. They have also committed $125,000 for a playground at Lee Walker Heights upon approval of this zoning application. They understand that affordable housing is our number one problem in Asheville. He explained that it doesn't make sense to put affordable housing on a ¾ acre piece of property. But, because they want to be good community partners, they have agreed to make a contribution of $100,000 a year for 5 year to the Affordable Housing Trust Fund, once the hotel receives their Certificate of Occupancy and they are open for business. This property currently pays approximately $3,500 a year in taxes to the City. This will be a significant $18-20 Million investment so the taxes to the City will be in the range of $85-90,000 a year. He said this is a good project and asked for Council's approval.

Mr. Stevens, and Mr. Monark Patel, responded to Councilman Haynes regarding the job training program, why the site cannot be used for any kind of housing development, and how many full-time employees will the hotel hire, along with their pay.

Mayor Manheimer opened the public hearing at 6:31 p.m.

The following individuals spoke in support of the conditional zoning of property at 324 Biltmore Avenue, for several reasons, some being, but are not limited to: hotel is adjacent to Mission Hospital and will serve serious lodging needs for families visiting patients; fits into our aspirations of the success of the Lee Walker Heights transformation; recommendation of a new traffic signal be installed at Biltmore Avenue and White Fawn Drive; Monark Patel is a native businessman and good employer with many investments into the community; good to have a park for Lee Walker Heights; preferential pricing for families for Mission Hospital patients is a need; and hotel will have a positive impact on the community:

David Nutter
Pastor Ronald Gates, Greater Works Church of God and Christ
Luella Whitmire
Pastor James E. Roberts, Fairmont Baptist Church
Amber Banks
Kate Briggs, resident on Florence Street
Downtown resident and property owner in the area

The following individuals spoke against the conditional zoning of property at 324 Biltmore Avenue in its current form for several reasons, some being, but are not limited to: this is a very small lot and if it's not big enough for housing, why is it big enough for a hotel; Oakhurst is part of downtown and Council should not add another hotel to downtown; the $625,000 Mr. Patel is being asked to commit should not be a reason why the zoning should change; hotel should comply with the height standards; very few jobs would be created; negative impact on the surrounding neighborhood; hotels crowd out other opportunities; will block the views of the Oakhurst neighborhood; majority of Mission's patient population are Medicaid/Medicare recipients

and will not be able to afford an extended stay hotel room; this hotel will be one of the top 20 tallest buildings in Asheville and will change the look of this corridor; a 92-foot solid hotel 10-feet from Biltmore Avenue is not a good precedent for this area; there is already a Residence Inn on the other side of Mission Hospital; just because Mr. Patel is a nice person is no reason we should approve this project; hotel should activate the ground floor with business space; owner of the house directly behind the hotel has not given their support the hotel; hotel is not in keeping with the neighborhood; and the neighborhood has no resources as the closest grocery store is 1.9 miles away:

Kristen Daniels, Secretary of Oakhurst Neighborhood Association
Joel Atyas
Seay Stephens, resident of Oakhurst neighborhood
Resident of the Oakhurst neighborhood

Mayor Manheimer closed the public hearing at 7:08 p.m.

Vice-Mayor Wisler viewed this hotel as part of the downtown area. Within one mile of Mission Hospital we have 181 rooms and within 2 miles of Mission Hospital we have 1,430 rooms, so she did not see the need for another extended stay hotel close to Mission Hospital.

Councilwoman Smith wondered where the rally cry was when the community behind this area was all African American owners. No one stood up to protect and preserve the historic richness of their community. And now that a hotel is coming forward, everyone is speaking for the preservation of something they call rich. Comforts, such as a scenic view of Mt. Pisgah, were not considered. Not to shame and blame, but there has been a lot lost in that community.

Councilman Haynes was opposed to the project.

Councilwoman Mayfield said that she looks at each hotel on a case by case basis. She looks at what are the community benefits the development brings, and in this case $500,000 to the Affordable Housing Trust Fund, $125,000 for a playground at Lee Walker Heights, and the job training program are community benefits enough for her to support this project. In her view, this does have a pretty minimal impact on the adjacent neighborhood. What happens on that corridor is not really so much about the neighborhood behind. Biltmore Avenue is a commercial corridor. The steps to reduce the impact of the house immediately behind the hotel is to be commended. This is also the improvement of a vacant lot. In our Living Asheville Comprehensive Plan, Asheville is moving down Biltmore Avenue. This development is more consistent with what will be coming from downtown, with buildings close to the sidewalk. There are three transit lines that go on this street, and the hotel is also providing a bus shelter. Even though she always wants to see more housing, there will be hundreds of housing and affordable housing across the street.

Mayor Manheimer said that because of the tax structure in North Carolina, we are not able to harness visitor taxes very well and we are left with a deficiency in the funding we need to improve the City's services, e.g., paving a street, building a new sidewalk, etc. Shortly after the October meeting when this was originally discussed, the Tourism Development Authority contacted her and said they have engaged a consultant to look at a multi-year plan to fund capital through the room tax in conjunction with the City. Personally, that is the kind of change she wanted to see before she could move forward with considering another hotel. The City will also continue to look at revenue diversification. She recalled conversations about better managing hotel growth in the City. One significant change that has happened is that this Council changed the entire process for hotel applications. It used to be that many hotel applicants didn't need to come before Council for consideration and now all of them do. That gives Council the opportunity to have a discussion about each application on its own merit. Because of that process change, we are seeing a lot more community benefits from hotel applications.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Kapoor moved to approve the conditional zoning for 324 Biltmore Avenue from Regional Business (RB) to Lodging Expansion Conditional Zone (LODG EXP CZ) and find that the request is reasonable, is in the public interest and is consistent with the city's comprehensive plan in that: (1) the proposal is aligned with the Future Land Use map in the Living Asheville Comprehensive Plan; and (2) the development is located within close proximity to medical and commercial uses that would be well served by the proposed use; (3) the project is walkable to downtown and directly accessible to transit; and 4) the proposed hotel is an active use that would contribute to the vibrancy of this area of the city. This motion was seconded by Councilwoman Mayfield and carried on a 4-3 vote, with Councilman Haynes, Vice-Mayor Wisler and Councilman Young voting "no".

ORDINANCE BOOK NO. 32 – PAGE 314

D. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 1 SOUTH TUNNEL ROAD FROM REGIONAL BUSINESS DISTRICT TO MIXED USE EXPANSION/CONDITIONAL ZONE TO ALLOW A MIXED-USE DEVELOPMENT THAT INCLUDES RESIDENTIAL, RETAIL, SERVICE AND ENTERTAINMENT USES

At this time, Interim City Attorney Rockoff left the dais due to a conflict of interest with her law firm. In her place, Associate City Attorney Eric Edgerton presided over this matter.

Principal Planner Shannon Tuch said that this is the consideration to conditionally zone 1 South Tunnel Road from Regional Business District to Mixed Use Expansion/Conditional Zone to allow a mixed-use development that includes residential, retail, service and entertainment uses. This public hearing was advertised on March 1 and 8, 2019.

Action Requested: Request to conditionally rezone a portion of 1 S. Tunnel Rd. from Regional Business District to Mixed Use Expansion District/Conditional Zone for the purpose of constructing a mixed-use development.

Background:

- The subject property includes a single 15.88 acre lot zoned Regional Business (RB) that is part of the larger Asheville Mall property but is owned and operated separately from the rest of the mall.
- The request is to rezone from Regional Business (RB) to Mixed Use Expansion - Conditional Zone (MXD EXP - CZ).
- The area is identified as Town Center on the Future Land Use Map which describes multi-story, high density, mixed use development in a compact urban form with strong relationship to the public realm and effective multi-modal transportation connections.
- The existing Sears department store is proposed to be demolished while the existing automotive center will be renovated and adaptively reused.
- In addition to the one-story renovated automotive center, the development will include the construction of six new buildings. Five of the six new buildings are one-story commercial buildings ranging in size from 1,300-5,000 square feet. The sixth building, building "B" is six stories, approximately 92 feet in height, and over 320,000 square feet in size.
- The first story of building B will be a 72,000 square foot commercial space including a multi-screen movie theater. Above the commercial ground level is five additional stories containing 205 residential units.

- Connected to Building B is a 2 ½ story parking structure with approximately 145 parking spaces.
- The existing surface parking lot will be partially demolished and rebuilt to accommodate the new construction and to incorporate additional landscaped improvements. Approximately 707 surface parking spaces are provided.
- Vehicular access to the property is unchanged and accommodated through three different access points (White Pine Dr., Tunnel Rd. & S. Tunnel Rd.). The primary entrance is from S. Tunnel Rd.
- Sidewalks varying in width from 5 feet to 10 feet are added throughout the project area.
- The project has been revised to address conditions and other comments from the Planning and Zoning Commission meeting including a full landscape buffer, a sidewalk along Brackettown Rd., 10% (21) of the units to be affordable, and pervious paving for the surface parking on the east side (front) of the project area.
- In response to the Traffic Impact Analysis, numerous traffic related site changes are required by NCDOT as part of their approval.

Council Goal(s):

- A Well-planned and Livable Community.

Committee(s):

- Technical Review Committee - September 17, 2018 - approved with conditions.
- Planning & Zoning Commission - January 14, 2019 - approved 5-2.

Pro(s):

- Provides a mix of uses, including residential units, in a strategic and locationally efficient area of the city
- Aligns with the Future Land Use Map, Town Center designation, in the Living Asheville Comprehensive Plan, in that the proposal allows for a mix of uses, higher density residential and buildings up to 10 stories high.
- Pedestrian and bike access is improved with the addition of sidewalk and sharrows.
- The landscape buffer along the western property boundary between the project area and the adjacent single family neighborhood will be widened to comply and will be enhanced with additional plant material. A fence is also proposed.
- Reduces the amount of impervious surface on the property.
- Provides a prominent, hardscaped public gathering area in front of buildings "B" and "A".
- 10% of the residential units (21 units) will be affordable to individuals earning at or below 80% AMI for a minimum period of 20 years.

Con(s):

- Requires a number of modifications to basic development and design standards in the UDO, including some standards central to successful, well designed urban centers:
  - Buildings are not oriented and fronting on the primary corridor.
  - Parking is located between the front building face and pedestrian zone.
  - Building B exceeds the maximum building size, footprint size and height for buildings in the Mixed Use Expansion District (this is offset by the provision of affordable units).
- Does not align with the Future Land Use Map, Town Center designation, in the Living Asheville Comprehensive Plan, in that the proposal does not meet the goal of a minimum of two-story building construction and a compact urban street grid to help guide future growth to a more efficient, urban form.
- A significant portion of the project design reflects a one-story, suburban form with extensive surface parking and is being driven by leasing requirements of national retail and entertainment tenants.

Fiscal Impact:

- There is no direct fiscal impact.

After Ms. Tuch reviewed the background, along with the pros and cons, she noted some of the exceptions to the Mixed-Use Expansion and UDO, such as it doesn't meet all of the landscape requirements, particularly for the parking lot and building impact, there are a number of sidewalks that are not 10-feet wide, the overall massing and height exceed what is normally allowed for Building B, and a number of the buildings are set back more than 25-feet from the primary corridors. In addition to evaluating a project for its ability to comply with the UDO, staff also looks at the project's ability to support the Living Asheville Comprehensive Plan. This project has a lot of positive features and to some degree it does align with the vision for Town Center which is described in the Future Land Use Map, particularly in that it re-energizes a commercial center, it provides some vertical density in Building B, it provides some improved multi-modal access with the sidewalks, and it designates 10% (or 21 units) to be affordable. Despite this, staff continues to have concern and does not support the project primarily because it does not include what we believe to be the most defining characteristic of a Town Center project - to incorporate a compact urban street grid with smaller blocks and pedestrian facilities for more walkability with multi-story buildings fronting the streets. The project as it is currently designed appears to be more consistent with the Urban Corridor designation in the Living Asheville Comprehensive Plan opposed to Town Center designation in that it is more focused on moving cars and has a more suburban design. The Town Center designation is a vision but it describes a compact urban street environment, very walkable, up to 10 stores depending on the surrounding context, very vibrant and lively.

In response to Mayor Manheimer, Ms. Tuch showed a grid on the site plan of the property that would fit the Living Asheville Comprehensive Plan. Sometimes we expect Town Center properties to evolve over time so what is critical at this stage is to establish that compact urban grid pattern.

Ms. Tuch said that the applicant has made numerous changes since the Planning & Zoning Commission. Two of the four conditions, the applicant agreed to in the meeting. The other two they have since agreed to which was the affordable housing component and the sidewalk along Brackettown Road. The new site plan which staff received this morning does include a micro-park (a small green space area).

Regarding the height of the project, Ms. Tuch said the Mixed-Use Expansion District caps height at 80 feet and we measure height from the main point of entry to the ceiling of the highest occupiable floor. This project would be 92 feet. There is also some additional equipment on top. The Town Center description describes 2-10 stories depending on the surrounding context. That is a little subjective. When a development project proposes to exceed a standard in some way we look to see what is the public benefit or what are the merits of the project that might help balance that impact. In this particular case it provides some affordable units.

In response to Mayor Manheimer, Ms. Tuch said the project triggered a Traffic Impact Study, which was also reviewed and approved by the N.C. Dept. of Transportation (NCDOT). The NCDOT recommended a number of changes that would have to occur as it relates to this project, which most occurring within their right-of-way. To some degree, the Traffic Impact Study and the NCDOT did look at the connection to Brackettown Road, but it did not recommend any particular improvements or other changes to that intersection with White Pine Drive.

Mr. W. Louis Bissette, attorney representing Seritage Growth Properties, said this is a great project. This is a mixed use project with entertainment, retail, and 205 multi-family units which 21 will be dedicated to affordable housing for 20 years. The pre-application for this project

began in November of 2017 and they met with the neighborhood in December of 2017. They have continued to do revisions to this project since then, e.g., widened buffer, an 8-foot fence along the rear of the property, a 5-foot walking path which will connect with the dog park, redesign of the parking in the front, took out angle parking and put in parallel parking, etc. He felt this is a great adaptive reuse project for the abandoned Sears store. The Living Asheville Comprehensive Plan was adopted mid-way through their project, noting they were designing their project at least 9 months before the Plan was adopted. However, they feel still feel they comply. He asked Council to not let the perfect be the enemy of the good. The project can't be perfect for a lot of reasons. They are not starting from a square piece of land; they are reusing part of the Auto Center and part of the base of the old Sears building; there are retaining walls on the property; topographical problems; and there are agreements with the Mall that they have to abide by. The Sears building is now valued on the tax rolls at $11 Million but this is a $40 Million project. They have already signed a lease with a movie theatre, there will be restaurants, and 205 mid-range apartments plus the affordable housing. He urged Council to approve this project.

Mr. Paul D'Arelli, Senior Vice-President of Seritage Growth Properties, briefly spoke about his company. Their mission is to redevelop and own revitalized shopping, dining, entertainment and mixed-us destinations that provide enriched experiences for consumers and local communities, and that create long-term value for their shareholders. He reiterated some of the adjustments and accommodations that were important to the neighbors and staff as outlined by Mr. Bissette. He said the grid concept has just been brought to their attention in the last few days so it's challenging for them to re-think re-gridding out the access lines, but if Council looks at their plan, they do have a grid. He asked for Council's approval.

Mayor Manheimer was excited to have a redevelopment of the Sears site. We hope we will see more reuse of older properties in the City. She felt positive about the project but was concerned as we have outstanding issues not meeting the Living Asheville Comprehensive Plan, in which this area includes building development with a grid-like pattern. That Plan was adopted last summer after a lot of input from the citizens. She wondered if the applicant would be willing to postpone this for at least a month to go back to the drawing board to see if a grid concept would work for the site and if so, what that might look like. We want to make sure that this first development sets the stage for future development.

Mr. D'Arelli said this is a challenging proposition for them as they have a signed lease. They have been working with staff after the Planning & Zoning Commission meeting and the grid concept was not focused on. He said he was not sure he could come back with any meaningful changes based on the existing site constraints.

Councilman Kapoor also wanted to see the project move forward, noting that this is a complex project. However, he felt we are not at an impasse and thought there might be a good opportunity for the developer to get closer to the Living Asheville Comprehensive Plan vision.

Councilwoman Mayfield agreed with Mayor Manheimer and Councilman Kapoor in that Council is excited about this vast improvement to the site, but unfortunately this development is in the unfortunate position to redevelop in one of our Town Centers and there is a particular vision for that.

Mayor Manheimer opened the public hearing at 8:25 p.m.

Several Kenilworth Forest residents and a representative of the Coalition of Asheville Neighborhood supported the project; however, there were still outstanding issues they would like to have addressed and encouraged a delay until those issues have been addressed. As the stated their issues/concerns, they also offered possible solutions. Those issues/concerns are, but are not limited to: neighborhood not notified of recent changes, e.g., dog park; increase traffic

impact on White Pine Drive and need for internal signage to direct traffic away from Brackettown Road; mechanical equipment noise abatement; need for rear parking lot tree islands for abatement of light and sound; need to lower height to 80-feet to confirm with existing ordinance.

David Nutter spoke in support of the project in that this is a case of long range comprehensive planning and short-term current planning which both are necessary for the life of communities. This proposal offers the community very valuable improvements to the Asheville Mall and hoped additional additional design improvements can be negotiated with the developer.

Mayor Manheimer closed the public hearing at 9:01 p.m.

Councilman Young was concerned about the affordable housing aspect and asked the developer to increase the affordable housing component to 40% at 60 AMI for 30 years. He noted that the chairman of Seritage Growth Properties is also chairman of the company that shut Sears and KMart stores nationwide, leading to tens of thousands of job losses, including in those in Asheville.

Mr. D'Arelli said that while Sears did close on this project, this development will bring back retail jobs.

Mr. D'Arelli then asked Council to continue this public hearing until April 23, 2019.

Vice-Mayor Wisler then moved to continue this public hearing until April 23, 2019. This motion was seconded by Councilman Kapoor and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

B. BOARDS & COMMISSIONS

Regarding the Asheville City Board of Education, the following individuals applied for the vacancies, met the requirements and submitted essays: Martha Geitner, John Mosconi, Pepi Acebo, Shaunda Sandford, W. Scott Powell, James C. Carter and Melissa Kledis. It was the consensus of the Boards & Commissions Committee, and consensus of Council to interview all seven individuals.. Those interviews will take place on Tuesday, March 26, 2019,beginning at 9:45 a.m. in the Council Chamber with appointments made at the formal meeting on that same evening.

Regarding the Citizens-Police Advisory Committee, there was no applications for the seat for a Housing Authority representative. Therefore, it was the recommendation of the Boards & Commissions Committee and the consensus of Council, to readvertise for the seat for a Housing Authority resident.

RESOLUTION NO. 19-58 - RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ELECTRICAL EXAMINERS

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Board o f Electrical Examiners.

Mr. Kenneth Frisbee (layman) has resigned, thus leaving an unexpired term until July 1, 2018.

The following individual applied for the vacancy: Roger Vaught

Vice-Mayor Wisler moved to appoint Roger Vaught, as layman to the Board of Electrical Examiners, to serve a three-year term, term to expire July 1, 2021, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 322

RESOLUTION NO. 19-59 - RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Homeless Initiative Advisory Committee.

Marcia Bacoate has resigned as a member of the Homeless Initiative Advisory Committee, thus leaving an unexpired term until November 1, 2010.

The following individuals applied for the vacancy: Amber Banks, James Hartye, Josh Ivey, Annie Carpenter, Karen George, Shannon Watkins, Ellenore Holbrook, Sarah Tarpey, Patrick Casale and Patrick Gensert.

Vice-Mayor Wisler moved to appoint James Hartye to serve the unexpired term of Ms. Bacoate, term to expire November 1, 2020, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 323

RESOLUTION NO. 19-60 - RESOLUTION APPOINTING MEMBERS TO THE HUMAN RELATIONS COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Homeless Initiative Advisory Committee.

John Christiansen has resigned as a member of the Human Relations Commission, thus leaving an unexpired term until June 1, 2021. In addition, there is a vacancy for a seat never filled.

The following individuals applied for the vacancy: Yvonne Cook-Riley, Gretchen Gudites, Margaret Small, Tracy Elliott, Allison Scott, Greta Byrd, Matilda Bliss, Stephanie Krucher, Ingrid Kalwitz, Grant Millin, J. Vann Vogel, Carol Buffum, Ivan Melchor, Celeste Fletcher, Michael Hayes, Britni Ness, Bettie Council and Nicole Townsend.

Vice-Mayor Wisler moved to (1) appoint Nicole Townsend to serve the unexpired term of Mr. Christiansen, term to expire June 1, 2021, or until her successor has been appointed; and (2) appoint Ingrid Kalwitz to serve a two-year term, term to expire June 1, 2021, or until her has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 324

RESOLUTION NO. 19-51 - RESOLUTION APPOINTING A MEMBER TO THE RECREATION BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Recreation Board.

Tiffany De'Bellott has resigned as a member of the Recreation Board, thus leaving an unexpired term until June 30, 2020.

The following individuals applied for the vacancy: Lucious Wilson and Craig Ruhland.

Vice-Mayor Wisler moved to appoint Lucious Wilson to serve the unexpired term of Ms. De'Bellott, term to expire June 30, 2020, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 312

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Two individuals spoke about Council's need to fight the state on redistricting.

An individual spoke about the lack of minority support in Asheville, in particular as it relates to the Asheville School System.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:35 p.m.

Magdalen Bowleson
CITY CLERK

Esther G. Manheimer
MAYOR

Tuesday – March 26, 2019 - 3:00 p.m.

Annual Operating Budget Worksession

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; Interim City Attorney Sabrina Rockoff; and City Clerk Magdalen Burleson

City Manager Campbell said that at this worksession it is her goal to (1) provide an update of the General Fund budget process; (2) share information on resource alignment with Council strategic and ongoing priorities; and (3) receive direction on key strategic priorities and resource allocation. At the April 9 worksession, the discussion will surround Enterprise Funds and the Capital Improvement Program.

Chief Financial Officer Barbara Whitehorn reviewed the City's fiscal health, outlining that (1) policies supporting good fiscal management; (2) long-term capital planning; (3) Government Financial Officers Association Awards; and (4) highest bond rating (AAA).

She reviewed with Council the budget worksessions, community budget information meetings, and department presentations to Council which included a deep-dive into department budgets with a focus on core service delivery. She then recapped Council's retreat which was a (1) Council review of strategic goals; (2) budgeting; (3) financial forecast; and (4) Capital Improvement Program review.

She then reviewed the 2018 citizen survey which ranged from 90% public safety to 50% recreation centers. She then reviewed the Council priorities for the timeframe of short 1-3 years.

Regarding the General Fund budget development are (1) organizational challenges which themes were identified in the department presentations (a) capacity to meet programmatic needs with existing staffing resources; (b) rising cost of service and project delivery; and (c) requests exceed revenue; (2) structural gap (a) a structural gap does not mean that the City's fiscal health is at risk; (b) Asheville's structural gap is not unique; and (c) resources required to maintain quality city services exceed revenue growth; (3) structural gap is estimated at $1.1 Million with the base budget assuming zero additional revenue from Mission/HCA sale; (4) update on the Mission/HCA revenues which estimate is $2.5 Million for Fiscal Year 2019-20 and $5 Million for Fiscal Year 2020-21; and (5) forecast chart (baseline + Mission/HCA).

Continuing with the General Fund budget development are guiding principles (1) enhancing customer value - ensuring efficient service delivery that improves the customer experience; (2) essential service delivery - ensuring departments have the resources required to meet service delivery expectations; and (3) strategic alignment - aligning resources (new and existing) to achieve community, Council and staff goals.

Regarding a continuation budget (1) base budget is core service focused; (2) assumes no significant additions; and (3) adjustments for strategic priorities (a) population; (b) service demand; and (c) costs. Included in the base is (1) increase in LGERS (retirement system) contribution; (2) across-the-board pay increase (2.5%); and (3) flat health care costs - no increase.

She reviewed the core services alignments with various Council's goals.

She then explained the budget drivers of (1) estimated new Mission/HCA revenue; and (2) key investments (a) transit; and (b) structural gap.

She then reviewed investment of new funds which include (1) Transit investment of $1.2 Million; (2) structural gap coverage of $1.1 Million; and (3) options in three categories of projects (a) projects; (b) plans; or (c) staff resources. Using a chart, she reviewed each of the options.

Council then discussed the options which they felt best aligns with their short-term (1-3 year) top priorities.

Ms. Whitehorn responded to various questions/comments from Council, some being, but are not limited to: how important is the pay and classification study; what are the route re-configurations and when would they take place; what is needed to fully fund the Transit Master Plan and if it were fully funded, can we achieve the expectations; are there other groups or partners that are other doing small business training that can help get entrepreneurs and minority businesses into our system; is funding for vacancies in the City Attorney's Office in place; do we anticipate any excess of revenue over expectures with vacancies; are there any partners to help with the Haywood/Page Plan and can in-house staff help with some of the scope of work with that Plan; is the Fire Department small capital a placeholder fund going forward; can we use the comprehensive pay study done in 2015 as a benchmark; and what are some of the other projects from staff or the community that might be contentious that didn't reach the Manager's budget. For those questions not readily answered, a memorandum would be provided to Council. In addition, Council will be provided with a short paragraph on the details and impact of each of the options.

At 4:20 p.m., Mayor Manheimer adjourned the worksession.

Tuesday – March 26, 2019 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; Interim City Attorney Sabrina Rockoff; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING MARCH 30, 2019, AS "ARBOR DAY"

Councilwoman Mayfield read the proclamation proclaiming March 30, 2019, as "Arbor Day" in the City of Asheville. She presented the proclamation to Dawn Chavez, Executive Director of Greenworks, and others, who briefed City Council on some activities taking place during the day..

B. TREE CITY USA AWARD

Mr. Robert (Dillan) Michael of the NC Forest Service presented the City of Asheville with the Tree City USA Award for accomplishments in 2018. Asheville is one of 87 cities and towns in North Carolina and one of over 3,400 in the nation to receive this recognition for 2018, which also marks the 39th year that Asheville has earned this national designation.

On behalf of Council, Mayor Manheimer thanked Mr. Michael for this Award and the Tree City USA Flag.

C. NORTH CAROLINA FINANCIAL LITERACY COUNCIL

Mayor Manheimer was pleased to announced that Dewana Little has been appointed by Governor Roy Cooper as Chairperson of the North Carolina Financial Literacy Council. She said that Dewana will be a strong voice on the council as we have known her to be here in Asheville. She has devoted countless hours of volunteer work to help make Asheville a better place.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE RETREAT HELD ON MARCH 8, 2019; AND THE REGULAR MEETING HELD ON MARCH 12, 2019

B. RESOLUTION NO. 19-61 - RESOLUTION ADOPTING THE MARCH 1, 2019, MUNICIPAL RECORDS AND DISPOSITION SCHEDULE ISSUED BY THE N.C. DEPT. OF NATURAL AND CULTURAL RESOURCES

Action Requested: Adoption of the March 1, 2019, Municipal Records and Disposition Schedule issued by the N.C. Dept. of Natural and Cultural Resources.

Background:

- N.C. Gen. Stat. sec. 121-5 mandates that records defined under Chapter 132 may be disposed of only in accordance with an official records retention schedule.
- This updated schedule provides that records listed may be destroyed after the specific retention periods without further approval, provided the governing body has authorized the records listed for destruction to be destroyed through its blanket approval of the Municipal Records and Disposition Schedule.
- The N.C. Dept. of Natural and Cultural Services has issued a new Municipal Records and Disposition Schedule.

Council Goal(s):

- n/a

Committee(s):

- n/a

Pro(s):

- Promotes good municipal records management

Con(s):

- n/a

Fiscal Impact:

- None

Motion:

- Move to adopt the March 1, 2019, Municipal Records and Disposition Schedule issued by the N.C. Dept. of Natural and Cultural Resources.

RESOLUTION BOOK NO. 40 - PAGE 325

C. RESOLUTION NO. 19-62 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONTINUE AN AGREEMENT WITH TYLER TECHNOLOGIES FOR CONTINUED SUPPORT OF THE TYLER/MUNIS ENTERPRISE FINANCIAL SYSTEM

Action Requested: Adoption of a resolution clarifying annual expenses related to an agreement with Tyler Technologies to provide maintenance and support for Munis, the City's financial system.

Background:

- In July 2018, the City adopted a maintenance agreement with Tyler Technologies to provide maintenance for the City's financial systems.
- Funding for the agreement is to be appropriated annually in the City budget process.
- The initial term of the agreement runs from April 2018- April 2023.
- This maintenance will support core city financial and other key functions.

Council Goal(s):

A Financially Resilient City

Committee(s):

- n/a

Pro(s):

- The City has been using Tyler/Munis Enterprise System since January of 2010 and staff is familiar with its strengths, limitations, and support process.
- Allows for updates to the Tyler/Munis Enterprise System, which enables new features and improved underlying technologies; upgrade licensing is included with support & ongoing fixes.

Con(s):

- None

Fiscal Impact:

- The maintenance agreement annual estimated expenses for the term of the agreement are as follows:

2019/2020	$189,700.00
2020/2021	$198,700.00
2021/2022	$208,200.00
2022/2023	$218,120.00

- Funding for each year of the contract will be included in the annual budget process.

Motion:

- Motion to adopt a resolution authorizing the City Manager to continue the remaining term of the general services agreement with Tyler Technologies, and to expend the remaining total estimated base amount of $814,720.00, and further authorizing the City Manager to

execute any contract amendments obligating the City to pay up to 15% in excess of the total estimated base cost of the contract for the remaining term if necessary and proper.

RESOLUTION BOOK NO. 40 - PAGE 327

D. RESOLUTION NO. 19-63 - RESOLUTION AMENDING THE BY-LAWS OF THE AFFORDABLE HOUSING ADVISORY COMMITTEE TO ADD TWO ADDITIONAL MEMBERS FOR THE PURPOSE OF INCREASING DIVERSITY AND DEVELOPMENT EXPERTISE

Action Requested: Approval of a proposed amendment to the AHAC Bylaws to add two (2) additional Committee Members for a total Committee membership of 11 members and also amending this section to add a banker/lender with affordable and/or commercial loan experience to the list of desired members.

Background:

- The Affordable Housing Advisory Committee was established in June, 2011, with a 9 member board.
- As the difficulty of developing and building affordable housing continues, AHAC would like to add additional members to the Committee to represent expertise needed to help address our affordable housing crisis.
- AHAC envisions an additional development expert and an additional banker with affordable and/or commercial loan experience.

Council Goal(s):

- A Connected & Engaged Community

Committee(s):

- Affordable Housing Advisory Committee - January 3, 2019 - recommended unanimously
- Boards & Commissions - March 12, 2019 - recommended unanimously

Pro(s):

- Additional diversity on the AHAC Committee, adding expertise in development, banking & affordable housing

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Move to amend Article III, Section 1, of the Bylaws of the AHAC to add two (2) additional Committee Members for a total Committee Membership of 11 Members; and to amend this section to add a banker/lender with affordable and/or commercial loan experience to the list of desired members.

RESOLUTION BOOK NO. 40 - PAGE 328

E. RESOLUTION NO. 19-64 - RESOLUTION AUTHORIZING THE STANDARDIZATION PURCHASE OF PLYMOVENT SYSTEMS FOR

VEHICLE EXHAUST EXTRACTION IN THE CITY'S FIRE STATIONS FOR CONSISTENCY IN OPERATION AND FUNCTIONALITY

Action Requested: Adoption of a resolution authorizing the standardization purchase of Plymovent exhaust removal systems for consistency in operation and functionality in Asheville Fire Department stations.

Background:

- Plymovent systems extract hazardous vehicle exhaust emitted by fire trucks in fire station bays when they start.
- The Asheville Fire Department has been using Plymovent systems in fire stations since 1993.
- Exhaust removal from the bays allows for cleaner, more breathable air.
- City Council has approved CIP funds to be utilized for upgrading all 11 vehicle exhaust removal systems currently in use and installing a new system in one station.
- Exhaust removal technology does not currently exist that allows systems from different vendors to be interchangeable.
- If approved, the City's authorization for standardization shall be effective until the Asheville Fire Department considers technology has improved enough to request a change of systems for fire stations.

Council Goal(s):

- A Clean and Healthy Environment
- Smart City

Committee(s):

- Human Resources and Finance Committee - March 26, 2019 - Pending
- Public Safety Committee - March 25, 2019 - Pending

Pro(s):

- Standardization of Plymovent systems for vehicle exhaust removal will ensure consistency and compatibility among fire apparatus and across the fire stations out of which they operate.

Con(s):

- If standardization is not authorized, and a bid for exhaust removal systems is issued, the lowest bidder may not be Plymovent systems. The Department would have to shift operations in order to accommodate apparatus and stations with the same exhaust removal systems.
- Fire companies would need to find work arounds for apparatus at different stations, such as parking fire trucks outside of bays.
- The current system is installed in 11 fire stations and 30 fire trucks. If standardization is not authorized and vendors changed, demolition would need to be performed to remove the current system in all stations and on all apparatus.

Fiscal Impact:

- The budget has already been approved for purchases and upgrades to the current Plymovent Systems and costs associated with upgrades and installations will fit within the allocated budget amount.

Motion:

- Motion to adopt a resolution authorizing the standardization purchase of Plymovent exhaust removal systems for consistency in operation and functionality in Asheville Fire Department stations.

RESOLUTION BOOK NO. 40 - PAGE 329

F. RESOLUTION NO. 19-65 - RESOLUTION APPROVING THE ISSUANCE OF UP TO $22,500,000 MULTI-FAMILY HOUSING REVENUE BONDS TO PROVIDE FINANCING FOR REDEVELOPMENT OF LEE WALKER HEIGHTS TO SATISFY SECTION 147(F) OF THE INTERNAL REVENUE CODE

Action Requested: Adoption of a resolution approving the issuance of bonds by the Housing Authority of the City of Asheville for the redevelopment of Lee Walker Heights (LWH) into a new, affordable, multi-family residential development.

Background:

- Maple Crest, LLC, has requested that the Asheville Housing Authority issue up to $22,500,000 in multi-family housing revenue bonds for the redevelopment of LWH, currently consisting of 96 affordable apartments, located off of SouthSide Avenue. Maple Crest, LLC, is seeking to replace the existing 96 public housing units with 212 new affordable mixed-income units, 7 residential buildings, serving families earning between 10% and 60% of Area Median Income (AMI), 96 of which will continue to have deep subsidies, serving families below 50% of AMI.
- Maple Crest, LLC, will be the new tax credit entity for the Lee Walker Heights redevelopment. The LLC is made up of a managing member, Maple Crest Management, Inc., and a tax credit investor member, which will be affiliated with the National Equity Fund and will make the private equity investment in the property. Maple Crest Management, Inc., which will manage the property, is a North Carolina non-profit that also has two members: Mountain Housing Opportunities, Inc. and Maple Crest Affordable Housing, Inc., a non-profit affiliated with the Housing Authority.
- This redevelopment is being financed by a combination of 4% Low Income Housing Tax Credits, bond debt, HUD Funds, Housing Authority funds, including grants to the Housing Authority from Buncombe County and the City of Asheville.
- The IRS Code Section 147(f) requires that any bonds issued by the Housing Authority for developments such as this have the approval of the plan of financing by City Council, following a public hearing with respect to such plan. On March 20, 2019, the Housing Authority held a public hearing, and there were no comments.This approval by City Council does not obligate the City in any way to issue or pay for the bonds, or for any other debt undertaken by Maple Crest LLC in connection with this project.

Council Goal(s):

- An Equitable and Diverse Community
- A Well-Planned and Livable Community
- Quality Affordable Housing

Committee(s):

- None

Pro(s):

- 212 new affordable units serving individuals and families below 60% of AMI

Con(s):

- None
-

Fiscal Impact:

- As noted above, the approval of this bond issuance does not require City investment. In a separate City initiated approval, $4.2M in City Funds are being granted to assist in the redevelopment of LWH.

Motion:

- Motion to adopt the resolution approving in principle the issuance by the Housing Authority of the City of Asheville of up to $22,500,000 in multi-family housing revenue bonds for the redevelopment of Lee Walker Heights into a new, affordable, multi-family residential development.

RESOLUTION BOOK NO. 40 - PAGE 330

G. RESOLUTION NO. 19-66 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LEASE WITH THE ASHEVILLE-BUNCOMBE YOUTH SOCCER ASSOCIATION FOR THE LEASE OF FOUR SOCCER FIELDS, THE CONCESSIONS AND MEETING ROOM AT THE JOHN B. LEWIS SOCCER COMPLEX

Action Requested: Authorize the City Manager to sign a lease for the John B. Lewis Soccer to the Asheville Buncombe Soccer Association

Background:

- The City owns property at 439 Azalea Park known as the John B. Lewis Soccer Complex.
- The John B. Lewis soccer complex was constructed utilizing public and private funding.
- ABYSA utilizes and schedules use of the soccer fields for youth and adult play including practices, games and tournaments.
- ABYSA will lease the fields, concession and meeting room of the building for $1 per year for a period of 12 years, with a 180-day termination clause that may be exercised by either party.
- The lease agreement will include the terms of the lease, responsibility for ongoing maintenance, responsibility for repairs after flooding events or other acts of God and long-term replacement of the fields.

Council Goal(s):

- A Financially Resilient City
- A Connected and Engaged Community

Pro(s):

- The terms of the lease define the responsibilities of the City and ABYSA for short, medium and long term recommendations.
- The terms of the lease agreement creates a capital fund supported by ABYSA and the City for the long-term replacement of the fields.

Con(s):

- None

Fiscal Impact:

- The City of Asheville will pay a maximum of $50,000 a year for the repair of fields due to flood events or acts of God. Additionally, the City will place $15,000 per year into a

capital fund to be utilized for the replacement of the soccer fields for a total of $150,000 over a ten year period. The total operating budget impact is $65,000 per year for the twelve-year duration of the lease.

Motion:

- Motion to authorize the City Manager to negotiate and sign a lease agreement with ABYSA for the lease of four soccer fields, the concessions and meeting room at the John B. Lewis Soccer Complex.

RESOLUTION BOOK NO. 40 – PAGE 332

H. RESOLUTION NO. 19-67 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PATTON CONSTRUCTION GROUP INC. FOR THE PARKING GARAGES ELEVATORS RENOVATION PROJECT

ORDINANCE NO. 4734 - BUDGET AMENDMENT TO FULLY FUND ELEVATION RENOVATION IN THE RANKIN AVENUE AND WALL STREET PARKING GARAGES

Action Requested: Adoption of a resolution authorizing the City Manager to: 1) execute a contract with Patton Construction Group, Inc. for an amount not to exceed $395,990 and 2) further authorizing the execution of any contract amendments up to 10% above the contract price, which may arise during execution of the Parking Garages Elevators Renovation Project; and 3) adoption of the associated budget amendment in the amount of $300,000 from the Parking Services fund balance to fully fund elevator renovation in the Rankin Avenue and Wall Street parking garages.

Background:

- The Rankin Avenue and Wall Street parking garages are 30 years old.
- The elevators in the parking garages have reached the end of their service lives.
- The Wooten Company has prepared specifications and designs and will provide construction management.
- The renovation includes elevator car replacement, mechanical room refurbishment, and updating to current fire and building codes.
- A project was budgeted in FY 2016 in the Parking Capital Fund for renovation of the elevators in the Civic Center, Rankin Avenue, and Wall Street garages. Renovation of the Civic Center garage elevator was completed in spring 2018.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- Finance & HR Committee - March 26, 2019 - pending

Pro(s):

- Updates 30-year old elevators ensuring continued safe use.
- Enhances the customer experience.
- Helps extend the service life of two of the parking garages.

Con(s):

- None

Fiscal Impact:

- As noted above, a budget amendment in the amount of $300,000 is needed from the Parking Services fund balance to fully fund the construction contract. The Parking Services Fund balance was approximately $2.2 million above the City's fund balance policy goal at the end of FY 2017-18. Following the $300,000 appropriation, the fund balance will be $1.9 million above the City's policy goal. Staff anticipates making an additional appropriation from fund balance for capital needs in the upcoming FY 2020 budget.

Motion:

- Motion to approve a resolution authorizing the City Manager to: 1) execute a contract with Patton Construction Group, Inc. for an amount not to exceed $395,990, and 2) further authorizing the execution of any contract amendments up to 10% above the contract price, which may arise during execution of the Parking Garages Elevators Renovation Project; and 3) move to approve the associated budget amendment in the amount of $300,000 from the Parking Services fund balance to fully fund elevator renovation in the Rankin Avenue and Wall Street parking garages.

RESOLUTION BOOK NO. 40 - PAGE 344
ORDINANCE BOOK NO. 32 - PAGE 321

I. RESOLUTION NO. 19-68 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY AN EASEMENT ON CITY-OWNED PROPERTY AT MCCORMICK PLACE TO DUKE ENERGY PROGRESS FOR ELECTRICAL INFRASTRUCTURE TO SUPPORT THE NEIGHBORING TOWNHOME DEVELOPMENT

Action Requested: Adoption of a resolution to authorize the City Manager to convey an easement on City-owned property at 30 Buchanan Place (McCormick Field property) to DEP for electrical infrastructure to support the neighboring townhome development.

Background:

- Private developers are building the Bauhaus Townhomes on a parcel located at 72 McCormick Place, adjacent to McCormick Field. Construction has begun on the units and the main electricity for the units is coming from the North side of the property.
- The developers are now asking that DEP extend electricity in order to connect street lights. In order to so, DEP plans to consolidate existing poles located across the street at the City's fueling station and extend service.
- No additional easement is needed on the fueling station property, however a small easement is needed where the Bauhaus property meets the City's property at McCormick Field. Duke plans to install the electrical conduit underneath the sidewalk along the southern edge of the Bauhaus development utilizing a 2,500 square foot area of City property for utility easement purposes.
- This easement does not interfere with operations at McCormick Field. Parks & Recreation and Streets have been consulted for input and neither has objections.

Council Goal(s):

- Well Planned and Livable Community

Committee(s):

- None.

Pro(s):
- DEP is agreeing to consolidate poles in the City's right of way at the City Fueling Station located at 45 McCormick Place.

Con(s):
- A minor easement for utilities on City property.

Fiscal Impact:
- DEP is offering no compensation for this easement.

Motion:
- Motion to adopt a resolution that authorizes the City Manager to sign an easement with Duke Energy Progress for an electrical easement on City-owned property at McCormick Place.

RESOLUTION BOOK NO. 40 - PAGE 345

J. RESOLUTION NO. 19-69 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH FLETCHER HOSPITAL INC. (D/B/A ADVENT HEALTH HENDERSONVILLE) FOR PHYSICIAN SERVICES AT THE EMPLOYEES HEALTH CENTER

Action Requested: Adoption of resolution approving contract with Fletcher Hospital, Inc. (d/b/a Advent Health Hendersonville) for physician services for the Employee Health Center.

Background:
- The City of Asheville maintains an Employee Health Center providing basic medical services.
- The Health Center is staffed by medical staff with professional oversight by a physician.
- Physician serves as Medical Director for the City.
- Cost of the service is $114,00/year.

Council Goal(s):
- A Connected and Engaged Community

Council Committee(s):
- n/a

Pro(s):
- Access to a licensed physician who provides oversight to medical care both personal and workers compensation-related
- Cost-avoidance to health plan expenses

Con(s):
- n/a

Fiscal Impact:
- $114,000/year which is budgeted in the Health Insurance Internal Service Fund.

Motion:

- Motion authorizing the City Manager to enter into a contract with Fletcher Hospital, Inc. (d/b/a Advent Health Hendersonville) for physician services for the Employee Health Center.

Dr. Paul Martin reiterated his concerns from the March 23, 2019, meeting, stating that the current physicians provided by Fletcher Hospital have had no formal training in specialized requirements demanded by Workers Comp, Fire, Police and Public Works. He felt the RFP should be redesigned and re-posted.

RESOLUTION BOOK NO. 40 - PAGE 346

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Mayfield and carried unanimously.

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 155, 137, 129 AND 123 BILTMORE AVENUE FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS DISTRICT EXPANSION DISTRICT/CONDITIONAL ZONE FOR THE CONSTRUCTION OF A 56-ROOM HOTEL IN ONE NEW 5-STORY BUILDING AND THREE EXISTING BUILDINGS

ORDINANCE NO. 4735 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT 155, 137, 129 AND 123 BILTMORE AVENUE FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS DISTRICT EXPANSION DISTRICT/CONDITIONAL ZONE FOR THE CONSTRUCTION OF A 56-ROOM HOTEL IN ONE NEW 5-STORY BUILDING AND THREE EXISTING BUILDINGS

Urban Planner Sasha Vrtunski said that this is the consideration of an ordinance to conditionally zone property located at 155, 137, 129 and 123 Biltmore Avenue Central Business District to Central Business District Expansion District/Conditional Zone for the construction of a 56-room hotel in one new 5-story building and three existing buildings. This public hearing was advertised on November 30 and December 7, 2018. On December 11, 2018, the petitioner requested this matter be moved to this date.

Action Requested: Consider a conditional rezoning petition from property currently zoned Central Business District (CBD) to Central Business District Expansion/Conditional Zone (CBD EXP CZ).

Project Location:

- The project site consists of four parcels totalling 1.56 acres known as 155, 137, 129 and 123 Biltmore Avenue and PINs 9648-48-3860, 9648-48-3740, 9648-48-3611, and 9648-49-2474 ("155 Biltmore Avenue").

Petitioner/Agent/Contact:

- Warren Sugg

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Summary of Petition:

- The proposal is to construct a lodging facility (called Family Lodge) of 56 rooms spread across four buildings. One new building will contain 50,207 square feet and 36 rooms, while three existing historic houses with include a total of 20 rooms.
- The new building is five stories tall and has a parking structure in the basement (S. Lexington entrance). There is also a restaurant on the ground floor of the new building facing Biltmore Avenue.
- Vehicular access is from S. Lexington Avenue for both the northern parcels (existing surface parking) and southern parcel (new building). One historic driveway on Biltmore in front of 123 Biltmore will be left for service use, but does not connect to the rear parking lot.
- The new building will have fully compliant sidewalks (12 feet on Biltmore, 10 feet on S. Lexington). Sidewalks at the historic houses will not be compliant (seven feet on Biltmore, seven to 10 feet on S. Lexington).
- The applicant is requesting the following conditions be approved for this proposal:
    - Some sidewalks are narrower than normally required due to historic walls or trees. Staff is generally supportive of this condition.
    - Courtyard - the site plan shows a deeper courtyard than usually allowed. Both staff and the Downtown Commission is supportive of this modification.
    - Number of driveways - the Unified Development Ordinance (UDO) allows one driveway per development and this project will have three driveways (two existing and one proposed). The front entrance on Biltmore is a historic drive and will not be a primary driveway for guests. This development is also separated by another building that is not part of the project; therefore, staff feels this request is reasonable.

Staff Recommendation:

- Staff supports the proposed rezoning in that it 1) meets most standards of the Unified Development Ordinance (UDO), 2) meets the intent of the Downtown Design Review Guidelines, and 3) will help preserve the three historic houses and carriage house. The hotel and restaurant will also bring visitors to an area of downtown that has been less vibrant than other areas.

Comprehensive Plan Consistency:

- In the newly adopted Living Asheville Comprehensive Plan, the Future Land Use Map identifies this area as Downtown. Living Asheville reinforces downtown as the city and regional center for a mix of uses, including hotels, residential, and a wide variety of commercial uses. It also states, *"Lodging is essential to the mix of uses downtown and while additional lodging uses may be appropriate, they must be considered in context with other development so that the variety and mix of uses, which give downtown its distinctive character is not compromised."*

Compatibility Analysis:

- The new building at 155 Biltmore is an appropriate scale for this area and will be much smaller than the adjacent future building at 145 Biltmore (currently under construction).
- The design complies with design and operational standards as required by the proposed zoning district with the exception of the deeper courtyard. The materials and composition of the new building help to provide visual interest while breaking up large expanses of the facade vertically and horizontally.
- The front courtyard of 155 Biltmore reduces its impact and will help activate the ground floor. The rear of the building on S. Lexington also has habitable space lining the parking garage.

- The project will preserve the three historic houses, which are important to downtown's history.
- Traffic is largely limited to two driveways on South Lexington, and two driveways are being eliminated from Biltmore Avenue.
- Residents of Lexington Station have voiced concerns about trash pickup, noise, light and the landscaping along the S. Lexington side of the project. The developer has increased the landscaping behind 137 Biltmore to help address this issue.
- The location of this lodging facility is in a part of downtown where there are fewer hotels; the majority of downtown hotels are located to the north of the subject site.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Technical Review Committee - October 8, 2018 - approved with conditions
- Downtown Commission - October 12, 2018 - recommended denial (5-3)
- Planning & Zoning Commission - November 7, 2018 - recommended approval (5-2)

Mr. Chris Day, with Civil Design Concepts, reviewed with Council some of the technical points. This developer has recently completed a project at 45 Asheland Avenue, and the project next door at 145 Biltmore Avenue is underway. They are also working with the developer and Mountain Housing Opportunities on a mixed-use project in the Central Business District to provide retail, office and affordable housing. We appreciate that the three houses now have a permanent preservation easement on them and the project project will preserve those historic structures. He reviewed the site layout noting they are eliminating some curb-cuts. The historic wall will be retained. All concerns expressed by the Downtown Commission have been addressed. While the 18 parking spaces now is private parking, they are proposing that it become publicly accessible parking, which will be reflected in the conditions.

In response to Vice-Mayor Wisler, Mr. Day said that he understands that his applicant was responsible for working out the permanent preservation easement with the Preservation Society.

Mr. Gene Ellison, attorney representing the applicant, felt this is a great project for the corridor coming in from the south. They will be saving the 3 historic houses that have a permanent preservation easement on them. They will also be providing the 18 public spaces. The developer is also working on another project at the corner of Hilliard and Clingman showing their commitment to our City. This project will bring something different to downtown. It also improves on the pedestrian experience. The developer is committed to paying a living wage, including their contractors and subcontractors.

Regarding the three historic houses, Ms. Robin Raines, with Rowhouse Architects, said that they will keep as much of the interior space as is. The houses will be restored back to as much to the historical originality as possible. She said the two most southern houses are in bad shape and need more work. The State has strict rules and regulations on what you can do to a historic structure to receive tax credits and that is the goal. Whatever is done to fix the houses will have to adhere to the State's strict rules and regulations.

In response to Vice-Mayor Wisler, Mr Al Sneeden, developer, said that the three historic homes may have a kitchen for a small family or a if a meeting is held in them, they can cater a meal. Kitchens are not in the individual rooms.

Ms. Raines responded to Councilman Haynes regarding the amenities in the rooms in the new construction. They will be a one-bedroom format with a living room area with a fold-out couch. There will be a very small kitchen in each room and each room can possibly accommodate four people.

Mayor Manheimer opened the public hearing at 5:43 p.m.

Mr. David Nutter spoke in support of the conditional zoning as it will (1) help us to define a workable hotels policy based on special benefits that cannot be achieved in any other way; (2) expand the cause of downtown revival; (3) help bring a now desultory Biltmore Avenue to life along a weak stretch; (4) abet healthy pedestrian and biking activity; (5) help carry out a working vision for the South Slope and Southside by providing a new gateway to and from Biltmore; (5) make historic preservation more a part of the main game of the city; and (6) be a refreshing burst of mixed use, design, preservation and economic vitality.

Mr. Peter Landis, downtown resident, was curious about how much noise the stage in the event space will generate.

Mr. Chris Smith, Vice-President and part owner in Beverly-Grant, spoke in support of the conditional zoning as they have been working with the developer in the community and they hire local staff and pay a living wage.

Mayor Manheimer closed the public hearing at 5:50 p.m.

Mr. Chis Day said that the intention of the stage is intended more for smaller events, like weddings and small family events. The whole project is family based.

In response to Councilman Haynes, Mr. Sneeden said that they looked at a lot of alternatives for this site and a hotel was the best one. They would not have built luxury condominiums on this site because they wanted to support the three historic houses. With the level of repair and upkeep of the houses, the hotel was the best option.

Ms. Vrtunski said that the applicant has agreed to the condition that the project will provide 18 spaces on S. Lexington Avenue and they will be publicly available. That condition will be added to the B.1 Conditions.

Councilman Haynes noted that anytime we add another luxury hotel in downtown, all we're doing is making affordability continue to rise. He felt that people can't afford to live here and Council isn't doing much to combat that.

Vice-Mayor Wisler applauded the applicant's interest in preserving the three historic homes; however, not at the expense of building another hotel.

Councilwoman Smith agreed with Vice-Mayor Wisler, noting that we just approved a hotel right up the street on Biltmore Avenue.

Councilwoman Mayfield stated that she looks at each project individually to see what kind of benefits they bring to the community in exchange for doing business in our community. For her, the benefits of the preservation of the three historic houses, public parking and a private developer who seems well capitalized who is interested in building affordable housing in our City.

Councilman Kapoor said that this project complies with the Living Asheville Comprehensive Plan. He is also pleased with the preservation of the three historic homes, noting that it will take a lot of money to preserve them and in order to do so, they have to make money to

pay for the costs of upkeep. He felt this is a unique piece of property and a good project on this stretch of Biltmore Avenue.

Councilman Young felt we need to look at each individual project on its own merits. He appreciated the preservation of the three historic homes. But, what he is looking for is the aspect of what is the developer doing in the community. He has some issues with some aspects of the project but he also sees that the developer is working hand in hand with the City and not needing funds to build affordable housing.

Mayor Manheimer said that Council struggles each time a hotel comes forward and they make the best decision they know how on each one. Her final capstone issue continues to be the pressure that generally speaking the tourism industry places on the City balanced with the benefits that it brings. We are a tourist town but continuing to grow and balance that tension is a trick for Council. She continues to be encouraged by the Tourism Development Authority's overtures to the City to work with us on a long-term plan to better fund the City's needs for the people that live here as well as the people that visit here.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mayfield moved to approve the rezoning request from Central Business District (CBD) to Central Business District Expansion Conditional Zone (CBD EXP CZ) for a lodging facility at 155, 137, 129 and 123 Biltmore Avenue with the requested conditions and find that the request is reasonable, is in the public interest and is consistent with the city's comprehensive plan in that the project: 1) encourages historic preservation and adaptive reuse; 2) is compatible with the surrounding context; 3) will improve pedestrian access and infrastructure; and, 4) is aligned with the Future Land Use map in the Living Asheville Comprehensive Plan. This motion was seconded by Councilman Kapoor and carried on a 4-3 vote, with Councilman Haynes, Councilwoman Smith and Vice-Mayor Wisler voting "no."

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B. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING ON PROPERTY LOCATED AT 3 AVON ROAD FROM COMMERCIAL BUSINESS I DISTRICT TO COMMERCIAL BUSINESS I/CONDITIONAL ZONE FOR THE CONSTRUCTION OF A NEW BUNCOMBE COUNTY EAST ASHEVILLE LIBRARY BRANCH BUILDING

Councilman Kapoor moved to continue this public hearing until April 9, 2019. This motion was seconded by Councilwoman Mayfield and carried unanimously.

C. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO (1) CHAPTER 7, ARTICLES V AND XV OF THE CODE OF ORDINANCES MAKING ALL SUBDIVISIONS IN HISTORIC OVERLAY DISTRICTS AND ON LOCAL HISTORIC LANDMARK PROPERTIES SUBJECT TO REVIEW BY THE HISTORIC RESOURCES COMMISSION; AND (2) CHAPTER 7, ARTICLE IX TO MAKE MINOR CORRECTIONS

ORDINANCE NO. 4736 - ORDINANCE TO AMEND (1) CHAPTER 7, ARTICLES V AND XV OF THE CODE OF ORDINANCES MAKING ALL SUBDIVISIONS IN HISTORIC OVERLAY DISTRICTS AND ON LOCAL HISTORIC LANDMARK PROPERTIES SUBJECT TO REVIEW BY THE HISTORIC RESOURCES COMMISSION; AND (2) CHAPTER 7, ARTICLE IX TO MAKE MINOR CORRECTIONS

Urban Planner II Alex Cole said that this is the consideration of an ordinance to amend (1) Chapter 7, Articles V and XV of the Code of Ordinances making all subdivisions in historic overlay districts and on local historic landmark properties subject to review by the Historic Resources Commission; and (2) Chapter 7, Article IX to make minor corrections. This public hearing was advertised on March 15 and 22, 2019.

Action Requested: Consideration of zoning text amendments to 1) require the review of proposed subdivisions of property located within locally designated historic districts or individual local landmarks by the Historic Resources Commission (HRC) as part of the overall city subdivision review process; and 2) to make minor corrections to sections pertaining to Certificates of Appropriateness application and review procedures for clarification purposes.

Background:

- As infill development continues to occur in the City, staff has noted an increase in subdivision applications, including applications for subdivision of land in local historic districts or of properties designated as local historic landmarks.
- As there is no formal process for review of subdivisions that impact historically designated properties, several subdivisions have occurred where the lots created will face difficulty in meeting the respective historic district or local landmark design review guidelines, specifically those guidelines relating to the siting of new structures so that they are similar to the historic pattern in terms of orientation, setback, retention of green space and spacing between structures.

Summary of Petition:

- (UDO) Chapter 7, Articles V, IX, XV to require the review of proposed subdivisions of property located within locally designated historic districts or individual local landmarks by the HRC as part of the overall City subdivision review process; and to make minor corrections to sections pertaining to Certificates of Appropriateness application and review procedures.
- This wording amendments include two primary components:
    1. The addition of new standards requiring all lots in subdivisions proposed within historic overlay districts and local historic landmarks to be reviewed by the Historic Resources Commission for congruence with the historic character of the district, prior to final subdivision approval by the Development Services Department.
    2. The correction and/or clarification of existing sections of the code as it pertains to Certificates of Appropriateness applications and approval.
- The proposed amendment would require that any subdivision of land, designated as a local historic landmark or located in one of the four local historic districts, submit their proposal for review by the HRC, prior to final subdivision plat approval.
- The extent of the HRC's review and preliminary approval or denial of the proposed subdivision would be an assessment of the proposed lots and their ability to support potential development that would be congruous with the historic district guidelines regarding building setbacks, orientation and consistency with the historic development pattern.
- The HRC review process would be quasi-judicial and the decision would be based on the adopted guidelines of the historic district (or historic landmark standards) in which the proposed subdivision is located.

Staff Recommendation:

- Staff recommends approval of the wording amendments for the following reasons:
    - It will ensure that the city does not allow a subdivision of land that is in conflict with the historic district zoning overlay or local historic landmark ordinance.

- It may help the city to avoid potential legal challenges that might result from the HRC denying a certificate of appropriateness for development on a newly created parcel that is incongruous with the historic character of the neighborhood.
- It will provide more certainty to property owners earlier in the planning and development process.

Comprehensive Plan Consistency:

- This wording amendment supports the Living Asheville Comprehensive Plan by enhancing creative placemaking through preservation of neighborhood character and historic resources and ensuring new housing remains compatible with and contributes to the overall character of the existing neighborhood fabric (pp. 128-129, 152-154).

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Planning & Zoning Commission - October 3, 2018 - approved unanimously
- Historic Resources Commission - October 12, 2018 - approved unanimously
- Planning & Economic Development Commission - February 11, 2019 - recommended in favor of review by City Council

In summary, this would provide more certainty to property owners/applicants earlier on in the subdivision review process and ensure that new development is compatible with other buildings in the historic district.

Mayor Manheimer opened the public hearing at 6:16 p.m., and when no one spoke, she closed the public hearing at 6:16 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the wording amendments to UDO Articles V, IX and XV to expand standards for subdivisions and subdivision plat approvals to require review by the HRC and to clarify the process for obtaining Certificates of Appropriateness, and find that the request is reasonable, is in the public interest, and is consistent with the city's comprehensive plan in that it: 1) helps to sustain a livable built environment by enhancing creative placemaking through preservation of neighborhood character and historic resources; and, 2) ensures new housing remains compatible with and contributes to the overall character of the existing neighborhood fabric. This motion was seconded by Councilwoman Mayfield and carried unanimously.

ORDINANCE BOOK NO. 32 – PAGE 337

V. UNFINISHED BUSINESS:

A. RESOLUTION NO. 19-70 - RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A GRANT AGREEMENT WITH THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE IN THE AMOUNT OF $4.2 MILLION FROM SEVERAL CITY FUNDING SOURCES AND ACCORDING TO VERIFIABLE, PERFORMANCE BASED DISBURSEMENT SCHEDULE, WITH THE FIRST $1.4 MILLION DISBURSED TO HACA IN EARLY MAY 2019

ORDINANCE NO. 4737 - BUDGET AMENDMENT TO APPROPRIATE FUND BALANCE RESERVED FOR THE LEE WALKER HEIGHTS PROJECT

Mr. Paul D'Angelo, Housing Development Specialist said that this is the consideration of a resolution to

Action Requested: Staff recommends that City Council authorize the City Manager to negotiate and enter into a grant agreement with the Housing Authority of the City of Asheville (HACA) in the amount of $4.2 million from several city funding sources and according to a verifiable, performance based disbursement schedule, with the first $1.4 million of that amount disbursed to HACA in early May 2019; and further authorizing approval of a Budget Amendment in the amount of $1,380,000 to appropriate fund balance reserved for the project.

Background:

- The Lee Walker Heights Redevelopment will replace the existing 96 public housing units with 212 new affordable mixed-income units serving families earning between 10% and 60% of Area Median Income (AMI). The total project cost is estimated at approximately $39.7 Million, and the project will be funded through a combination of 4% Low Income Housing Tax Credit (LIHTC) funds, HUD Funds, Housing Authority Funds, Buncombe County grant funds in the amount of $4.2 million and City grant funds in the amount of $4.2 million.
- 96 of the 212 units will continue to have deep subsidies, serving families well below 50% of AMI. HACA's current families have an average income of just over $10,000 or 20% of AMI.
- On April 26, 2016, City Council passed Resolution 16-98 that committed an amount not to exceed $4.2M in the Lee Walker Heights (LWH) Redevelopment.
- Potential funding sources considered in 2016:

HUD Section 108 Loan	$1,750,000
General Fund Fund Balance (assigned)	$1,380,000
HUD 2016-2017 HOME Funds	$400,000
HUD 2016-2017 CDBG Funds	$135,700
City CIP Funds	$534,300
TOTAL	$4,200,000

- In order to allow future CDBG & HOME funds to remain for future community needs, a cross-departmental committee recommends new funding sources to replace US Department of Housing and Urban Development (HUD) funding with other sources and satisfy the City's commitment of $4.2M.
- The General Obligation (GO) funding will be used for demolition, site work improvements and infrastructure improvements for the benefit of 319 Biltmore, adjacent to the Lee Walker Heights property, which is a City identified "High Impact Site", and for which the City has an Option to Purchase for use as a potential mixed-income, mixed-use development. The funding will support construction of a new City street to connect to LWH and building pad sites at 319 Biltmore, therefore contributing to the long term redevelopment of both properties. $15,000,000 in GO Housing Bonds were set-aside for use at these City identified High Impact Sites.
- The City's full funding of $4.2 million will fund "eligible project costs" including such costs as demolition of buildings, site work, and infrastructure improvements at both the Lee Walker Heights and 319 Biltmore properties.
- HACA has requested that the City's funds be structured as a grant to HACA, which HACA will invest in the project consistent with Low Income Housing Tax Credit requirements. City staff agrees based on the following:
    - The project budget requires spending of at least $1,820,000 (which represents the GO Housing Bond funds) of the $4.2 million exclusively on eligible project

costs, as defined below, for the benefit of the 319 Biltmore property, a City identified "High Impact Site" on which the City has an Option to Purchase.
    - $4.2 million for 212 units at LWH is a subsidy of $19,811 per unit (which aligns with subsidy level typically approved for the City's HTF loans); however, taking into consideration the $1.82 million of infrastructure work on 319 Biltmore, the price per unit subsidy is effectively reduced on the Lee Walker property to $11,321 per unit.

Council Goal(s):

- An Equitable and Diverse Community
- A Well-Planned and Livable Community
- Quality Affordable Housing

Committee(s):

- Affordable Housing Advisory Committee - February 7, 2019
    - Board unanimously recommended the funding streams and grant be approved
- Housing & Community Development - February 19, 2019
    - Individual presentation by David Nash, Chief Operating Officer of HACA
- Finance & Human Resources Committee - February 26, 2019
    - Action - Recommended to move forward to Council and that the funds be approved as a grant

Pro(s):

- This funding supports 212 new affordable and replacement units that will be permanently affordable, a subsidy of $19,811 per unit ($11,321 per unit, after deducting investments at 319 Biltmore).
- HACA has stated it will seek no other sources of City funding for this redevelopment project.
- Replacing HOME & CDBG funding with other funding sources allows continued use of CDBG & HOME funds for community investment.
- Replacing Section 108 loan payments with other funding sources allows future CDBG & HOME funds to remain for future community needs.
- Aligns with the purpose of GO Housing Bonds in making improvements to a City identified "High Impact Site: and in other ways, and will show progress on Affordable Housing Bond Projects.
- The redevelopment of 319 Biltmore and Lee Walker Heights, when considered as a whole, will generate affordable mixed-income housing and maximize the community connection.
- City funds will be used for eligible costs including infrastructure improvements, site grading and a new street that connects to Biltmore Avenue as well as demolition and this funding is vital to the success of the redevelopment of both the Lee Walker Heights and 319 Biltmore Avenue properties.
- This redevelopment aligns with the City of Asheville's Consolidated Plan goals of prioritizing development of one bedroom units (96) and rental housing affordable to 60% AMI and below.
- While the funding is structured as a grant, draw requests, after the initial disbursement, will only be disbursed when sufficient work has been completed and verified by the City.

Con(s):

- None

Fiscal Impact:

- The funding sources for the $4.2 million payment are outlined below:

- General Fund Balance (reserved) $1,380,000
- Affordable Housing CIP (General CIP) $1,000,000
- General Obligation (GO) Housing Bond, High Impact Sites $1,820,000

TOTAL $4,200,000

- The $1,380,000 coming from General Fund fund balance (requested Budget Amendment) has already been assigned for this use, thus there will be no impact on General Fund unassigned fund balance. The Affordable Housing CIP and GO Bond funding for this project has already been budgeted.
- Disbursement Schedule, approximate, to be based on draw requests and verified work completion:

On or around May 7, 2019	$1,400,000
On or around July 1, 2019	$1,400,000
On or around October 1, 2019	$1,200,000
After January 1, 2020	$ 200,000
TOTAL	**$4,200,000**

Mr. David Nash, Chief Operating Office of the Housing Authority of the City of Asheville, thanked Council for working with them on this project. They are excited about the opportunity to replace 96 of their oldest public housing units with 212 new affordable units within walking distance to jobs.

Mr. Tara Irby, Lee Walker Heights site manager, spoke about the employment training opportunities and was pleased to note that the relocation process is complete.

Ms. Margie Rhinehardt- Bukowski, with Weaver Cooke Construction Company, said they were pleased to work with the Housing Authority, Mountain Housing Opportunities, A-B Technical Community College (A-B Tech) and Green Opportunities. They will be holding job fairs for students and the community for the construction of Lee Walker Heights. They are hopeful that some of the people that will actually be living in Lee Walker Heights will help construct Lee Walker Heights. They are committed to paying a living wage to candidates that are certified through A-B Tech and Green Opportunities.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and ordinance and they would not be read.

Vice-Mayor Wisler moved to authorize the City Manager to negotiate and enter into a grant agreement with the Housing Authority of the City of Asheville in the amount of $4.2 million according to the terms and conditions described in the Staff Report and Resolution. This motion was seconded by Councilwoman Mayfield and carried unanimously.

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Vice-Mayor Wisler moved for the adoption of Ordinance No. 4737, budget amendment in the amount of $1,380,000 to appropriate fund balance reserved for the project. This motion was seconded by Councilwoman Mayfield and carried unanimously.

ORDINANCE BOOK NO. 32 – PAGE 347

VI. NEW BUSINESS:

A. RESOLUTION NO. 19-71 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE CITY BOARD OF EDUCATION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Asheville City Board of Education.

The terms of Martha Geitner and Shaunda Sandford will expire on April 1, 2019. In addition, James Lee has resigned, thus leaving an unexpired term until April 1, 2021.

The following individuals applied for the vacancy and met all requirements: Martha Geitner, John Mosconi, Pepi Acebo, Shaunda Sandford, W. Scott Powell, James C. Carter and Melissa Kledis. On March 12, 2019, it was the consensus to interview all seven applicants.

After commenting on the excellent qualifications of all candidates, each Council member voted on the two four-year terms. Martha Geitner and Shaunda Sandford each received 7 votes. Therefore, Martha Geitner and Shaunda Sandford were reappointed as members of the Asheville City Board of Education to each serve an additional 4-year term, terms to expire April 1, 2023, or until their successors have been appointed.

Each Council member then voted on the vacant seat, with a term expiring on April 1, 2021. John Mosconi received 0 votes, Pepi Acebo received 2 votes, W. Scott Powell received 0 votes, James C. Cater received 5 votes, and Melissa Kledis received 0 votes. Therefore, James Carter was appointed as a member of the Asheville City Board of Education to serve the unexpired term of Mr. Lee, term to expire April 1, 2021, or until his successor has been appointed.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Ms. Sarah Benoit and Mr. Jonathan Wainscott spoke about district elections.

Closed Session

At 6:41 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit, or potential lawsuit involving the following parties: The Estate of Jai Lateef Solveig Williams v. Sgt. Tyler Kelly Radford, et al; and The City of Asheville vs. Bird Rides, Inc. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 6:56 p.m., Vice-Mayor Wisler to come out of closed session. This motion was seconded by Councilman Haynes and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:56 p.m.

Magdalen Burleson
CITY CLERK

Edward E. Mann
MAYOR

Tuesday – April 9, 2019 - 3:00 p.m.

Enterprise Funds and Capital Improvement Program Budget Worksession

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; and City Clerk Magdalen Burleson

City Manager Campbell said that the goal of this worksession will be to (1) follow-up from the operating worksession; (2) update on the status of the Capital Improvement Program (CIP); (3) share information on planned investments in CIP and enterprise funds; and (4) receive direction on resource allocation.

Chief Financial Officer Barbara Whitehorn explained that an enterprise fund is (1) City functions that should be completely supported by fees; (2) provide public service financed through charges to users or customers; and (3) shows the degree to which service is self-supporting. She then provided Council with a review of the following enterprise funds: Transit; U.S. Cellular Center, Water Resources, Stormwater, Parking Services, and Street Cut Utility.

She then provided Council with the Capital Investment Program update. She said that a capital asset is land; buildings and infrastructure; infrastructure (streets, sidewalks); and equipment and machinery. She explained that capital is separate from operating due to the (1) scale of investment; (2) longer time horizon; (3) use of debt; and (4) project based not program based. She then reviewed the Capital Budget funding sources, along with the historic capital spending. She then outlined the projects completed in the last 5 years; projects under construction; projects in design; and projects in planning. Maintenance projects underway include the ART Transit Center renovations, Shiloh Roof replacement, City Hall maintenance, USCC HVAC/Boiler, and Asphalt preservation. With the current CIP Total (Fiscal Year (FY) 2020-23) of $60 Million, along with the additional requests for FY 2020-24 of $330 Million, there is a total identified amount of $390 Million. She reviewed the deferred maintenance challenges, along with construction challenges (Fire Station 13, Jake Rusher Park, Wesley Grant Center, Walton Street Park/Pool, Richmond Hill Park). To strike a balance, (1) construction costs/bids coming in well over budget; (2) designing projects within budget (a) value engineering; and (b) scope limitations; (3) value for residents/customers versus cost; (4) community needs and expectations; and (5) sustainability goals and related costs.

Ms. Whitehorn then reviewed the proposed FY 2020 CIP investments. She outlined the proposed ongoing allocations along with the FY 2020 proposed project additions.

Using a chart, she outlined the projected capital spending and need. A need for an ongoing bond program is necessary for several reasons (1) additional investment in capital is essential to effective service provision; (2) a routine bond program addresses the gap between capital investment and resources; and (3) routine investment in existing assets enhances the customer experience. Communities with regular General Obligation (GO) Programs include Raleigh, Charlotte, Durham, Greensboro, Winston-Salem, Hickory, Holly Springs, High Point and Wilmington.

Asheville is challenged to meet identified needs within existing financial capacity. Many communities have utilized GO bonds on a regular cycle to address capital needs. A regular GO bond cycle and/or new revenue streams could provide the opportunity to address these needs.

She then reviewed the projects, plans and staff resources from the March 26, 2019, worksession, along with the budget process calendar.

Ms. Whitehorn responded to various questions/comments from Council, some being, bur are not limited to: why are we not looking at expanding parking metered spaces in downtown, Biltmore Village and west Asheville; do we have tentative schedules on the projects in design; request that Walton Street Park/Pool be completed with Parks & Rec Bond funds; how many computers are in the computer replacement allocation; could the Fire Station 13 construction be done in phases; are other community needs incorporated in the Fire Station 13 construction and allocation; how long has Fire Station 13 been in the CIP; regarding the U.S. Cellular Center, what did we spend this last fiscal year; can we get a list of improvements still pending that require funding, excluding Thomas Wolfe; can Thomas Wolfe be broken out separately; how much is being budgeted this upcoming fiscal year in funding towards improvements at the U.S. Cellular Center; are there any pending request from SoCon to make improvements at the U.S. Cellular Center and if so, what are they specifically with costs; what was the naming rights money used for the previous years regarding the U.S. Cellular Center and was the money earmarked for specific projects; should Council provide the City Manager with an affirmative statement that they want to get on a regular GO bond program; can staff provide Council with the last CIP chart; regarding the small business training, have we talked with any of our partners to see if this is something that they are already doing or could easily incorporate; is there any support by Council to increase property taxes; need to talk about other options to find revenue to fund important projects; list of agreements and partnerships that don't go through the formal process to get funding from the City; and how many city employees on all levels have received raises beyond the annual increase that City Council approves, specifically in the last 18 months. For those questions not readily answered, staff will provide Council with a memorandum.

City Manager Campbell said that Council can provide her direction on the projects, plans and staff resources prior to the development of the City Manager's budget on May 14, 2019.

At 4:12 p.m., Mayor Manheimer adjourned the worksession.

Tuesday – April 9, 2019 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mr. Aiden McAbee from Troop 75 led City Council in the Pledge of Allegiance.

ADDITION TO AGENDA

Mayor Manheimer added an update on parking at Memorial Stadium/McCormick Field to the agenda.

I. PROCLAMATIONS:

A. WALK FRIENDLY COMMUNITY AWARD

Ms. Grace Curry, and other members from the Bike/Pedestrian Task Force, presented the City of Asheville with the Walk Friendly Community Award.

On behalf of the City of Asheville, Mayor Manheimer thanked Ms. Curry for the award and thanked everyone responsible to make our city a more inviting and walkable community. She understood that Asheville was the first city in North Carolina to earn the award at any level above bronze, and remains one of only two such cities in the state. She recognized that we have a long way to go in the battle of keeping pedestrians safe and comfortable, and we need to be reminded of the importance of doing something every day to make Asheville a better place to live and walk.

B. PROCLAMATION PROCLAIMING APRIL, 2019, AS "PARKINSON'S DISEASE AWARENESS MONTH"

Vice-Mayor Wisler read the proclamation proclaiming April, 2019, as "Parkinson's Disease Awareness Month" in the City of Asheville. She presented the proclamation to Bob and Beth Pape, and others, who briefed City Council on some activities taking place during the month.

C. PROCLAMATION PROCLAIMING APRIL 22, 2019, AS "EARTH DAY"

Councilwoman Mayfield read the proclamation proclaiming April 22, 2019, as "Earth Day " in the City of Asheville. She presented the proclamation to Sophie Mullinax from the Blue Horizons Project, who briefed City Council on some activities taking place during the day.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 26, 2019

B. RESOLUTION NO. 19-72 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE A VEGETATION MAINTENANCE AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE CITY TO ACCEPT THE RESPONSIBILITY TO PROVIDE VEGETATION CONTROL ON PROPERTY ADJACENT TO THE INTERSECTION OF WEST HAYWOOD STREET AND PARK AVENUE NORTH

RESOLUTION NO. 19-73 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE A VEGETATION MAINTENANCE AGREEMENT WITH THE WEST END CLINGMAN AVENUE NEIGHBORHOOD (WECAN) FOR WECAN TO ACTUALLY PERFORM VEGETATION CONTROL ON PROPERTY ADJACENT TO THE INTERSECTION OF WEST HAYWOOD STREET AND PARK AVENUE NORTH ON BEHALF OF THE CITY

Action Requested: Adoption of two resolutions - (1) a resolution authorizing the City Manager to enter into and execute a vegetation maintenance agreement with the North Carolina Department of Transportation (NCDOT) for the City to provide vegetation control on a property adjacent to the intersection of West Haywood Street and Park Avenue North; and (2) a resolution authorizing the City Manager to enter into and execute a vegetation maintenance agreement with the West End Clingman Avenue Neighborhood (WECAN) for WECAN to perform vegetation control on the property on behalf of the City.

Background:

- WECAN requested to perform vegetation control on the property as an aesthetic improvement for their neighborhood.
- The property is owned by the NCDOT. NCDOT prefers to enter into maintenance agreements with another governmental entity.
- The City agrees to be that governmental entity and partner with WECAN to provide the appropriate vegetation control (i.e. mowing, trimming, planting, removal of weeds, trash and debris)
- WECAN agrees to perform vegetation control properly and continually in accordance with generally accepted horticultural practices.
- The Transportation Department is the primary point of contact for the community.
- As the owner of the property, the NCDOT has the right to periodically inspect the maintenance practices being used and they would notify the City regarding any issues. The Transportation Department would then notify WECAN to make the appropriate changes.
- If WECAN does not perform vegetation control properly and continually in accordance with generally accepted horticultural practices including all costs, the agreement between the NCDOT and the City and the agreement between the City and WECAN would be terminated with 30 days written notification. After the 30 days, NCDOT would be responsible for the maintenance.

Council Goal(s):

- A Connected and Engaged Community

Committee(s):

- None

Pro(s):

- This action enables a partnership between the NCDOT, the City, and WECAN.
- This action enables WECAN to make an aesthetic improvement in their neighborhood.

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Motion to (1) approve a resolution authorizing the City Manager to enter into and execute a vegetation maintenance agreement with the North Carolina Department of Transportation (NCDOT) for the City to provide vegetation control on a property adjacent to the intersection of West Haywood Street and Park Avenue North; and (2) approve a resolution authorizing the City Manager to enter into and execute a vegetation maintenance agreement with the West End Clingman Avenue Neighborhood (WECAN) for WECAN to perform vegetation control on the subject property on behalf of the City.

RESOLUTION NO. 19-72 - RESOLUTION BOOK NO. 40 - PAGE 350
RESOLUTION NO. 19-73 - RESOLUTION BOOK NO. 40 - PAGE 351

C. RESOLUTION NO. 19-74 - RESOLUTION AUTHORIZING THE SALE OF ONE 2010 CAT 305C CR MINI EXCAVATOR DEEMED SURPLUS CITY PERSONAL PROPERTY

Action Requested: Approval of a resolution authorizing the sale of one (1) 2010 CAT 305C CR Mini Excavator deemed surplus City personal property.

Background:

- The City's Water Resources Department -- Maintenance Division, identified a 2010 CAT 305C CR Mini Excavator as surplus personal property, with no anticipation of utilization by the City.
- Pursuant to N.C.G.S. §160A-266 the Sale and Disposal of Personal Property valued at $30,000 or more must be approved by the City Council. The City's Purchasing Manager has authority to dispose of personal property valued at less than $30,000 by private negotiation and sale.
- The estimated wholesale value of the 2010 CAT 305C CR Mini Excavator is listed at $30,000+, $1,000 - $10,000 above wholesale, depending on condition. Bids will be solicited through Public Surplus online auction.

Council Goal(s)

- N/A

Committee(s)

- None

Pro(s):

- Good fiscal and asset management
- Space utilization eliminates the need to store large, unused equipment
- Competitive process yielded market price

Con(s):

- None

Fiscal Impact:

- The mini excavator is fully depreciated and the Water Resources Fund will recognize the entire amount as revenue from the sale of assets.

Motion:

- Move to adopt a resolution authorizing the sale of one (1) 2010 CAT 305C CR Mini Excavator deemed surplus City personal property.

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D. RESOLUTION NO. 19-75 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH EARL SWENSSON ASSOCIATES INC. FOR PHASE ONE DESIGN OF THE THOMAS WOLFE AUDITORIUM RENOVATIONS

Action Requested: Adoption of a resolution authorizing the City Manager to execute a phase one professional services contract for programming, conceptual design and cost estimating with Earl Swensson Architects for the Thomas Wolfe Auditorium Renovation.

Background:

- The City of Asheville released an RFQ in October, 2018 to solicit architectural design teams to study multiple improvement design options and associated cost estimating.
- Fourteen separate firms submitted qualifications, and a selection committee interviewed four teams in December, 2018. The design team led by ESa was unanimously selected as the highest qualified firm.
- A contract and scope was negotiated within the existing established budget.
- The scope for this design contract is intended to produce a programming and conceptual design with various levels of improvements that will be used for budgeting purposes.

Council Goal(s):
- A well-planned and livable community; Thriving local economy, Connected and Engaged Community, Smart City.

Committee(s):
- Civic Center Commission - 2/5/2019 - unanimous vote for Earl Swensson Architects

Pro(s):
- This is a phase one preliminary design and will help support project estimating and funding.
- The results from the study will evaluate options for the building improvements in the future.

Con(s):
- No additional funding is allocated for the next phase of the project.

Fiscal Impact:
- The capital improvement design fee of $339,300 plus a 10% contingency is already included in the adopted capital improvement program (CIP) budget.

Motion:
- Move to approve a resolution authorizing the City Manager to execute a design contract with Earl Swensson Associates, Inc. for a professional services contract for phase one design of the Thomas Wolfe Auditorium Renovation for an amount not to exceed $339,300.00, and further authorizing the execution of any contract amendments up to 10% ($33,930.00) above the contract price, for additional services which may arise during execution of said project.

RESOLUTION BOOK NO. 40 - PAGE 353

E. RESOLUTION NO. 19-76 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SUNDANCE POWER SYSTEMS INC. FOR THE SOLAR ARRAY PROJECT ON THE ART TRANSIT CENTER

ORDINANCE NO. 4738 - BUDGET AMENDMENT FOR THE SOLAR ARRAY PROJECT ON THE ART TRANSIT CENTER

Action Requested: Adoption of a resolution authorizing the City Manager to: 1) adopt a budget amendment in the amount of $230,000 in the General Capital Projects Fund to move budget from the Sustainability Fund to the ART Station Solar Array Project for the solar array installation; 2) execute a contract with Sundance Power Systems, Inc. in the amount of $121,882.08; and 3) execute contract amendments up to the established budget amount of $230,000.

Background:

- This will be the first solar photovoltaic installation in the City's history.
- A 64 kilowatt solar array will be installed on the ART Transit Station bus canopy.
- The Clark Patterson Lee company has designed the plans and specifications and will provide construction management.
- The construction schedule is dependent on approval from Duke Energy Progress which may require infrastructure improvements to integrate the solar panels.
- The request for the City Manager to have the ability to increase the contract up to the budgeted amount is to allow for any unforeseen infrastructure improvements and the option to increase capacity and warranty of solar array.
- Funds not used on this project will be used for future renewable energy projects.

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- Finance and Human Resources Committee on March 26, 2019

Pro(s):

- This is the first renewable energy project that will support Resolution 18-279 which established a 100% renewable energy goal for municipal operations.
- Supports Resolution 11-77 reducing the City's carbon emissions by 80%. This system is estimated to offset 0.25% of our annual 4% carbon reduction goal.
- The revenue generated from the solar energy will fund the operations and maintenance of the PV system and future renewable energy installations.

Con(s):

- None

Fiscal Impact:

- $230,000 from the Fiscal Year 2019 Office of Sustainability budget for the Energy Innovation Task Force Initiative in combination with savings from the Green Revolving program. Funding is already budgeted and available in the Sustainability Fund; this budget amendment will simply move the budget from that fund to the General Capital Projects Fund. The $230,000 will be used to fund the contract and any additional costs associated with the installation. Any savings will remain in the General Capital Projects Fund for future renewable energy projects.

Motion:

- Motion to approve a resolution authorizing the City Manager to: 1) execute a budget amendment in the amount of $230,000 redirected from the Fiscal Year 2019 Office of Sustainability budget for the Energy Innovation Task Force Initiative in combination with savings from the Green Revolving Program to the General Capital Projects Fund to support renewable energy projects; 2) execute a contract with Sundance Power Systems, Inc. in the amount of $121,882.08; and 3) execute contract amendments up to the established budget amount of $230,000.

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ORDINANCE BOOK NO. 32 - PAGE 349

F. RESOLUTION NO. 19-77 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ALLISON CONTRACTORS LLC FOR THE BUS SHELTERS - PHASE 2 BOND PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Allison Contractors, LLC for the construction of bus shelters, concrete pads and attached sidewalk at some locations in the amount of $116,969.00 plus a 10% contingency of $11,696.00.

Background:

- The City of Asheville passed a General Obligation Bond in 2016 which included the budget to construct new bus shelters with some attached sidewalks.
- The bus shelters identified for the project help to ensure that the City of Asheville remains compliant with current City standards and Americans with Disabilities Act (ADA).
- Some of the new shelters will be built to replace older shelters that are in disrepair.
- The shelters will be constructed in areas with a large ridership and where no bus shelters are currently available.
- The added sidewalk will make connection to ADA ramps helping with pedestrian safety.
- Bids received were:
  - Allison Contractors of Hendersonville, NC for $116,969.00
  - Patton Construction Group of Asheville, NC for $228,400.00

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- NA

Pro(s)

- Improve mobility and safety on city streets
- Project works towards fulfillment of the General Obligation Bond.

Con(s):

- None

Fiscal Impact:

- The project is funded by the General Obligation Bond from 2016.

Motion:

- Motion to authorize the City Manager to execute a contract with Allison Contractors, LLC for the construction of bus shelters, concrete pads and attached sidewalk at some locations in the amount of $116,969.00 plus a 10% contingency of $11,696.00.

RESOLUTION BOOK NO. 40 - PAGE 355

G. RESOLUTION NO. 19-78 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ALLOW MOUNTAIN HOUSING OPPORTUNITIES TO REFINANCE THE DEVELOPMENT KNOWN AS EAGLE MARKET PLACE BY MODIFYING THE LIEN POSITIONS AND MATURITY DATES OF CITY OF ASHEVILLE LOANS, AND AMENDING DEED RESTRICTIONS EXISTING ON AFFORDABLE HOUSING UNITS

RESOLUTION NO. 19-79 - RESOLUTION AUTHORIZING THE SUBORDINATION OF THE CITY'S COMMERCIAL LOAN WITH EMP COMMERCIAL INC.

Action Requested: Approval of Loan Modifications requested by Mountain Housing Opportunities ("MHO") to allow them to borrow new funds to refinance the Eagle Market Place Project and authorization for the City Manager to negotiate and execute all documents necessary to give effect to this approval.

Background:

Residential

- The Eagle Market Place property developed by MHO is divided into separate entities for the residential and commercial components. The residential entity (Eagle Market Place, LLC) currently possesses eleven sources of debt financing as listed below.
    1. *TD Bank ($3,440,303)*
    2. *NCHFA ($930,000)*
    3. *City of Asheville Urban Redevelopment and Loan Agreement (* URLDA*) ($3,867,618)*
    4. *Buncombe County ($1,500,000)*
    5. *City of Asheville Housing Trust Fund ($800,000)*
    6. *Buncombe County ($300,000)*
    7. *NCHFA ISHP ($750,000)*
    8. *NCHFA ($1,168,338)*
    9. *MHO ($1,500,000)*
    10. *MHO ($462,600)*
    11. *JBM Community Resources, Inc. ($1,000,000)*
- The TD Bank construction loan is due in full on June 2, 2019, and the JBM Community Resources loan was due in January of 2019. MHO has secured a financing commitment of $3,313,000 through Bellwether Enterprise Real Estate Capital, LLC. Upon closing of this loan, MHO is also receiving a scheduled equity payment from CAHEC. The combined funding from Bellwether and CAHEC will be used to pay off the remaining balance of the TD Bank and JBM Community Resources, Inc. loans.
- Bellwether requires that their new loan be placed in the first lien position, which requires that the City of Asheville's URL and Housing Trust Fund loans be subordinated to it.
- Bellwether also requires that existing loans possess a maturity date for a certain period of time after the date that their loan is due in full. The current maturity dates of the Housing Trust Fund and URL loans are January 10, 2033 and December 10, 2033, respectively. To comply with Bellwether's conditions, the maturity date for both loans will have to be changed to December 10, 2034.
- The proposed new lien priorities (Bellwether Loan replaced TD Bank Loan):
    1. *Bellwether ($3,313,000)*
    2. *NCHFA ($900,000)*
    3. *City of Asheville URL ($3,867,618)*
    4. *Buncombe County ($1,500,000)*
    5. *City of Asheville Housing Trust Fund ($800,000)*
    6. *Buncombe County ($300,000)*
    7. *NCHFA ISHP ($750,000)*
    8. *NCHFA ($1,168,338)*
    9. *MHO ($1,500,000)*
    10. *MHO ($462,600)*
- Per City Council vote on November 10 2015, the Eagle Market Place project was modify the amount and type of its affordable housing units.
    - The original agreement included 62 units for households at or below 60% of AMI.

- The new agreement reduced that amount to 32 units at 60% AMI and 30 units for workforce housing at 120% AMI. NCHFA's Declaration of Land Use Restrictive Covenants for Low-Income Housing Tax Credits, needs to be updated to reflect this change in the percentage of affordable (60% AMI) units, and the City will need to consent (i.e. subordinate) to this change.

- In summary, the modifications to the City Loans requested by MHO in order to enter into the new loan with Bellwether are as follows: 1) HTF Loan-Extend the maturity date by 11 months to December 10, 2034, and keep this loan in 5th place lien position (rather than it moving up to 4th lien position as required by City Resolution No. 14-253 and 2) URLA Loan-Extend the maturity date by 12 months to December 10, 2034 and keep this loan in a 3rd place lien position (rather than the 2nd place lien position contemplated via Resolution No. 14-253).
- The documents which are anticipated to be executed by the City in order to give effect to these changes are as follows:
  - Two subordination agreements with Bellwether (one for the HTF Loan and one for the URL);
  - Third Loan Modification to the HTF to reflect the change in maturity date and lien position;
  - Second Loan Modification to the URL to reflect the change in maturity date and lien position; and,
  - Subordination Agreement for the NCHFA Amended and Restated Land Use Restrictive Covenants to reflect the percentage change in affordable units from 100% to 51.6%.

Commercial

- The Eagle Market Place property developed by MHO is divided into separate entities for the residential and commercial components. The commercial entity (EMP Commercial LLC) currently possesses four sources of debt financing as listed below.
  1. *Carolina Small Business Development Fund ($1,700,000)*
  2. *Buncombe County ($500,000)*
  3. *City of Asheville ($718,000)*
  4. *Mountain Housing Opportunities ($1,000,000)*
- The existing Buncombe County loan of $500,000 is a portion of a greater $2,000,000 loan that shares security interests on both the residential and commercial entities associated with the property. The new lender on the residential entity requires that the $2,000,000 Buncombe County loan be replaced with a separate, single $500,000 loan. The County will agree to this change if it can be secured in the same priority status (2nd lien position) as its current $500,000 Deed of Trust.
- In order for the County loan to remain in its same lien position, the City must sign a subordination agreement consenting to the revised County loan.
- The City of Asheville's loan of $718,000 secured by a Deed of Trust will remain in the existing third repayment position.

Council Goal(s):

- An Equitable and Diverse Community
- Quality Affordable Housing
- A Well-Planned and Livable Community

Committee(s):

- None

Pro(s):

- The Eagle Market Place project will be able to restructure its debt in a manner that improves the project's long-term financial stability.
- The legal restrictions on the property will be formally modified to accurately reflect prior binding agreements by Asheville City Council.
- The separation of Buncombe County's Deeds of Trust will offer legal clarity and protect the City of Asheville's interests should a default event occur.

Con(s):

- There is a short extension of the maturity dates for both City of Asheville loans which pushes back a prospective payoff date for each.
- The City of Asheville residential loans will be placed in a lower lien position and have additional debt ahead of its security interest than was anticipated after the Council Resolution which approved the amendment of loan terms in November 2014.

Fiscal Impact:

- There is limited fiscal impact. None of the City of Asheville loans are amortizing and will not affect regular payments. In the event of a default or payoff, the City would be in a lower position than previously agreed upon in Resolution 14-253.

Motion:

- Move to approve the loan modifications requested by MHO for the Eagle Market Place development and to authorize the City Manager to negotiate and execute any and all documents necessary to give effect to this approval.

RESOLUTION NO. 19-78 - RESOLUTION BOOK NO. 40 - PAGE 356
RESOLUTION NO. 19-79 - RESOLUTION BOOK NO. 40 - PAGE 358

H. **RESOLUTION NO. 19-80 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING provision FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE CITY MARKET**

RESOLUTION NO. 19-81 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING provision FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASPIRE EXPERIENCE

RESOLUTION NO. 19-82 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING provision FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE CITY SOCCER CLUB GAMES

RESOLUTION NO. 19-83 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING provision FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE VEGANFESTIVAL

RESOLUTION NO. 19-84 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING provision FOR

THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT BEER CITY CUP

RESOLUTION NO. 19-85 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING provision FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE CHOW CHOW ASHEVILLE CULINARY FESTIVAL

RESOLUTION NO. 19-86 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING provision FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ZERO PROSTATE CANCER 5K RUN/WALK

RESOLUTION NO. 19-87 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING provision FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT BREWS & BEARS

Action Requested: Adoption of resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at the Asheville City Market, The Aspire Experience, Asheville City Soccer Club Games, Asheville VeganFest, Beer City Cup, Chow Chow Asheville Culinary Festival, Zero Prostate Cancer 5K Run/Walk, and Brews & Bears events.

Background:

- The following organizations have requested that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at the events:
    - Asheville Sustainable Agriculture Project for the Asheville City Market, to occur on Market Street weekly on Saturdays, April 13 - December 21, 2019, from 8:00 a.m. - 12:00 p.m.
    - AIA Asheville for The Aspire Experience, to occur at Pack Square Park on April 14, 2019, from 6:00 p.m. - 10:00 p.m.
    - Asheville Brewers Alliance for the Asheville City Soccer Club Games, to occur at Memorial Stadium on April 26, 27, May 7, 10, 16, 18, 25, June 7, 8, 12, 18, 25, 28, 29, July 5, 6, 7, 2019 from 6:00 p.m. - 10:00 p.m.
    - Brother Wolf Animal Rescue for Asheville VeganFest, to occur at Pack Square Park on June 9, 2019, from 11:00 a.m. - 6:00 p.m.
    - WNC Soccer Foundation for the Beer City Cup, to occur at Memorial Stadium on September 1, 2019, from 12:00 p.m. - 10:00 p.m.
    - Asheville Culinary Festival for the Chow Chow Asheville Culinary Festival, to occur at Pack Square Park on September 13 from 11:00 a.m. - 5:00 p.m., September 14 from 9:00 a.m. - 5:00 p.m., and September 15, 2019, from 11:00 a.m. - 5:00 p.m.
    - ZERO - The End to Prostate Cancer for the ZERO Prostate Cancer 5K Run/Walk, to occur at Carrier Park on August 24, 2019, from 7:00 a.m. - 11:00 a.m.
    - Friends of the WNC Nature Center for Brews & Bears, to occur at the WNC Nature Center on May 11, June 14, July 12, and August 9, 2019, from 5:30 p.m. - 8:00 p.m.

- Alcohol boundaries are defined for each request as per the accompanying event site maps.

Council Goal(s):
- These actions have no direct connection with the City Council 2036 Vision.

Committee(s):
- None

Pro(s):
- Allows fundraising opportunities for the sponsoring nonprofit organizations

Con(s):
- None

Fiscal Impact:
- None

Motion:
- Motion to permit the possession and consumption of malt beverages and/or unfortified wine at the Asheville City Market, The Aspire Experience, Asheville City Soccer Club Games, Asheville VeganFest, Beer City Cup, Chow Chow Asheville Culinary Festival, Zero Prostate Cancer 5K Run/Walk, and Brews & Bears events.

RESOLUTION NO. 19-80 - RESOLUTION BOOK NO. 40 - PAGE 359
RESOLUTION NO. 19-81 - RESOLUTION BOOK NO. 40 - PAGE 362
RESOLUTION NO. 19-82 - RESOLUTION BOOK NO. 40 - PAGE 365
RESOLUTION NO. 19-83 - RESOLUTION BOOK NO. 40 - PAGE 368
RESOLUTION NO. 19-84 - RESOLUTION BOOK NO. 40 - PAGE 371
RESOLUTION NO. 19-85 - RESOLUTION BOOK NO. 40 - PAGE 374
RESOLUTION NO. 19-86 - RESOLUTION BOOK NO. 40 - PAGE 377
RESOLUTION NO. 19-87 - RESOLUTION BOOK NO. 40 - PAGE 380

I. RESOLUTION NO. 19-88 - RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A LICENSE AGREEMENT WITH DUKE ENERGY PROGRESS INC. AND MAPLE CREST LLC FOR DEMOLITION, IMPROVEMENTS AND OTHER CONSTRUCTION RELATED ACTIVITIES AT 319 BILTMORE AVENUE

Action Requested: Adoption of a resolution to authorize the City Manager to negotiate and enter into a license agreement with Duke Energy Progress, Inc. and Maple Crest LLC for demolition, improvements and other construction related activities on property at 319 Biltmore Avenue.

Background:
- The City entered into a Memorandum of Understanding with Duke Energy in January 2017 for property located at 319 Biltmore Avenue and later entered into an Option to Purchase the property in October 2017 in order to redevelop the property for an affordable, mixed income community.
- In 2018, the City developed site concepts and performed pro-forma analysis for affordable housing on 319 Biltmore and is taking next steps to market the site for

redevelopment. The site is one of the "High Impact Sites" included within the Affordable Housing Bond program.

- The adjoining property is known as Lee Walker Heights and the Housing Authority, in partnership with Mountain Housing Opportunities, Inc, is currently in the process of commencing construction for the major redevelopment of the site. The Housing Authority and MHO have collectively formed Maple Crest, LLC for this endeavor.
- A new roadway is planned to connect Lee Walker to Biltmore Avenue through the property at 319 Biltmore. As part of the Lee Walker Heights Redevelopment, Maple Crest will demolish the existing car dealership on 319 Biltmore, perform significant grading on the property, construct a new roadway on the property and perform related construction activities on the 319 Biltmore property. These improvements were outlined in the original Option Agreement between the City and Duke.
- At this time, the City, Duke and Maple Crest would like to enter into an agreement that clarifies the details of this arrangement for the 319 Biltmore site. Maple Crest will be performing the improvements on the property at 319 Biltmore, using the site for a construction office and lay down area, and installing a fence around the perimeter of the 319 Biltmore property. The City will provide oversight in order to protect its future interest in the redevelopment of 319 Biltmore. Duke, as the underlying property owner, will be protecting its interest in the property.

Council Goal(s):

- Well Planned and Livable Community
- Quality Affordable Housing

Committee(s):

- None.

Pro(s):

- Agreement will facilitate the redevelopment of Lee Walker Heights
- Agreement will protect City's interests in 319 Biltmore

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Motion to adopt a resolution that authorizes the City Manager to negotiate and enter into a license agreement with Duke Energy Progress, Inc. and Maple Crest LLC for demolition, improvements and other construction related activities on property at 319 Biltmore Avenue.

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J. RESOLUTION NO. 19-89 - RESOLUTION AMENDING THE HOMELESS INITIATIVE ADVISORY COMMITTEE BY-LAWS

Action Requested: Approval of proposed one-time exception to Article IV A. 2 of the HIAC Bylaws regarding the maximum term of service for the Committee Chair, and amendments to the Bylaws to allow non-HIAC members to serve on subcommittees, and to adopt Robert's Rules of Order as procedural guidance in cases where the Bylaws do not specify a procedure.

Background:

- By Resolution 08-227 November 11, 2008, as amended by Resolution 18-20, January 23, 2018, the Homeless Initiative Advisory Committee was established as a joint City and Buncombe County Committee to advise on issues related to homelessness.
- Article IV A. 2. of the HIAC Bylaws limits the terms of Committee Officers (Chair and Vice Chair) to no more than two consecutive terms. Currently, HIAC has an experienced Chair who would be prevented by this rule from serving beyond May 2019. The Committee is requesting that Council approve a one-time exception to this rule to allow the current Chair to continue to serve for an additional year to May 2020.
- Article VI of the HIAC Bylaws limits subcommittee composition to HIAC members only. HUD Continuum of Care funding regulations encourage participation from specific sectors not currently represented at any level in HIAC (i.e. major healthcare systems, behavioral health providers, business leaders, law enforcement etc.) HIAC proposes to amend this section of the Bylaws to allow the appointment of non-HIAC members to subcommittees in order to increase community participation in the work of the Committee. This amendment was previously approved via Resolution No. 18-20, however, the Bylaws were not updated at that time.
- Currently, the HIAC Bylaws specify only a handful of procedures for the Committee to follow. The Committee proposes amending its Bylaws to replace the provision in Article VIII with a new provision regarding Parliamentary Authority. This will require the adoption of Robert's Rules of Order, Newly Revised as parliamentary authority and procedural guidance in situations in which the Bylaws do not specify a particular procedure to be followed. This provision regarding Bylaw Amendments moves to a new Article IX.

Council Goal(s):

- A Connected and Engaged Community

Committee(s) and/or workgroups(s):

- Homeless Initiative Advisory Committee, February 26, 2019 and March 26, 2019 - approved unanimously
- City Council Boards & Commissions Committee March 12, 2019 - approved unanimously

Pro(s):

- Provides continuity of leadership when needed by allowing an otherwise term-limited individual to serve as chair; enables greater community input to subcommittee work by expanding composition to include non-HIAC members; and establishes the use of a widely accepted parliamentary process for more efficient conduct of meetings.

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Move to approve a one-time exception to Article IV, Section A (2), the rule that limits the term of a Committee Chair, to allow the current Chair to serve for an additional one year period to May 2020; to amend Article VI of the HIAC Bylaws to allow participation of non-HIAC members in subcommittees; and to add a new Article VIII to the HIAC Bylaws which will require that Robert's Rules of Order, Newly Revised, be used as parliamentary

authority and procedural guidance in situations where the existing Bylaws do not contain a specific procedural requirement.

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K. RESOLUTION NO. 19-90 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH J. BRADY CONTRACTING INC. TO COMPLETE THE HVAC & MECHANICAL MODERNIZATION PHASE FOR THE U.S. CELLULAR CENTER FACILITY RENOVATION & HVAC MODERNIZATION PROJECT

ORDINANCE NO. 4739 - BUDGET AMENDMENT FOR THE U.S. CELLULAR CENTER FACILITY RENOVATION & HVAC MODERNIZATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to amend the contract with J. Brady Contracting, Inc. in the amount of $3,378,130 to complete the HVAC & Mechanical Modernization phase for the U.S. Cellular Center (USCC); and Adoption of a budget amendment in the amount of $1,200,000 from the USCC fund balance.

Background:

- This three phase project provides 1) flexible theater seating in the arena, a sound and lighting package, 2) converts a storage room into a press/meeting room with additional supporting projects including the expansion of storage for the displaced room, and 3) modernization of the building's 1970's era HVAC system.
- The project was included in the City's 2016-17 fiscal year capital improvements budget for the amount of $3,290,600. The project is partially funded by a $1,500,000 grant from the 2016 Tourism Product Development Fund.
- The first two phases of the project are complete with the HVAC Modernization phase remaining.
- On August 28, 2018, City Council authorized a contract amendment to begin the facility renovation (press/meeting room renovation and storage expansion). This phase was completed in November 2018.
- The City is using the Construction Manager at Risk (CMAR) delivery method, and is contracted with J. Brady Contracting, Inc. to complete the facility renovations and HVAC modernization.
- The CMAR delivery method groups the work into smaller "bid packages".
- The minority business participation (MBE) for the CMAR contract will exceed $396,250. This amount is 10.1% of the overall construction value of this contract.

Council Goal(s):

- A Thriving Local Economy
- A Clean and Healthy Environment

Committee(s):

- Finance Committee March 26, 2019 - approval to move forward to Council

Pro(s):

- Improves the venue's ability to host a wider range of events.
- Reduces energy consumption with new efficient equipment or with upgrades to existing equipment with intelligent controls.
- Capital investments will provide reliable building infrastructure, reducing repair costs, and downtime associated with broken HVAC equipment.
- Achieves MBE participation exceeding 10% of the construction value.

Con(s):

- Redirecting budget from other capital maintenance projects means that less funding is available in the short term for other deferred maintenance needs.

Fiscal Impact:

- Funding for this contract amendment will come from the existing US Cellular Capital Maintenance Project budget and USCC fund balance. An additional $1,875,000 is needed to fully fund this project.
- $675,000 from the existing USCC Capital Maintenance Fund budget will be redirected to this project, and $1.2 million will come from USCC fund balance.
- The USCC Operating Fund has performed better than budgeted in each of the last two fiscal years. As a result, USCC fund balance was approximately $1.4 million above the City's fund balance policy goal at the end of Fiscal Year 2017-18. After the $1.2 million appropriation being proposed for this project, USCC fund balance will be $200,000 above the City's fund balance policy goal. Staff recommends leaving that amount in fund balance to cushion against potential future downturns in performance.

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend the contract with J. Brady Contracting, Inc. in the amount of $3,378,130 to complete the HVAC & Mechanical Modernization phase of the U.S. Cellular Center Improvements project; and to adopt the associated budget amendment.

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Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Kapoor and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. WATER SYSTEM UPDATE

Director of Water Resources David Melton provided Council with an update on the water discoloration test results, noting communication improvements moving forward. He encouraged anyone who would like to receive updates and communications to sign up for AVLAlert on the City's website. This will send out alerts during significant events and clearly state what to do.

B. PARKING AT MEMORIAL STADIUM/MCCORMICK FIELD/MOUNTAINSIDE PARK

Director of Parks and Recreation Roderick Simmons and Transportation Director Ken Putnam provided Council with an update on parking at Memorial Stadium/McCormick Field, and responded to Council's questions raised.

The following individuals spoke about inadequate parking at Memorial Stadium/

McCormick Field/Mountainside Park due to the Asheville Tourists games, pushing some vehicles to park on the turf at Memorial Stadium and others to park in surrounding neighborhood streets:

Representatives of Asheville Ultimate Club
Michael Stratton
Representatives of the soccer community
Jonathan Wainscott
A gentleman

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING ON PROPERTY LOCATED AT 3 AVON ROAD FROM COMMERCIAL BUSINESS I DISTRICT TO COMMERCIAL BUSINESS I/CONDITIONAL ZONE FOR THE CONSTRUCTION OF A NEW BUNCOMBE COUNTY EAST ASHEVILLE LIBRARY BRANCH BUILDING

ORDINANCE NO. 4740 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT 3 AVON ROAD FROM COMMERCIAL BUSINESS I DISTRICT TO COMMERCIAL BUSINESS I/CONDITIONAL ZONE FOR THE CONSTRUCTION OF A NEW BUNCOMBE COUNTY EAST ASHEVILLE LIBRARY BRANCH BUILDING

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to conditionally zone property located at 3 Avon Road from Community Business I District to Community Business I District/Conditional Zone for the construction of a new Buncombe County East Asheville Library Branch building. This public hearing was advertised on March 15 and 22, 2019, for the March 26, 2019, meeting; however, on March 26, 2019, this public hearing was continued to this date.

Project Location and Contacts:

- The project site consists of a 1.8 acre portion of a single parcel located at 3 Avon Road (PIN 9658.87-7320) that is owned by the City of Asheville.
- Owner: City of Asheville; Petitioner: Buncombe County; Contact: Gary Davis.

Summary of Petition:

- The proposal is for the construction of a new approximately 15,000 square foot Buncombe County East Asheville Branch library building with associated parking, recreation, access and landscaping improvements. The new building will be a single story in height.
- The proposed CB1 CZ zoning would be applied to only the rear portion of the site and excludes the frontage along Tunnel Road, which contains the Fire Station No. 8 building.
- The project includes resurfacing the basketball court in its existing location, relocating the playground amenity within the site and providing new play equipment.
- Vehicular access generally remains in the existing locations, with the single driveway cut from Avon Road and a single cut from Lynnstone Court. 50 parking spaces will be provided.
- The subject site is located along the E2 and I70 lines of the ART bus system and there is an existing transit shelter at the corner of Tunnel Road and Avon Road.
- There are existing sidewalks along Avon Road that lead to the transit shelter. A new five foot sidewalk will be provided behind a grass strip along the entire length of Lynnstone Court.
- There have been ongoing public meetings to solicit input from users of the library to best design the building and site for the needs of the community.

- Staff has recommended the following condition and the applicant has agreed:
    - An enhanced pedestrian crossing at Tunnel Road will be provided at a location to be determined through coordination with the City's Transportation Department and the North Carolina Department of Transportation. The enhanced pedestrian crossing may include a pedestrian activated signalized crossing maximizing use of the existing emergency access traffic signal as well as minor sidewalk, ramps, and signage/pavement markings as needed.
- The applicant is requesting the following conditions to be approved for this project (staff is supportive of these conditions):
    - Increase in footprint and gross floor area (maximum allowed per code is 6,000 SF footprint and 12,000 SF gross floor area).
    - Parking closer to the street than the edge of the structure on Lynnestone due to existing basketball courts and open space use.
    - Decreased channelized storage for the parking lot entrances to Avon Road to 33 feet and on Lynnstone Court to 15 feet (standard is 45 feet for 50 or more parking spaces).
    - Grading will occur within a portion of the buffer near the new building site and will be replanted according to the requirements of Unified Development Ordinance (UDO) Section 7-11-3 but will have areas where the slope is 2:1 (maximum allowed is 3:1). Additionally, the roof overhang will encroach approximately 18 inches into the buffer area.

Comprehensive Plan Consistency:

- The Living Asheville Comprehensive Plan Future Land Use Map identifies this area as a Traditional Corridor, where community-based service uses such as this are anticipated. Tunnel Road is identified as a transit-supportive corridor, in which development should support transit, and vice-versa. This project includes improved pedestrian connectivity and an existing bus shelter. Living Asheville also notes the need to continue to serve a growing, diverse population, which the library will help achieve.

Compatibility Analysis:

- The new single story library building is compatible with the surrounding building types and uses.
- The library, basketball courts and playground are existing on the site (and will be improved and/or relocated), while all existing uses will remain.
- Preservation of existing landscaping material will maintain the existing buffer against the adjacent residentially-zoned properties.
- While the size of the building exceeds the standard for the zoning district, the justifications result from extensive community input and result in a structure that functions in a more usable and accessible way.

Council Goal(s):

- A Well-Planned and Livable Community
- Transportation and Accessibility

Committee(s):

- Technical Review Committee - February 18, 2019 - approved with conditions
- Planning and Zoning Commission - March 6, 2019 - recommended approval (5-0)
- Recreation Board - March 11, 2019 - presentation made

Staff Recommendation:

- Staff supports the proposed rezoning in that: 1) it meets most of the standards of the UDO and the deviations from the standards are due to programming that better meets the

needs of the entire community; 2) is an improvement to existing uses in place; 3) the existing zoning district is appropriate and supportive of community-based uses; and, 4) the site plan includes landscaping improvements and enhanced pedestrian connectivity.

Maggie DeLap, project architect for the east Asheville Library, said the east Asheville community has been very involved throughout this process. There have been numerous meetings with the community and the Library's Advisory Board. A one-story building of this size is truly the ideal form to economically build and operate and the best way to serve this community.

Mayor Manheimer opened the public hearing at 6:51 p.m.

An east Asheville resident spoke in support of the conditional zoning.

Mayor Manheimer closed the public hearing at 6:52 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the conditional zoning request for the East Asheville Library from Community Business I (CBI) to Community Business I Conditional Zone (CBI CZ) for the construction of a new library building and site upgrades and find that the request is reasonable, is in the public interest and aligns with the city's comprehensive plan in the following ways: 1) this is an improvement to existing uses in place; 2) the existing zoning and Future Land Use category in place are appropriate and supportive of these community-based uses; 3) upgrades to parking and landscaping will enhance the site; and, 4) the proposal is aligned with strategies found in the City's comprehensive plan regarding activating the pedestrian experience, siting uses along corridors that are supported by transit, providing spaces available to all members of the community and upgrading community facilities to serve a growing city population. This motion was seconded by Councilwoman Smith and carried unanimously.

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V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 19-91 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GROUND LEASE WITH BUNCOMBE COUNTY FOR THE EAST ASHEVILLE LIBRARY LOCATED ON CITY-OWNED PROPERTY AT 902 TUNNEL ROAD

Real Estate Program Director Nikki Reid said that this is the consideration of a resolution authorizing the City Manager to execute a ground lease with Buncombe County for the East Asheville Library.

Background:

- The City of Asheville owns a 2.76 acre parcel at 902-904 Tunnel Road and several uses are contained within the site (PIN 9658-87-7320-00000). At this property, Buncombe County has operated the existing East Asheville Library for many years based on a verbal agreement. Asheville Fire Station #8 is located in front of the library on the property.

- The property includes a former City recreation center that has been leased to LEAF for offices. The lease with LEAF will expire at the end of June 2019. The site also has a City maintained public playground, basketball court and parking.
- Buncombe County has developed plans to construct a new $5.8M library facility on a 1.8 acre portion of the property (the "Leased Premises"). The existing library and community center would be demolished and new facilities rebuilt within the proposed lease area.
- The new library would be a 14,800 square foot, one story complex and would include multi-use areas for different age groups, staff offices, a large meeting room, parking and a cafe.
- A new playground is included as part of the library improvements and the existing basketball court will be resurfaced. A parking lot would separate the library use from the existing fire station. The County will also construct an enhanced pedestrian crossing at Tunnel Road as detailed in the associated Conditional Zoning petition.
- Buncombe County has requested a 99 year lease at $1.00 per year and will take responsibility for all maintenance of improvements and grounds within the lease area, to include the playground and basketball courts. The library improvements will serve as a community meeting space for East Asheville in place of the City's recreation center. The Leased Premises will have an address of 3 Avon Road.
- The City's fire station will retain the ability to expand toward Lynnstone Court in an easterly direction.
- Buncombe County desires to commence demolition and construction in Summer 2019. The City's lease with LEAF expires in June 2019 and LEAF will relocate to the Del Cardo Building on Eagle Market Place. City staff and Buncombe County staff will coordinate with LEAF to ensure a smooth transition as construction / relocation efforts come together.

Council Goal(s):
- Well Planned and Livable Community
- Connected and Engaged Community

Committee(s):
- None

Pro(s):
- The existing improvements have reached end of life
- New East Asheville Library will substantially benefit city and county residents.
- Strengthens the City's partnership with Buncombe County.
- Buncombe County performed extensive community engagement and support for the new library.
- The County will be fully responsible for the operation and maintenance of all improvements on the leased premises, including the renovated basketball courts and the new playground.

Con(s):
- None

Fiscal Impact:
- The rental consideration is a nominal amount.
- Improvements will be made at no cost to the City.

When Councilwoman Mayfield asked if the City considered selling that portion to Buncombe County, Ms. Reid said that they did not because they felt the lease was a good mechanism to show the partnership and to allow for an ongoing partnership.

When Councilman Kapoor asked if this will continue to be a library, Ms. Reid said that the conditional zoning governs the use as a library.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved to approve a resolution authorizing the City Manager to execute a ground lease with Buncombe County for the East Asheville Library. This motion was seconded by Councilwoman Mayfield and carried unanimously.

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B. ORDINANCE NO. 4741 - ORDINANCE ADOPTING THE FISCAL YEAR 2019-20 FEES & CHARGES

Assistant Finance Director of Budget and Forecasting Tony McDowell said that this is the consideration of an ordinance amending the fees and charges manual for Fiscal Year (FY) 2019-20.

Background:

- Fees and charges comprise 35% of City-wide revenue and 10% of General Fund revenue. Fees generally fall into three categories: general user fees, regulatory fees, and public enterprise fees.
- Fees and charges are reviewed throughout the year.
- Proposed fee adjustments for FY 2019-20 include minor adjustments in the General Fund, along with continued incremental annual increases to Water and Stormwater rates.
- All of the proposed fee adjustments would become effective July 1, 2019, with the exception of changes to the charges on the combined utility bill for water and stormwater, which will become effective September 1, 2019. This ensures that only services provided at the new rate are being billed.
- Staff may bring additional fee adjustments forward as part of the recommended budget presentation in May. Please note that there is one additional fee for small wireless facilities added since the March 26 review by the Finance & Human Resources Committee.

The proposed fee adjustments would generate estimated revenue as follows:

General Fund	$30,275	Water Capital Reserve Fund	$98,000
Stormwater Fund	$304,036	US Cellular Center Fund	$9,000
Water Operating Fund	$894,086	Street Cut Fund	$13,000

Council Goal(s): A Financially Resilient City

Committees: Finance & Human Resources Committee - March 26, 2019

Pros:

- Provides opportunity to recover the cost of services from those that directly utilize or benefit from the service where appropriate, reducing the financial burden of City services on taxpayers.
- Provides additional revenue to help balance the FY 2019-20 budget.

- Allows staff to begin communicating fee changes to citizens, customers, and stakeholders so they are aware of changes that will be implemented on July 1.

Con:

- Small increase in the annual costs to Asheville residents and customers.

Fiscal Impact to Residents:

- The annual impact to the typical single family household would be as follows:

Water		$6.60		
Stormwater		$1.80		
	Annual impact	$8.40	Monthly impact	$0.70

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Kapoor moved to approve an ordinance amending the fees and charges manual for Fiscal Year 2019-20. This motion was seconded by Councilwoman Smith and carried unanimously.

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C. RESOLUTION NO. 19-92 - RESOLUTION AMENDING THE ASHEVILLE STANDARD SPECIFICATIONS & DETAILS MANUAL ADDING MICROCELL TECHNOLOGY AND AESTHETIC STANDARDS

Principal Planner Shannon Tuch said that this is the consideration of a resolution to amend the *City of Asheville Standard Specifications and Details Manual* to add a new "Section 11. Small Wireless Facilities" with said section establishing new standards and details for the installation of small wireless facilities, including equipment boxes, cables and antennae, attached to public utility infrastructure, as well as the establishment of new poles for the purpose of supporting these facilities.

Background:

- The City has maintained a technical manual that includes construction standards and details that establishes minimum standards for private and public infrastructure improvements related to developing, redeveloping, and subdividing land, as well as providing necessary rights-of-way, transportation and utility services.
- The current manual was adopted May 13, 2014 and most recently revised and updated June 14, 2016.
- House Bill 310/Session Law 2017-159 was adopted July 21, 2017 and broadly establishes opportunities for new emerging small cell wireless facilities to be added to existing utility (poles) infrastructure, and to install new pole infrastructure where needed. It is anticipated that most small cell wireless installations will occur in public rights-of-way.
- HB 310/SL 2017-159 is a legislative mandate that prohibits municipal regulation that would unduly regulate small cell wireless facilities on public infrastructure but does allow opportunity for some limited "aesthetic" standards to be adopted by cities.
- The Federal Communications Commission's Order number 18-133, which went into effect January 14, 2019, establishes the deadline of April 15, 2019 by which municipalities may publish aesthetic standards for small cell wireless installations.

- While FCC Order number 18-133 is currently being challenged in court by a number of municipalities across the county, City staff believes prudence requires that the City issue its aesthetic standards prior to the April 15, 2019 deadline.

Council Goal(s):
- A Well-Planned and Livable Community

Committee(s):
- N/A

Pro(s):
- Allows the City to comply with the FCC's April 15 deadline for publishing small wireless facility aesthetic standards.
- Proposes basic standards that would "conceal" installations designed to improve aesthetics over what could occur if left unregulated.

Con(s):
- Impact is limited due to the constraints established by the State legislation and Federal regulations.

Fiscal Impact:
- Legislation imposes a limit on fees at a maximum of $500 per application, with up to 25 sites included in a single application. Cost recovery for a typical application is not yet known. A new fee has been added to the City's Fees & Charges.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved to adopt a resolution amending the *City of Asheville Standard Specifications and Details Manual* to add a new "Section 11. Small Wireless Facilities" with said section establishing new standards and details for the installation of small wireless facilities attached to public utility infrastructure, as well as the establishment of new poles for the purpose of supporting these facilities. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 389

D. BOARDS & COMMISSIONS

RESOLUTION NO. 19-93 - RESOLUTION APPOINTING A MEMBER TO THE CITIZENS-POLICE ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Citizens-Police Advisory Committee.

Mr. Jayden Gurney (resident of Housing Authority property) resigned, thus leaving an expired term until June 30, 2019.

The following individual applied for the vacancy and meets the requirements: Sandy Aldridge..

Vice-Mayor Wisler moved to appoint Sandy Aldridge (resident of Housing Authority property) to serve the unexpired term of Mr. Gurney, term to expire June 30, 2019, and then a full three-year term, term to expire June 30, 2022, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 390

RESOLUTION NO. 19-94 - RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART & CULTURAL COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Public Art & Cultural Commission.

Jay Miller resigned as a member of the Public Art & Cultural Commission, thus leaving an expired term until June 30, 2020.

The following individuals applied for the vacancy: Mariana Avila Llorente, Karen Depew, Karin Peterson, Travis Smith, Jasmine Washington, Nadita Vyas, Honor Moor and Anne Manner-Mclarty.

Vice-Mayor Wisler moved to appoint Jasmine Washington to serve as a member of the Public Art & Cultural Commission, to serve the unexpired term of Mr. Miller, term to expire June 30, 2020, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 391

RESOLUTION NO. 19-95 - RESOLUTION APPOINTING A MEMBER TO THE TREE COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Tree Commission.

Shawn Swartz resigned as a member of the Tree Commission, thus leaving an expired term until December 31, 2019.

The following individuals applied for the vacancy: Chip Hood, Patrick Gilbert, Jonathan Watterson, Tommy Masters and Robert Brown.

Vice-Mayor Wisler moved to appoint Patrick Gilbert to serve as a member of the Tree Commission, to serve the unexpired term of Mr. Swartz, term to expire December 31, 2019, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Lt. Colonel of the NC Army National Guard Chris Castro explained that in his role with the NC National Guard, he works at the behest of the Selective Service System in Washington, D.C.. The Selective Service System reimburses the Army Guard for their salaries, in exchange for Guard members performing a recruiting function for Local Board members. Most people are not aware of the fact that counties throughout the nation have Local Boards comprised of citizen volunteers. These volunteers fulfill a vital role in ensuring that our draft system is ready, in case

the need were to arise for a draft. Of course, as you are aware, our military is functioning just fine with an all-volunteer force. However, the Selective Service System exists in case of national emergency. His job is to staff each local board with five civilian volunteers, and to provide those volunteers with training. Currently, there are two openings in Buncombe County for Local Board members. The wonderful thing about the position is that the particular volunteer really has no job requirement – as the draft is not in place. Once they are selected, we send to them, via email, a Power Point training package to complete at their leisure. Furthermore, this is a Presidential appointment. The appointment is routed through the Governor's office, but is completed by the Governor on behalf of the President. In his recruitment process, he meets with the potential board member and discusses the position. They complete an application, which is then analyzed by the Selective Service System Regional Office. The Regional Office then forwards the application to the Governor of North Carolina for their approval. Once approved, the new Board Member receives a certificate from the Governor's office. To be eligible, a person has to be eighteen years of age, and cannot be in law enforcement or in a prosecutorial role. They also cannot be a retired member of the military. Veterans, of course, are welcomed – they just cannot be receiving retirement pay from a branch of the military.

Deanna Williams spoke about potential $1 Million funding from the U.S. Dept. of Housing and Urban Development for homeless youth.

Sharon Sumrall spoke to Council about the need for an urban forester.

Amy Kemp spoke to Council about her concerns related to development and aesthetics of the boundaries of downtown.

Rob and Zach Hebb spoke against abortion.

Reid Thompson and Velvet Hawthorne spoke to Council about truck violations and noise on Maxwell Street.

Jonathan Wainscott spoke to Council regarding district elections.

An east Asheville resident urged Council to oppose turning the Flat Iron Building into a hotel.

Closed Session

At 7:36 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(3). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to a lawsuit, or potential lawsuit. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Councilwoman Mayfield and carried unanimously.

At 8:23 p.m., Councilman Kapoor to come out of closed session. This motion was seconded by Councilwoman Mayfield and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:23 p.m.

Magdalen Bullock
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – April 23, 2019 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. CITY OF ASHEVILLE YOUTH LEADERSHIP ACADEMY

Mayor Manheimer said that since its creation in 2007, the City of Asheville Youth Leadership Academy prepares Asheville's youth for future employment. The program focuses on leveraging relationships with nonprofit agencies, businesses and the community to provide meaningful, career-oriented internships for students. The majority of CAYLA students will be the first in their families to attend college, and many have overcome significant barriers to reach that goal.

CAYLA's vision is that all Asheville's youth have opportunities to learn the career demands, skill sets, and qualifications necessary for future employment. In short, our purpose is to support students as they find their purpose. Long-term, we hope to encourage our talented young people to return to Asheville after college, while inciting their passion to grow our entire community. To support this goal, the City has now developed a three-month fellowship program intended for CAYLA alumni who have earned a college degree, and are back in town to launch their career.

She thanked the entire group of students and noted that they have balanced the demands of a rigorous course load, held part time jobs that supported their family, earned honors in athletics and extracurriculars, and applied - and were accepted - to colleges across the state and region.

Ivah Tyson and Yenifer Silva Romero spoke about their experiences with the CAYLA program and thanked Council for supporting this program.

On behalf of City Council, Mayor Manheimer applauded the students and recognized the hard work and dedication of Founding Director of the City of Asheville Youth Leadership Academy Erika Germer.

Ms. Germer provided Council with CAYLA Social Justice Visioning documents.

B. PROCLAMATION PROCLAIMING MAY, 2019, AS "BUILDING SAFETY MONTH"

Councilman Young read the proclamation proclaiming May, 2019, as "Building Safety Month " in the City of Asheville. He presented the proclamation to Ben Woody, Director of Development Services, who recognized his team and briefed City Council on some activities

taking place during the month. Mayor Manheimer also recognized Mark Matheny for being named the Building Official of the Year by ICC Region VIII.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 9, 2019

B. RESOLUTION NO. 19-96 - RESOLUTION OPPOSING OFF-SHORE DRILLING

Councilman Haynes read the following resolution: "WHEREAS, the City of Asheville is a climate leader and understands the importance of transitioning away from fossil fuels to a renewable energy economy for climate stability; and WHEREAS, we in Western North Carolina value the Atlantic Ocean for recreational, commercial, and educational activities, all of which support our state's economy; and WHEREAS, North Carolina's ocean economy contributed $2.1 billion to GDP in 2013, and an estimated 43,385 jobs. (Sea Grant & Duke, 2017); and WHEREAS, our city's residents value our state's ocean and coastal waters, which provide habitat to a vast array of wildlife, including endangered mammals, fish, sea turtles, and birds that depend on a healthy and clean environment; and WHEREAS, offshore oil and gas drilling and seismic exploration off the Atlantic coast put these coastal resources, and the communities and industries that depend on them, at risk from oil spills, intense ocean noise, and other damage; and WHEREAS, expanding offshore oil and gas drilling and seismic exploration threatens coastal stakeholders, marine wildlife, human health and climate; and WHEREAS, the Trump administration has proposed to dramatically expand offshore oil and gas leasing in all US oceans; and WHEREAS, several cities and states have taken a stand against new federal offshore oil, seismic blasting, and gas leases off the Atlantic coast; and WHEREAS, expanding offshore drilling anywhere will deepen the country's dependence on fossil fuels and undermine its efforts to address climate change by reducing greenhouse gas emissions and moving toward renewable energy; and WHEREAS, the U.S. Department of Interior develops and implements a nationwide offshore oil and gas leasing program that determines the size, timing and location of lease sales for the Outer Continental Shelf; NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: The City of Asheville supports (1) a ban on new offshore oil and gas drilling and seismic oil exploration in federal and state waters off the Atlantic coast, and (2) no new federal oil and gas leasing in all U.S. waters, including off the Atlantic Coast. The Clerk shall forward a copy of this proclamation to acting Secretary David Bernhardt; Governor Roy Cooper; U. S. Senators Thom Tillis and Representative Richard Burr; U.S. Representatives Mark Meadows and Patrick McHenry; and any other interested parties."

Ms. Michelle Myers, representing the Center for Biological Diversity, spoke in support of the resolution.

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C. RESOLUTION NO. 19-97 - RESOLUTION ESTABLISHING GREEN OPPORTUNITIES AS THE FISCAL AGENT FOR FISCAL YEAR 2018-19 SUPPORTING PEOPLE'S ACCESS TO RELIABLE CARE (SPARC) FOUNDATION COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

Action Requested: Adoption of a resolution to establish Green Opportunities, Inc. as fiscal agent for The SPARC Foundation for the 2018-2019 CDBG Contract.

Background:

- On June 19, 2018, City Council approved the 2018-2019 Consolidated Annual Action Plan, which is submitted annually to the US Department of Housing and Urban

Development (HUD) to allocate CDBG funds and HOME Investment Partnerships Program Funds (HOME).

- As part of the 2018-2019 Consolidated Annual Action Plan, The SPARC Foundation was awarded $43,000 in CDBG funds for their Employment and Life Skills Initiative program under the eligible activity of "Economic Development".
- In order to carry out program activities as an economic development project and remain in compliance with HUD, The SPARC Foundation must either certify as a Community Based Development Organization (CBDO), or receive funding through a fiscal agent that qualifies as a CBDO.
- The SPARC Foundation will initiate a Memorandum of Understanding (MOU) with Green Opportunities, Inc, ("GO") a local agency that is already certified as a CBDO, which will allow GO to act as fiscal agent for SPARC and accept the awarded 2018-2019 CDBG funds on its behalf.
- Without the MOU to allow Green Opportunities to proceed as a fiscal agent, The SPARC Foundation will be unable to access CDBG funding.

Council Goal(s):

- A Diverse Community
- Connected and Engaged Community
- Thriving Local Economy

Committee(s):

- Asheville City Council - Adoption of Fiscal Year 2018-19 Consolidated Action Plan - June 19, 2018

Pro(s):

- An approved MOU allowing Green Opportunities, Inc. to serve as a fiscal agent to SPARC will allow the organization to draw on awarded funds needed to support the operation of their mission of providing job-training and placement to at-risk populations in Asheville.
- The City of Asheville Community Development department and its community partners will be able to deploy community development funding in a compliant and timely manner.

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Move to approve granting a CDBG contract to Green Opportunities on behalf of the SPARC Foundation for the 2018-2019 award of $43,000 and to authorize the City Manager to execute any and all documents necessary for approval.

RESOLUTION BOOK NO. 40 - PAGE 395

D. RESOLUTION NO. 19-98 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BASELINE SPORTS CONSTRUCTION LLC TO PROVIDE CONSTRUCTION SERVICES FOR THE ASHEVILLE MIDDLE SCHOOL FIELD IMPROVEMENTS

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Baseline Sports Construction, LLC, to provide construction services for Asheville Middle School Field Improvements.

Background:

- The City of Asheville and Asheville City Schools (ACS) have developed a collaborative working partnership to maximize opportunities for equitable access to recreation & athletic programming.
- The purpose of the City's participation would be to make facility improvements to the Asheville Middle School Athletic Field. These improvements provide the opportunity for Asheville Parks & Recreation to expand recreation programming at a currently under-utilized facility.
- The project will involve the conversion of a natural turf field to synthetic turf field.
- A community meeting was co-sponsored by the City of Asheville and Asheville City Schools on April 2. At the meeting, ACS and City staff presented all current and future projects including the turf replacement and lighting. The residents that attended expressed no concerns related to the projects.
- The bidders were:
    - Baseline Sports Construction, LLC from Knoxville, TN: $612,000
    - AstroTurf Corporation from Dalton, GA: $685,500

Council Goal(s):

- An equitable and diverse community
- A well planned and liveable community

Committee(s):

- Recreation Advisory Board, January 14, 2019

Pro(s):

- Supports local partnerships to maximize capital investments in the City of Asheville
- Maximizes opportunities for equitable access to recreation & athletic programming for the citizens of Asheville
- Supports the Parks, Recreation, Cultural Arts Master Plan (2009)
- Asheville City Schools will maintain the facility
- Asheville Parks & Recreation Department will have priority scheduling
- Provides temporary space for programs displaced during Memorial Stadium Renovations

Con(s):

- Work will need to be completed during the Asheville City School summer break

Fiscal Impact:

- Funding for this contract exists within the approved Capital Improvement Program (CIP) Budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract with Baseline Sports Construction, LLC, to provide construction services for Asheville Middle School Field Improvements.

RESOLUTION BOOK NO. 40 - PAGE 396

E. RESOLUTION NO. 19-99 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN INTERLOCAL AGREEMENT WITH THE LAND-OF-SKY REGIONAL COUNCIL FOR THE COMPLETION OF CORRIDOR STUDIES ON TUNNEL ROAD AND HENDERSONVILLE ROAD

Action Requested: Adopt a resolution authorizing the City Manager to sign an interlocal agreement with Land of Sky Regional Council to provide matching funds in the amount of $25,593 over a two-year period for the completion of corridor studies on Tunnel Road and Hendersonville Road.

Background:

- As part of the City's participation in the French Broad River Metropolitan Planning Organization, the MPO Board adopted a work program that includes two corridor studies of transportation and land use in Buncombe County.
- The funding is programmed for studies on Tunnel Road and Hendersonville Road and totals $350,000 over a two year period. The majority of the funding is federal.
- The federal funding requires a 20% local match which will be shared by the City of Asheville and Buncombe County and will be split over the two-year period.
- The City and the County were each asked to select a corridor for study. Buncombe County chose Hendersonville Road. The City of Asheville selected Tunnel Road, and declared this selection in a resolution adopted on September 25, 2018.
- The Land of Sky Regional Council/French Broad River MPO will manage the studies and execute all associated contracts. City Transportation and Planning and Economic Development Department staff will work with the MPO and consultant staff throughout the projects.
- The projects are expected to kick-off simultaneously in Summer of 2019 and each study will take about 18 months to complete.

Council Goal(s):

- Transportation and Accessibility; A Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- Aligns with the City's Living Asheville Comprehensive Plan and multimodal transportation planning efforts.

Con(s):

- None

Fiscal Impact:

- The Fiscal Year 2019 General Fund operating budget already includes funding for the first year. The remaining matching funds will be included in the Fiscal Year 2020 General Fund Proposed Budget that is presented to City Council in May.

Motion: Move to adopt a resolution authorizing the City Manager to sign an interlocal agreement with Land of Sky Regional Council.

RESOLUTION BOOK NO. 40 - PAGE 397

F. **RESOLUTION NO. 19- 100 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LOAN MODIFICATION REQUESTED BY MOUNTAIN HOUSING OPPORTUNITIES TO ALLOW THEM TO MAINTAIN AFFORDABILITY AT THE RIVER GLEN APARTMENTS PROPERTY AND AUTHORIZATION FOR THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL DOCUMENTS NECESSARY TO GIVE EFFECT TO THIS APPROVAL**

Action Requested: Approval of Loan Modification requested by Mountain Housing Opportunities ("MHO") to allow them to maintain affordable housing units at the River Glen Apartments property and authorization for the City Manager to negotiate and execute all documents necessary to give effect to this approval.

Background:

- MHO developed the River Glen Apartments in Arden in 1998 with the assistance of Low-Income Housing Tax Credit equity ("LIHTC") and the City of Asheville HOME financing. The conditions of the $268,800 HOME loan were a 20-year term at 0% interest maturing in September 2018.
- The property contains thirty-eight (38) apartments maintained for households at or below the 60% Area Median Income ("AMI") level. MHO has committed to extending the affordability of these units for an additional 20-year term intended to run with the HOME loan maturing on September 1, 2038.
- Currently the property contains three (3) sources of debt. The sources are listed below, with the expectation that MHO will refinance their loan with First Citizens Bank before 2021. They have requested a 20-year extension with the same terms from NCHFA. The project has positive but limited cash flow that's incapable of supporting more than the current payments along with routine operating and maintenance costs.
    - First Citizens Bank: $253,042
    - NCHFA: $672,896
    - City of Asheville HOME: $268,800
- The City of Asheville HOME loan is intended to remain in the third loan position.
- The HOME loan term expired in August 2018, and has been extended while awaiting necessary approval from the Asheville Regional Housing Consortium and the City of Asheville. In November the Asheville Regional Housing Consortium approved extension of the loan for an additional 20-year period with the same terms based on MHO's renewed commitment to maintaining affordability.

Council Goal(s):

- A Diverse Community
- Quality Affordable Housing
- A Well-Planned and Livable Community

Committee(s):

- Asheville Regional Housing Consortium - November 1, 2018 Approval

Pro(s):

- The River Glen Apartments project will be able to restructure its debt in a manner that maintains the project's long-term financial stability.
- The property will continue to manage its thirty-eight (38) affordable housing units for an additional 20-year period.

Con(s):

- None.

Fiscal Impact:

- The loan balance was scheduled for payment at the conclusion of the original term. Should an extension not receive approval, these funds would be returned to the Asheville Regional Housing Consortium HOME account to be redeployed towards other affordable housing projects.

Motion:

- Move to approve the loan extension requested by MHO for the River Glen Apartments development and to authorize the City Manager to negotiate and execute any and all documents necessary to give effect to this approval.

RESOLUTION BOOK NO. 40 - PAGE 398

G. RESOLUTION NO. 19-101 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE 2019 FEDERAL TRANSIT ADMINISTRATION LOW OR NO EMISSION VEHICLE PROGRAM IN ORDER TO PURCHASE 2 HYBRID BUSES AND IF SUCCESSFUL, TO ACCEPT THE GRANT AND SIGN ALL THE APPROPRIATE AGREEMENTS TO RECEIVE THE FUNDS

Staff Resource(s): Ken Putnam, Transportation Department Director; Jessica Morriss, Assistant Transportation Department Director

Action Requested: Adopt a resolution authorizing the City Manager to apply to the 2019 Federal Transit Administration (FTA) Low or No Emission Vehicle Program in order to purchase two hybrid buses, and if successful, to accept the grant funds and execute a grant agreement.

Background:
- FTA's 2019 FTA Low No program has authorized $85 million in competitive grant funding for the purchase or lease of zero-emission and low-emission transit buses.
- Transportation staff proposes to apply for two hybrid electric buses for a total cost of approximately $1,500,000
- The required local grant match is 15%, or approximately $225,000.
- The grant application is due May 14, 2019.

Council Goal(s):
- Transportation and Accessibility; Clean and Healthy Environment

Committee(s):
- Transit Committee - April 16, 2019 - approved unanimously.

Pro(s):
- Grant award would help fund continued transit rolling-stock investments to secure a healthy fleet.
- Contributes to the city's carbon reduction and climate mitigation goals.

Con(s):
- If awarded, commits the city to fund the local match for Fiscal Year (FY) 2021 or FY 2022.

Fiscal Impact:
- If awarded, this grant funding would allow the City to continue to purchase necessary replacement and expansion buses consistent with the Transit Master Plan fleet schedule.
- The current 5-year Capital Improvement Program (CIP) includes matching funds for planned bus purchases in FY 2021, FY 2022, and FY 2023 (assuming grant funds are awarded). These matching funds are planned for those fiscal years and included in the CIP/debt model projections.

Motion:
- Motion to adopt a resolution authorizing the City Manager to apply to the 2019 FTA Low or No Emission Vehicle Program in order to purchase two hybrid buses, and if successful, to accept the grant funds and execute a grant agreement.

Ms. Kim Roney urged Council to continue to make steps towards the City's goals on sustainability.

When Councilwoman Mayfield asked if we are investigating electric 30-foot buses, Director of Transportation Ken Putnam said that we are; however, there is one company that does build them but the cities who have been getting them have been sending them back.

RESOLUTION BOOK NO. 40 - PAGE 399

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions on the Consent Agenda and they would not be read.

Councilman Young moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 1 SOUTH TUNNEL ROAD FROM REGIONAL BUSINESS DISTRICT TO MIXED USE EXPANSION/CONDITIONAL ZONE TO ALLOW A MIXED-USE DEVELOPMENT THAT INCLUDES RESIDENTIAL, RETAIL, SERVICE AND ENTERTAINMENT USES

At the applicant's request, Councilman Young moved to continue this public hearing until May 28, 2019. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

B. PUBLIC HEARING TO CONSIDER PERMANENTLY CLOSING AN UNOPENED RIGHT-OF-WAY KNOWN AS COMMERCE STREET

RESOLUTION NO. 19-102 - RESOLUTION TO PERMANENTLY CLOSE THE UNOPENED RIGHT-OF-WAY KNOWN AS COMMERCE STREET

Streets Manager Chad Bandy said that this is the consideration of a resolution to permanently close an unopened right-of-way known as Commerce Street. This public hearing was advertised on March 29 and April 5, 12 and 19, 2019.

Background:

- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- Biltmore Iron and Metal has petitioned the closure and owns one adjacent property, 1 Meadow Rd. (PIN # 9648-50-7911 and 9648-51-6002). The other adjoining property owner, Asheville Area Habitat for Humanity, 33 Meadow Rd, supports the petition. (Pin # 9648-51-6002 and 9648-50-4827)
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - January 23, 2019 - Recommended closing the right of way and working with the property owner to secure a greenway right of way along the river.

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable high density infill development that makes efficient use of existing resources

Con(s):

None

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Mayor Manheimer opened the public hearing at 5:41 p.m.

Mr. Robert W. Oast Jr., attorney working with the applicant and adjacent property owner, said he was not aware of any opposition to the closing .

Mayor Manheimer closed the public hearing at 5:42 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Councilman Young moved to permanently close the unopened right-of-way known as Commerce Street. This motion was seconded by Councilman Haynes and carried unanimously.

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C. PUBLIC HEARING TO CONSIDER PERMANENTLY CLOSING AN UNOPENED RIGHT-OF-WAY KNOWN AS ROSE STREET

RESOLUTION NO. 19-103 - RESOLUTION TO PERMANENTLY CLOSE THE UNOPENED RIGHT-OF-WAY KNOWN AS ROSE STREET

Streets Manager Chad Bandy said that this is the consideration of a resolution to permanently close an unopened right-of-way known as Rose Street. This public hearing was advertised on March 29 and April 5, 12 and 19, 2019.

Background:

- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- Pet Vet Properties, LLC has petitioned the closure and owns two adjacent properties, 2 Hansel Ave. (PIN # 9638-48-8500) and 100 Rose St. (PIN # 9638-48-7515)
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - January 23, 2019 - MMTC supported the closure

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable high density infill development that makes efficient use of existing resources

Con(s):

- None

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Mayor Manheimer opened the public hearing at 5:44 p.m. and when no one spoke.

Mr. Robert W. Oast Jr., attorney representing property owners, said they have been working with adjacent property owners and was not aware of any opposition to this closing.

Mayor Manheimer closed the public hearing at 5:45 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Councilman Young moved to permanently close the unopened right-of-way known as Rose Street. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 402

D. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 20 BATTERY PARK AVENUE AND KNOWN AS THE FLAT IRON BUILDING FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS DISTRICT EXPANSION/CONDITIONAL ZONING FOR THE RENOVATION OF AN EXISTING BUILDING TO INCLUDE A RESTAURANT, RETAIL SPACES, AND 80 LODGING UNITS

At the petitioner's request, Councilman Young moved to continue this public hearing until May 14, 2019. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

When a woman asked why the developer has requested a continuance, Mayor Manheimer explained that a developer can request a continuance if they are not ready to present.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION TO ADOPT A POLICY FOR DEVELOPING CITY-OWNED LAND FOR AFFORDABLE HOUSING

Mayor Manheimer announced that this item will not be considered at this meeting.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

When Mr. Crawford Murphy, architect, asked Council to provide feedback on a pre-application for a 55-unit proposal, minus a sidewalk, Mayor Manheimer suggested he work

with City staff to see what they need in order to support the proposal. She also noted that City Council may not have the authority to waive a technical requirement.

Mr. Jonathan Wainscott advocated a raise has reflects hazard pay for first responders, and a better retirement package for firefighters.

Councilman Kapoor noted that one year ago Derrick Lee Jr. was shot and killed. He urged the public to contact the Asheville Police Department if they know of anything that might help investigators apprehend the killer.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 5:55 p.m.

Magdalen Burleson
CITY CLERK

MAYOR

Tuesday – May 14, 2019 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING MAY, 2019, AS "TICK-BORNE DISEASES AWARENESS MONTH"

Mayor Manheimer read the proclamation proclaiming May, 2019, as "Tick-Borne Diseases Awareness Month" in the City of Asheville. She presented the proclamation to Ms. Janet Dooley and Mr. Rick Cormier, who briefed City Council on some activities taking place during the month.

B. PROCLAMATION PROCLAIMING MAY, 2019, AS "JANE'S WALK MONTH"

At the requester's request, this proclamation has been moved to the May 28, 2019, meeting.

C. PROCLAMATION PROCLAIMING MAY 19-25, 2019, AS "PUBLIC WORKS WEEK"

Councilman Young read the proclamation proclaiming May 19-25, 2019, as "Public Works Week " in the City of Asheville. He presented the proclamation to Public Works Director Greg Shuler, who in turn introduced Amanda Ayers from Fleet Management; Gordon Jerome from Sanitation; Nicholas Boyle from Stormwater; Rick Gath from Streets; and Sarah Sheldon and Alisha Carroll in Administration.

D. RECEIPT OF THE G. HEBERT STOUT AWARD FOR VISIONARY USE OF GIS BY A NORTH CAROLINA CITY

Mr. Tim Johnson, Director, Center for Geographic Information and Analysis of the North Carolina Department of Information Technology, was pleased to award the City of Asheville with the G. Hebert Stout Award for Visionary Use of GIS by a North Carolina City. He presented the very prestigious award given every two years to Christen McNamara and Scott Barnwelk from our Information Technology Department.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 23, 2019

B. MOTION SETTING A PUBLIC HEARING ON MAY 28, 2019, TO CONSIDER ADOPTION OF THE FISCAL YEAR 2019-20 ANNUAL OPERATING BUDGET

Action Requested: Set May 28, 2019 as the date to conduct the public hearing on the City of Asheville Fiscal Year (FY) 2019-20 Proposed Annual Operating Budget.

Background:

- The 2019-20 Proposed Annual Operating Budget is scheduled to be presented to City Council on May 14, 2019, and adopted on June 11, 2019.
- In accordance with the North Carolina Local Government Budget and Fiscal Control Act (G.S. 159-12), the board is required to hold a public hearing on the Proposed Budget prior to adoption of the annual budget ordinance.
- The action tonight will set that public hearing date for May 28, 2019.

Council Goal(s):

- A Financially Resilient City

Pros:

- Provides the opportunity for the public to comment on the Proposed Annual Operating Budget for FY 2019-20.

Cons:

- None

Fiscal Impact:

- Non

Motion:

- Move to set a public hearing on the Proposed Annual Operating Budget for FY 2019-20 for May 28, 2019.

C. RESOLUTION NO. 19-104 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TRANSPORTATION PLANNING AND DESIGN TO CONDUCT THE FOLLOW MASTER PLANS: PEDESTRIAN PLAN, GREENWAY PLAN; AND AMERICANS WITH DISABILITIES ACT TRANSITION PLAN

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Transportation Planning and Design (TPD) not to exceed $275,000 to conduct the following master plans: Pedestrian Plan, Greenway Plan and ADA Plan in City Rights of Way Transition Plan.

Background:

- In 2018, the City received a Surface Transportation Block Grant funding from the N.C. Dept. of Transportation (NCDOT) to conduct the Pedestrian and ADA Transition Plan, which will assess ADA accessibility of facilities in the public right of way and recommend improvements. The grant totaled $140,000 with a $35,000 City match for a total of $175,000.

- An ADA transition plan for the public right of way identifies barriers that prevent people with disabilities from using facilities in the public right of way and sets forth steps necessary to complete modifications to remove these barriers.
- With adoption of the Fiscal Year 2018-19 Budget, City Council approved an additional $100,000 City contribution to be used for the Greenway Master Plan concurrently with the Pedestrian Plan and ADA Transition Plan.
- A selection committee comprised of staff and representatives of all stakeholder boards and commissions selected Traffic Planning and Design, Inc. and their team of subconsultants from a competitive procurement process initiated by a request for statement of qualifications.
- Our current ADA Transition Plan (1998) and Pedestrian Master Plan (2004) are out of date.
- The Greenway Master Plan was partially updated in 2013 to assist in the City's conversations with NCDOT about the impacts of I-26 on the greenways. This plan needs a comprehensive update that includes design guidelines.

Council Goal(s):
- A Well-Planned and Livable Community
- Transportation and Accessibility

Committee(s):
- Greenway Committee - March 7, 2019 - approved unanimously
- Multimodal Transportation Commission - March 22, 2019 - approved unanimously
- Planning and Economic Development Committee - April 8, 2019 - approved unanimously

Pro(s):
- The plans will provide guiding principles and infrastructure recommendations for the respective programs.
- Developing the various plans concurrently will provide assurance that the resulting plans establish a connected multimodal network of facilities.
- Developing the various plans concurrently will result in a cost savings.

Con(s):
- None

Fiscal Impact:
- The cost of the project is $275,000. The project funding, which includes the federal grant and the City contribution is already budgeted in the City's Special Revenue Fund.

Motion:
- Move to adopt a resolution authorizing the City Manager to execute a contract with Transportation Planning and Design (TPD) not to exceed $275,000 to conduct the following master plans: Pedestrian Plan, Greenway Plan and ADA Plan in City Rights of Way Transition Plan.

RESOLUTION BOOK NO. 40 - PAGE 404

D. RESOLUTION NO. 19-105 - RESOLUTION TO WAIVE PERMIT FEES FOR RESIDENTIAL AND COMMERCIAL STRUCTURES AFFECTED BY THE APRIL 19, 2019, FLOOD EVENT

Action Requested: Adoption of resolution to waive permit fees for residential and commercial structures affected by the April 19, 2019, flood event.

Background:

- Flooding of the French Broad and Swannanoa Rivers, as well as many of the tributaries to these 2 major rivers within our jurisdiction occurred on April 19th and 20th, 2019.
- Permits are required for the repair of any flood damaged structures by FEMA and the City of Asheville.
- In an effort to assist residents and property owners that incurred flood damage to structures during this event the Development Services Department proposes to waive all permit fees for these structures.
- Based on the post flooding site visits, it's estimated that approximately 25 structures were affected by flood waters with less than half needing a permit for repairs. Staff is trying to remove hurdles for recovery from the flood, while also remaining in compliance with state and local requirements.
- City Council, on April 9, 2019, adopted the 2019-20 Fees & Charges Manual, which included City Manager authorization to waive permit fees in the event of a natural disaster. The ability of the City Manager to waive the fees is not effective until July 1, 2019.
- In review of the proposed change and based on information provided to us from Dan Brubaker at the NC Department of Public Safety, it is common for communities to waive permit fees, post disaster. In the past the City of Asheville has had a practice of waiving fees for these types of events, the most recent being the 2004 major event.

Council Goal(s):

- Thriving Local Economy

Committee(s):

- None

Pro(s):

- Facilitate repair and recovery for flood damaged structures, and remain in compliance with the building code, NFIP, and FEMA regulations.

Con(s):

- None

Fiscal Impact:

- The City would not receive fees for the permits associated with the repair of flood damage. This fee revenue is not included in budget projections, as the work completed is due to an unexpected natural disaster.

Motion:

- Motion to adopt a resolution to waive permit fees for residential and commercial structures affected by the April 19, 2019, flood event.

RESOLUTION BOOK NO. 40 - PAGE 405

E. RESOLUTION NO. 19-106 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH MCGILL & ASSOCIATES FOR DESIGN AND ENGINEERING MECHANICAL, ELECTRICAL, PLUMBING AND RELATED PROFESSIONAL SERVICES UNDER A MASTER SERVICES AGREEMENT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a professional services contract with McGill Associates, P.A. for design and engineering

Mechanical, Electrical, Plumbing and related professional services under a Master Services Agreement.

Background:

- City staff requires design and engineering services to complete projects throughout the City related to mechanical, electrical, plumbing, fire protection (MEP-FP), and other related services.
- On-call services are allowed in North Carolina and are used Statewide as a best practice.
- Tasks under this contract may include but are not limited to: professional design, engineering assessments and analysis, regulatory reviews, preparation of estimated quantities, probable construction cost estimates, bidding, award of bid, and construction administration
- A qualifications based selection process was followed to procure these services. A request for qualifications was advertised on October 1, 2018, and six (6) firms submitted packages. A list of these firms and the offices submitting qualifications are listed below:

Firm	Office Location
Clark, Patterson, Lee	Greenville, South Carolina
Facility Strategies Group, PLLC	Fort Mill, South Carolina
McCracken & Lopez, P.A.	Charlotte, North Carolina
McGill Associates, P.A.	Asheville, North Carolina
Sud Associates, P.A.	Asheville, North Carolina
RMF Engineering	Charlotte, North Carolina

- The City's review team utilized a scoring matrix to assess the qualifications of the proposed firms. The review team rated McGill Associates, P.A. as the best qualified firm to perform this work.
- The City's standard procedure for on-call contracts is to enter into a no cost contract (i.e. Master Agreement) with the intent of entering into individual contracts (i.e. Supplemental Agreement) to perform specific activities and distinct work.
    - Each supplemental agreement for on-call professional services will be negotiated by staff based on the scope of work, contracted cost framework and specific project needs.
    - The majority of services rendered through supplemental agreements under this on-call contract will stay within the City Manager's authority individually, but cumulatively will exceed $90,000.
    - Supplemental agreements that exceed the City Manager's authority for professional services contracts of $90,000 will be brought to council for individual approval.
    - The duration of the Master Agreement for on-call professional services will be for an initial term of two years with an option to renew for up to three additional one-year periods.

Council Goal(s):

- Financially Resilient City
- Clean and Healthy Environment

Pro(s):

- A well-qualified firm will perform services in support of design services and engineering needs.
- These services will be available to support various programs and projects within the City's portfolio, including capital improvement projects, facilities construction and renovation projects.

Con(s):
- None

Fiscal Impact:
- Supplemental agreements for specific projects will be awarded based on existing budget plans for those projects.

Motion:
- Motion to adopt a resolution authorizing the City Manager to continue entering into a professional services contract with McGill Associates, P.A. for design and engineering professional services under the on-call services Master Agreement described herein.

RESOLUTION BOOK NO. 40 - PAGE 406

F. ORDINANCE NO. 4742 - BUDGET AMENDMENT FOR THE FISCAL YEAR 2018-19 SENIOR CENTER GENERAL PURPOSE FUND GRANT

Action Requested: Budget amendments in the amount $3,565 for Senior Opportunity Center and $3,565 for Harvest House for an appropriation from the State of North Carolina, Department of Health and Human Services, Division on Aging and the Land of Sky Regional Council through the Senior Center General Purpose Funding.

Background:
- The Land of Sky Regional Council Area Agency provides funds to be used by senior centers in North Carolina to support and develop programming and general operations of senior center facilities.
- One hundred seventy-two senior centers across the state are funded through this program.
- Asheville Parks and Recreation receives an appropriation of the funds each year.
- Funds will be used to support facility improvements and equipment at Senior Opportunity Center and Harvest House.

Council Goal(s):
- A Diverse Community

Committee(s):
- Recreation Advisory Board - March 11, 2019 - unanimously adopted

Pro(s):
- Purchases and improvements will enhance the customer experience and expand programming opportunities.

Con(s):
- None

Fiscal Impact:

- The allocation will increase the City's General Fund budget by $7,130 in accounts designated for the Senior Opportunity Center and Harvest House. The 25% local match will be provided through in-kind services of staff time to manage the projects.

Motion:

- Move to approve the budget amendment authorizing the City Manager to establish a budget in the amount of 1) $3,565 for Senior Opportunity Center, and 2) $3,565 for Harvest House for facility improvements and equipment.

ORDINANCE BOOK NO. 32 - PAGE 368

G. RESOLUTION NO. 19-107 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH GREEN BUILT ALLIANCE TO IMPLEMENT THE BLUE HORIZONS PROJECT FOR AN ADDITIONAL TWO YEARS, TO EXPAND THE SCOPE OF THE WORK AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT AMENDMENT

Action Requested: Adoption of a resolution to amend the contract with Green Built Alliance to 1) implement the Blue Horizons Project for an additional two years, 2) expand the scope of work and
3) authorize the City Manager to execute the amendment in an amount not to exceed a total contract amount of $100,000.

Background:

- The Blue Horizons Project is the result of the Energy Innovation Task Force, a partnership between the City of Asheville, Buncombe County and Duke Energy.
- The Blue Horizons Project was launched in 2018 as a community-wide effort dedicated to creating a clean energy future for Asheville and Buncombe County as well as avoiding or delaying the construction of a 190 megawatt natural gas plant planned for 2027.
- City Council and the Buncombe County Commission dedicated funding to the implementation of the Blue Horizons Campaign in Fiscal Year 2018 and Fiscal Year 2019.
- The current contract amount for fiscal year 2018 totalled $24,725. This contract amendment is for $30,000 from the Fiscal Year 2019 Office of Sustainability budget for the Energy Innovation Task Force Initiative with an option to renew the contract for a third year not to exceed a total contract amount of $100,000 pending Council approval in the Fiscal Year 2020 budget.
- The contract amendment will provide continued engagement and education opportunities on energy efficiency and renewable energy programs to neighborhood associations, community groups, and our local business community.

Council Goal(s):

- A Clean and Healthy Environment
- Connected and Engaged Community

Committee(s):

- None

Pro(s):

- The Blue Horizons Project focuses on community engagement, increasing access to low-income weatherization, energy efficiency and energy demand programs, workforce development and provides information on solar energy program opportunities.
- On April 18, 2019, Duke Energy Progress announced that the 190 megawatt natural gas plant planned for 2027 has been delayed to 2034 at a minimum and issued a call to action to expand the Blue Horizons Project.

Con(s):
- None

Fiscal Impact:
- The current contract amount for fiscal year 2018 totalled $24,725. This contract amendment is for $30,000 from the Fiscal Year 2019 Office of Sustainability budget for the Energy Innovation Task Force Initiative. Funding is already budgeted and available. The total contract amount for Fiscal Year 2019 will total $54,725. The contract amendment for a third year, for an additional $45,275 (bringing the total contract amount not to exceed $100,000) is included in the Proposed Fiscal Year 2020 budget.

Motion:
- Motion to adopt a resolution to amend the contract with Green Built Alliance to 1) implement the Blue Horizons Project for an additional two years, 2) expand the scope of work, and 3) authorize the City Manager to execute the contract amendment in an amount not to exceed a total of $100,000.

RESOLUTION BOOK NO. 40 - PAGE 407

H. RESOLUTION NO. 19-108 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BLANCHARD, MILLER, LEWIS AND ISLEY, P.A. FOR GOVERNMENT RELATION SERVICES

Action Requested: Approval of a resolution authorizing the City Manager to enter into a contract for two years with Blanchard, Miller, Lewis, and Isley, P.A. in the amount of $144,000 for government relation services for two years.

Background:
- Approval of this contract will allow the City's Lobbyist to continue their legislative services.
- Original contract was for $72,000 annually, and the renewal will continue at this same annual rate. The city has the option to renew the contract yearly for up to two years.
- Original contract was amended with a two month extension on April 17, 2019.

Council Goal(s):
- Connected and engaged community

Committee(s):
- None

Pro(s):
- Will allow for continued legislative services in the North Carolina General Assembly.

Con(s):
- None

Fiscal Impact:
- The City of Asheville will pay $72,000 annually to renew the government relations contract for up to two years. Funding for the contract is included in the General Fund Budget.

Motion:

- Move to adopt a resolution for the purposes of renewing the government relations contract with Blanchard, Miller, Lewis, and Isley, P.A., annually for up to two years.

RESOLUTION BOOK NO. 40 - PAGE 408

I. RESOLUTION NO. 19-109 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH MATTERN & CRAIG INC. OF ASHEVILLE FOR THE BOND SIDEWALK DESIGN SERVICES CONTRACT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract amendment to an existing sidewalk design contract with Mattern & Craig, Inc., of Asheville, North Carolina (Mattern & Craig), for the amount of $106,650 for the project known as Bond Sidewalk Bundle B Design, City of Asheville Contract #91800177.

Background:

- Mattern & Craig were originally selected to complete this project using a qualifications based selection process.
- This contract was awarded to complete site investigation and design work associated with various bond sidewalks, including Johnston Blvd, New Haw Creek Rd. and Onteora Blvd.
- The budgets for these three projects have been supplemented with an additional $4,000,000 in federal STBG grants through the metropolitan planning organization. These supplemental funds were necessary to fully fund the projects as proposed.
- The use of federal funding requires additional design effort in permitting/environmental review and easement acquisition services that were not anticipated when the original design agreement was executed.
- Unrelated to the federal funding, designers found an unexpected conflict between the storm drainage system that supports the sidewalk design and construction and the sanitary sewer. In order to resolve this conflict, a relocation of a portion of the sanitary sewer system will be necessary. This conflict was introduced by the recent development of an open residential parcel.
- The breakdown of work is below:
    - Easement acquisition services resulting from the addition of federal funding ($69,400)
    - Environmental permitting resulting from the addition of federal funding ($32,250)
    - Sewer design ($5,000)

Council Goal(s):

- Smart City
- Well-planned and livable community

Pro(s):

- Design of sidewalk that will meet City and National standards
- Improve mobility and safety on city streets.

Con(s):

- Construction will be disruptive to adjacent residences and businesses

Fiscal Impact:

- The total cost of the contract amendment is $106,650. These projects were initially funded using the City's capital reserve funds, and later reimbursed through the issuance of bonds and supplemental federal funding. The remaining funds in this budget will be

used for construction of sidewalks in the project. These construction contracts will be presented to Council during a later meeting.

Motion:

- Motion to adopt a resolution adopting a contract amendment to an existing sidewalk design contract with Mattern & Craig, Inc., of Asheville, North Carolina (Mattern & Craig), for the amount of $106,650 for the project known as Bond Sidewalk Bundle B Design.

RESOLUTION BOOK NO. 40 - PAGE 409

J. RESOLUTION NO. 19-110 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH MCCRACKEN & LOPEZ P.A. FOR DESIGN AND ENGINEERING BUILDING COMMISSIONING, TESTING, ADJUSTING, BALANCING AND RELATED ENGINEERING PROFESSIONAL SERVICES UNDER A MASTER SERVICES AGREEMENT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract for professional services with McCracken & Lopez, P.A. for design and engineering Building Commissioning, TAB and Related engineering professional services under a Master Services Agreement.

Background:

- City staff requires design and engineering services to complete projects throughout the City related to building commissioning, TAB, and other related engineering services.
- Commissioning occurs any time the performance of a building system is confirmed by the owner. Testing, Adjusting, and Balancing ("TAB") are services required as part of normal system maintenance and operations.
- On-call services are allowed in North Carolina and are used Statewide for securing professional services.
- Tasks under this contract may include professional design, engineering assessments and analysis, regulatory reviews, preparation of estimated quantities, construction cost estimates, award of bid, and construction administration
- Projects that may require these services include but are not limited to, construction support, renovation, repair or modernization.
- A qualifications based selection process was followed to procure these services. A request for qualifications was advertised on October 1, 2018, and six (6) firms submitted packages. A list of these firms and the offices submitting qualifications are listed below:

Firm	Office Location
Clark, Patterson, Lee	Greenville, South Carolina
Facility Strategies Group, PLLC	Fort Mill, South Carolina
McCracken & Lopez, P.A.	Charlotte, North Carolina
McGill Associates, P.A.	Asheville, North Carolina
Sud Associates, P.A.	Asheville, North Carolina
RMF Engineering	Charlotte, North Carolina

- The City's review team utilized a scoring matrix to assess the qualifications of the proposed firms based on submitted qualifications and experience of the firm and project team, relevant past projects, and the firm's ability to respond to on-call projects. The review team rated McCraken & Lopez, P.A. as the best qualified firm to perform this work.

- The City's standard procedure for on-call contracts is to enter into a no cost contract (i.e. Master Agreement) with the intent of entering into individual contracts (i.e. Supplemental Agreement) to perform specific activities and distinct work.
    - Each supplemental agreement for on-call professional services will be negotiated by staff based on the scope of work, contracted cost framework and specific project needs.
    - Staff anticipates that the majority of services rendered through the supplemental agreements will stay within the City Manager's approval authority. Cumulatively the contracts will exceed $90,000.
    - Supplemental agreements that exceed the City Manager's authority for professional services contracts of $90,000 will be brought to council for approval.
    - The duration of the Master Agreement for on-call professional services will be for an initial term of two years with an option to renew for up to three additional one-year periods.

Council Goal(s):
- Financially Resilient City
- Clean and Healthy Environment

Pro(s):
- A well-qualified firm will perform services in support of design services and engineering needs.
- These services will be available to support various programs and projects within the City's portfolio, including capital improvement projects, facilities construction and renovation projects.

Con(s):
- None

Fiscal Impact:
- Supplemental agreements for specific projects will be awarded based on existing budget plans for those projects.

Motion:
- Move to adopt a resolution authorizing the City Manager to continue entering into a professional services contracts with McCracken & Lopez, P.A. for design and engineering professional services under the on-call services Master Agreement described herein.

RESOLUTION BOOK NO. 40 - PAGE 410

K. RESOLUTION NO. 19-111 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND AND RENEW A CONTRACT WITH WASTE PRO OF NORTH CAROLINA, INC., TO PROVIDE BULK REFUSE AND RECYCLING COLLECTION FOR CITY FACILITIES

Action Requested: Adoption of resolution authorizing the City Manager to amend and renew Bulk Refuse and Recycling Collection Service for City Facilities with Waste Pro of North Carolina - Contract #91900046

Background:

- The City contracts collection of bulk waste (trash and recycling) with Waste Pro of North Carolina for various City facilities. The contractor provides and services receptacles (dumpsters, trash compactors) as needed by each facility.
- The original one-year contract in an amount not-to-exceed $89,999 ends 6/30/19, with the option of four (4) one (1) year renewals. This contract will be renewed and amended to reflect a new maximum amount to be paid to the vendor as not-to-exceed $360,000 over the next four optional annual renewal periods.
- This contract will also be amended to reflect a rate increase in Fiscal Year 2020 of 3.5% for all services; to update numbers of receptacles needed and frequency of service required; and to update the method by which annual CPI increases may be calculated.

Council Goal(s):
- A Clean and Healthy Environment

Committee(s):
- None

Pro(s):
- Provides for continuation of reliable waste services

Con(s):
- None

Fiscal Impact:
- Numerous individual departments have budgeted and allocated funding for their specific needed levels of service. Total Fiscal Year 2020 expenditures are estimated to be between $67,000 and $90,000, depending on the frequency of collection needed per department.

Motion:
- Motion to adopt a resolution authorizing the City Manager to amend and renew Bulk Refuse and Recycling Collection Service for City Facilities with Waste Pro of North Carolina for an amount not to exceed $360,000 over the next four (4) one-year optional renewal periods, and further authorizing the execution of any contract amendments up to 6% above the contract price for each annual renewal period.

RESOLUTION BOOK NO. 40 - PAGE 411

L. **RESOLUTION NO. 19-112 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE DOWNTOWN AFTER FIVE EVENTS**

RESOLUTION NO. 19-113 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT HAUTE ROUTE ASHEVILLE

RESOLUTION NO. 19-114 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BEER CITY FESTIVAL

RESOLUTION NO. 19-115 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE HALF MARATHON

RESOLUTION NO. 19-116 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT XPAND FEST

RESOLUTION NO. 19-117 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT HOLA ASHEVILLE

RESOLUTION NO. 19-118 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT CIDERFEST NC

Action Requested: Adoption of resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at Downtown After 5, Haute Route Asheville, Beer City Festival, Asheville Half Marathon, Xpand Fest, Hola Asheville, and CiderFest NC.

Background:

- The following organizations have requested that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at the events:
    - Asheville Downtown Association for Downtown After 5, to occur on Lexington Avenue on Fridays, May 17, June 21, July 19, August 16, and September 20, 2019, from 5:00 p.m. - 10:00 p.m.
    - Asheville Buncombe Regional Sports Commission for Haute Route Asheville to occur at Pack Square Park on May 17 and 18, 2019, from 11:00 a.m. - 5:00 p.m.
    - Asheville Brewers Alliance for Beer City Festival, to occur at Pack Square Park on June 1 from 12:00 p.m. - 5:00 p.m.
    - Asheville Running Collective for Asheville Half Marathon to occur at Pack Square Park on June 8, 2019, from 7:00 a.m. - 12:00 p.m.
    - Xpand Your Vision for Xpand Fest, to occur at Coxe and Buxton Avenues on June 8, 2019, from 12:00 p.m. - 10:00 p.m.
    - Hola Community Arts for Hola Asheville, to occur at Pack Square Park on June 22, 2019 from 12:00 p.m. - 10:00 p.m.
    - Green Built Alliance for CiderFest NC to occur at Carrier Park on October 12, 2019, from 12:00 p.m. - 5:00 p.m.
- Alcohol boundaries are defined for each request as per the accompanying event site maps.

Council Goal(s):

- These actions have no direct connection with the City Council 2036 Vision.

Committee(s):

- None

Pro(s):

- Allows fundraising opportunities for the sponsoring nonprofit organizations

Con(s):
- None

Fiscal Impact:
- None

Motion:
- Motion to permit the possession and consumption of malt beverages and/or unfortified wine at Downtown After 5, Haute Route Asheville, Beer City Festival, Asheville Half Marathon, Xpand Fest, Hola Asheville, and CiderFest NC.

RESOLUTION NO. 19-112 - RESOLUTION BOOK NO. 40 - PAGE
RESOLUTION NO. 19-113 - RESOLUTION BOOK NO. 40 - PAGE
RESOLUTION NO. 19-114 - RESOLUTION BOOK NO. 40 - PAGE
RESOLUTION NO. 19-115 - RESOLUTION BOOK NO. 40 - PAGE
RESOLUTION NO. 19-116 - RESOLUTION BOOK NO. 40 - PAGE
RESOLUTION NO. 19-117 - RESOLUTION BOOK NO. 40 - PAGE
RESOLUTION NO. 19-118 - RESOLUTION BOOK NO. 40 - PAGE

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Young and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. PRESENTATION OF THE FISCAL YEAR 2019-20 ANNUAL OPERATING BUDGET

City Manager Campbell was pleased to present the Fiscal Year 19-20 Annual Operating Budget. She thanked the Finance & Budget Department, Department Directors, those in the community who participated in the budget development process, and City Council. The budget document can be accessed on-line.

City Manager Campbell then explained that the budget process which began in August of 2018. In developing the budget, we were guided by the following overall principles of (1) essential service delivery; (2) enhancing customer value; and (3) strategic alignment. She said this is a balanced budget and reflects what we heard from the community, City staff and City Council.

Assistant Director of Finance Budget and Forecasting Tony McDowell reviewed the process drivers; financial outlook and forecast; next year investments; and what's ahead.

He reviewed the projected revenue growth, along with the five-year financial forecast.

The Fiscal Year 2019-20 proposed budget continues funding for existing services with minor enhancements that align with the community, City Council and staff goals. The budget

maintains a property tax rate of $42.89. The total proposed budget is $190.3 Million. He then provided a fund summary of the General Fund, along with the enterprise funds.

Investments in essential service delivery include (1) in-sourcing sidewalk repair and stormwater pipe replacement to enhance infrastructure maintenance impact and flexibility; (2) allocation for replacement of aging Asheville Fire Department equipment and station furnishings; and (3) body-worn and vehicle camera equipment, software and maintenance.

Investments in people include (1) 2.5% employee pay raise; (2) additional retirement contribution of 1.2%; (3) no additional healthcare contribution; (4) Class and Compensation Study; and (5) full year of funding for 6% 457 firefighter retirement program.

Investments to enhance customer value include (1) water system maintenance and security to minimize customer impact during service interruptions; (2) U.S. Cellular Center staffing reorganization and in-sourcing; and (3) Sanitation Code enforcement officer to identify and address sanitation issues.

Mr. McDowell also reviewed the Council's strategic priorities along with their strategic alignment.

Transit investments include (1) $20,000 service hours to increase frequency and realign existing routes (Purple, Green and Yellow options); (2) staffing to improve quality, on-time performance and customer experience; (3) bus maintenance to improve reliability; and (4) maintenance facility study.

Regarding capital investments (1) construction of Fire Station 13; (2) facility maintenance; (3) computer replacement; and (4) Walton Street pool and Grant center.

City Manager Campbell explained the next steps for the budget adoption. She said that planning for future years include (1) continue to improve and innovate operations; (2) review strategic partnership process; (3) continue community outreach and engagement efforts; (4) strengthen link between priorities and budget; and (5) evaluate capital funding options,i.e. possibility of a General Obligation Bond.

City Manager Campbell said that the Buncombe County Manager is recommending raising all County employees to $15/hour - which is approximately 13 individuals totalling $27,000. When she looked at raising all City employees to $15/hour, she said there were approximately 134 employees (including Fire Department employees) at a cost of approximately $489,591. She was in an awkward predicament in that she strongly wants to advocate for a salary adjustment for those individuals; however, we have not had the time to comprehensively look this change. If Council gave her direction to raise all employees to $15/hour, it would impact the entire organization and we would have to either reduce some other things, in particular reducing the 2.5% cost of living adjustment for all employees. Her recommendation was to make adjustments based on the results and findings of the upcoming Class and Compensation Study. She definitely wants to make salary adjustments; however, she wants to do it in a more holistic way which is also looking at benefits in addition to salary. If we don't look at it holistically, the compression will be a significant morale issue. The City employees currently earn a living wage and after the Class and Compensation Study is complete in the next fiscal year, she will bring forward her recommendations for Council consideration.

City Manager Campbell responded to Vice-Mayor Wisler regarding the timeframe and project scope for the $150,000 to be used for enhancing outreach services for people experiencing homelessness.

Councilman Young strongly advocated that in the Fiscal Year 2019-20 budget City Council should raise all employees up to $15/hour. He suggested the $489,591 come out of the proposed 2.5% cost of living raise to all employees, and then what is left over could be the cost of living adjustment to all employees. The individuals who are below $15/hour would get whatever would be greater - the $15/hour or the left-over adjustment. He didn't feel we needed to address the compression issue at this point. He reviewed the past year's cost of living increases to City employees and noted from 2012 to the present there have been cost of living adjustments. He was not saying he did not want to give employees a raise, but felt the employees under $15/hour should be brought up to $15/hour and then take whatever is left over and give that as the cost of living increase.

There was discussion regarding including raising employees to $15/hour in the Fiscal Year 2019-20 budget vs. giving the City Manager the opportunity to work through this holistically and bring back a recommendation to Council for the Fiscal Year 2020-21 budget.

Mayor Manheimer said that the public hearing on the budget will be held on May 28, 2019, and the final adoption will be held on June 11, 2019.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 20 BATTERY PARK AVENUE AND KNOWN AS THE FLAT IRON BUILDING FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS DISTRICT EXPANSION/CONDITIONAL ZONING FOR THE RENOVATION OF AN EXISTING BUILDING TO INCLUDE A RESTAURANT, RETAIL SPACES, AND 80 LODGING UNITS

Planning & Urban Design Director Todd Okolichany said that this is the consideration of an ordinance to conditionally zone property located at 20 Battery Park Avenue and known as the Flat Iron Building from Central Business District to Central Business District Expansion /Conditional Zone for the renovation of an existing building to include a restaurant, retail spaces, and 80 lodging units. This public hearing was advertised on April 12 and 19, 2019. At the April 23, 2019, meeting, at the petitioner's request, the public hearing was continued to this date.

Action Requested: Consider a conditional zoning petition for property currently zoned Central Business District (CBD) to Central Business District Expansion Conditional Zone (CBD EXP CZ)

Project Location and Contacts:

- The project site consists of a 0.13 acre parcel located at 20 Battery Park Avenue (PIN 9649.30-3481) that is owned by Midtown Development Association LLC.
- Petitioner: Russell Thomas and Philip Woollcott; Contact: Chris Day.

Summary of Petition:

- The proposal is for the renovation of the iconic Flatiron building, an existing eight floor structure built in 1926 and designated as a local historic landmark. There is a small rooftop addition proposed and activation of the street level along Wall Street.
- The uses proposed are 80 lodging guestrooms with retail and restaurant spaces on the ground level.
- The petition includes a rezoning via conditional zoning from Central Business District (CBD) to Central Business District Expansion Conditional Zone (CBD EXP CZ) due to the lodging use, which is prohibited in the CBD.
- The project includes widening the sidewalk along Battery Park Avenue from between 15.5 and 25.5 feet with a maintained clear pedestrian path of at least eight feet.
- Streetscape improvements proposed along Battery Park Avenue include the conversion

of six existing angled on-street parking spaces to one (ADA) accessible parallel space and one enlarged loading zone (net loss of five metered parking spaces).

- The City will grant a license agreement at fair market value to the Applicant for the loading zone area, so that it may be used exclusively by the Applicant for hotel valet parking during specified periods of time.
- Plans also include relocating a crosswalk and creating a bulb-out in front of the flat iron sculpture for public gathering.
- Accessible pathways will be provided from activated entrances/exits along Wall Street (similar to other businesses along the block) but otherwise no streetscape or pedestrian improvements along this facade are included so as not to disrupt the cohesive aesthetic streetscape design in place along the entire length of Wall Street.
- Parking needs for lodging guests and visitors to the restaurant uses is proposed to be managed by a valet service.
- At the Planning and Zoning Commission hearing the applicant offered to donate two dollars per occupied room per night in perpetuity on an annual basis to the City to offset the lost revenue from the parking spaces that would be removed.
- The applicant is requesting the following conditions to be approved for this project:
    - Provision of a loading zone which would otherwise not be permitted on a Key Pedestrian Street or primary access corridor (Battery Park Avenue).
    - While the Unified Development Ordinance (UDO) requires that guest drop off areas shall be located at the interior of the site and not along the primary access corridor, the placement of this existing building results in the Applicant not being able to comply. The Applicant proposes to obtain an easement or license agreement from the City for fair market value in order to create a loading zone on Battery Park Avenue that could be used exclusively by the hotel during specified times. This proposal and condition have changed since the project was reviewed by the Planning and Zoning Commission.
    - A minimum of 40 parking spaces are required to be provided for the lodging use; however, the applicant cannot comply on-site due to their reuse of the existing structure. Off-site spaces will be secured at various locations that are likely to exceed the maximum distance allowed for remote parking (500 feet).
    - The sidewalk does not meet the district's minimum width of 12 feet along Wall Street and existing materials do not comply with accessibility standards.
- The applicant has submitted documentation that both parking and vehicle trip generation impacts for the proposed uses are projected to be less than the current uses housed in the Flatiron Building.
- The applicant has also offered free bus passes for all employees and hotel guests.

Comprehensive Plan Consistency:

- This proposal is largely consistent with the Living Asheville Comprehensive Plan in that the Future Land Use Section and Map encourages prioritizing pedestrian infrastructure and the adaptive reuse of historic buildings in Downtown. The plan also acknowledges that while lodging and hotels are part of what makes Downtown the primary commercial center of the city, they *"must be considered in context with other development so that the variety and mix of uses, which give downtown its distinctive character is not compromised."*
- There are at least 10 lodging facilities within less than ½ mile radius from this site and 2 hotels located directly across the street on the same block.
- While the goal of maintaining a balanced mix of uses downtown was noted in the list of concerns forwarded by the Downtown Commission and by several City Council members during public hearings for other lodging proposals over the past year, staff does not have objective criteria to use in making this determination for this proposal.

Compatibility Analysis:

- The historic building would be preserved with high quality upgrades completed according to the Secretary of the Interior's Standards and include essential life safety upgrades and the retention of active uses along the street-level of Battery Park Avenue.
- The use is compatible in a downtown setting; however, there are at least 10 lodging facilities within less than a half mile radius from this site with two hotels directly across the street on the same block.
- While the proposed on-street loading space and its use to support valet service for (off-site) parking management may add to congestion in the immediate area where double-parking and large amounts of loading/deliveries exist, parking impacts for lodging are projected to be less than the current office use.
- Proposed streetscape enhancements provide an enhanced pedestrian experience and enlarged public gathering spaces but come with a loss of 5 metered on street (public) parking spaces. This prioritizes the pedestrian as encouraged in the Comprehensive Plan.
- Trash collection is currently managed with roll-out bins on Wall Street; refuse impacts may increase with the new uses and impacts will be largely dependent on management by owners.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Historic Resources Commission - November 14, 2018 - certificate of appropriateness issued
- Technical Review Committee - February 4, 2019 - approved with conditions
- Downtown Commission - February 8, 2019 - approved design review (7-3)
- Planning and Zoning Commission - April 8, 2019 - recommended approval (4-2)

Staff Recommendation:

- Staff finds that the public benefits of the project - including needed life safety upgrades and the overall rehabilitation and preservation of an iconic historic building in downtown, coupled with the conditions proposed by the Applicant that minimize impacts stemming from this change of use - outweigh staff concerns, and can recommend approval for this project.
- Staff notes that although this use may be well represented in the immediate area (with ten hotels within less than a half a mile of this site) that the City has not adopted specific criteria to determine when additional lodging will detract from the mix of uses that give it its "distinctive character" as described in the Comprehensive Plan.
- Additionally, while the parking and guest drop-off standards required by UDO for this use are an effective tool for minimizing impacts in new construction projects, it is not feasible for adaptive re-use projects, especially those in our dense, urban core.
- That the project proposal will displace small businesses from existing office spaces is also a concern, as the Comprehensive Plan places emphasis on "Promoting Small and Independent Business, Entrepreneurship, and the Maker Economy". Staff acknowledges that this displacement could occur with the advent of any rehabilitation proposal for this building, and is not tied to the proposed use.

Mr. Wyatt Stevens, attorney representing the Flatiron Preservation Group, said that this team has hired the very best experts they could hire to do the very best project. He showed a video which showed individuals talking about adaptive reuse, need to restore and preserve the historic building, cost of necessary repairs, etc. The Flatiron Building (1) has the original electrical system since 1926 which is not safe nor sustainable; (2) has an HVAC system that is at least 30 years old (boiler estimate that broke over the winter was $35,000). Fortunately Mr. Russell

Thomas, owner of the Flatiron Building, was able to get it working again; (3) has two human operated elevators (same as City Hall Building) but when they break down, parts must be custom-made and are expensive; (4) does not have an Americans with Disabilities Act handicapped accessible elevator; and (5) does not have a no sprinkler system. They had Beverly-Grant give them an estimate of what it would cost to keep the building as offices, even if it's not turned into a hotel, and their estimate is $10.5 Million. They can't economically sustain this building with office uses. The building has 24,179 square feet of rental office space. There is 6,600 of retail space. The owner is getting almost $30/sq foot for many of those offices; and $35/sq foot for the retail. If you maximize the income for the building, you get approximately $1 Million a year. Then you look at the basic costs to run the building and it's almost half of the revenue which generates roughly $500,000 in net income. The bottom line is the building can sustain itself for awhile, but this building needs help. No reasonable investor would purchase this building for offices. If the building remains as offices, renovations in the coming years will need to be done and the tenants will be displaced. Under this proposal, every existing tenant 6 months or longer will get the equivalent of a lump sum of 6 months to relocate. If they have been there for less than 6 months, then they would get a comparable amount of money. In the coming years he doesn't know where they would relocate, but now there is available and comparable space for them in downtown Asheville. If they spend the money for renovations, they can't rent it for what they are currently now charging. Regarding parking, a hotel would improve the parking situation - approximately 98 spaces needed in office use to 55 spaces for a hotel use. The developer has a contract for 25 spaces of surface lots, one of which is right behind the Sears alley deck (within 500 feet of the building). He has another total of 25 spaces in another surface lot just beyond the 500 feet limit. He has also secured 40 spaces for valet parking. There is less traffic associated with a hotel use. Currently there are 120 vehicle trip during the a.m. peak and 192 going back and forth in the afternoon. With a hotel, bar and restaurant, the vehicle trips drop to 103 during the a.m.peak and 115 in the afternoon. The reality is that parking and traffic go down with a hotel use. The property taxes currently paid on the building is $132,000/year and they anticipate $2.1 Million in 20 years. The $2 per night per room over 20 years, reduced to present value, generates over $500,000 for the City of Asheville. He felt this project makes business sense and common sense and asked for Council's vote in favor of the conditional zoning.

In response to Vice-Mayor Wisler, Mr. Thomas said the current rent per square foot in the building is blended at $27.43.

When Councilman Haynes asked how long has Ms. Thomas owned the building, Mr. Thomas replied 33 years.

In response to Mayor Manheimer, Mr. Thomas said his occupancy rate is approximately 85-87%.

In response to Vice-Mayor Wisler, Mr. Thomas said the building has been for sale for 2-2.5 years and they have received only one offer. He feels this offer will support the historic aspect of the building, which is extremely important to him.

Mayor Manheimer opened the public hearing at 6:48 p.m.

The following individuals spoke in support of the conditional zoning for several reasons, some being, but are not limited to: there is office availability in other buildings; to save the Flatiron Building will cost millions and only a hotel can cover that cost; this is an investment to restore an old building; this will assure the long-term health and viability of the beautiful and historic structure; displaced tenants will receive a check from the developer for their rent based on how long the business has been in the Flatiron Building; there are not a lot of developers willing or capable to take on a preservation project like this one; the developer will provide bus passes to employees and guests; downtown businesses need tourists to visit their shops; is in compliance

with the Living Asheville Comprehensive Plan; developer will hire locals for project; and unless there are massive fundraising efforts, rents will have to go up in the Flatiron Building to cover costs as historic preservation is very expensive:

Linda Stills, downtown business owner
Michael Faulkner, tenant in the Flatiron Building for almost 30 years
Evan Turnau, tenant in the Flatiron Building for 10 years
Chris Smith, Vice-President and Part Owner of Beverly-Grant
Karen Ramshaw, Public Interest Projects
John Kloeckner, employee at the Flatiron Building
Shannon Van Etten
Ken Jackson, local real estate builder and developer

The following individuals spoke in opposition of the conditional zoning for several reasons, some being, but are not limited to: loading issues; traffic issues; there are enough hotels in downtown Asheville; need to keep building that offers space for local businesses and offices; lack of off-site parking for guests and employees; displacing 80 small local business tenants; the City should do more to bring locals downtown instead of hotels; allowing another hotel downtown looks like locals don't matter; other historic buildings have survived and did not have to be converted into a hotel; we want a downtown where residents feel at home; the only option to convert this to a hotel for upkeep and maintenance is not credible; need to have a mixed-use building, with offices, housing and retail; other Flatiron Buildings around the country are not hotels and are still vibrant; if this hotel project is approved, within one block there will be 260 hotel rooms; and don't support this conditional zoning so that other options can be explored:

Andrew Fletcher, Downtown Commission member, but not speaking on their behalf
Casey Campfield, downtown business owner
Nina Tovish
Elizabeth Schell, downtown business owner
Abby Roach, Asheville Buskers Collective
Jerri Jackson
Ben Williamson, WNC Green Party and Asheville Democratic Socialist of America
Kathy Wienberg, representing 39 residential and 9 commercial owners at 21 Battery Park
Rik Schell, downtown business owner
Jan Zehr, who lives across from the Flatiron Building
Matilda Bliss
Pam Winkler, downtown resident and property owner
Sarah Benoit, business owner
Justin Neeman
A gentlemen
Deanna Williams
Kim Roney
Jane Hatley

Jonathan Wainscott suggested Council explore using the hotel tax for the preservation of the Flatiron Building.

Mayor Manheimer closed the public hearing at 8:32 p.m.

Mr. Stevens said that in the 1980's downtown Asheville was dead. Then the City invested in the Pack Place and the Grove Arcade and tried to preserve these historic buildings. Other groups came together and said we needed to resurrect our historic architecture. Then private investment followed. People started to renovate old buildings and putting their capital at risk. They invested in downtown and now in 2019 we have a vibrant downtown. People now

want to live downtown. This developer has offered a solution, at no cost to the City of Asheville, to restore an old building.

Councilman Kapoor supported the conditional zoning because he believed this is the best way to preserve this icon historic building for generations to come. Long term he could not see how the Flatiron Building can stay an office building with low rents. The building needs a sprinkler system and this put tenants as well as first responders at risk. The two elevators are so old the parts need to be custom made. The building is not Americans with Disabilities Act compliant and the building's heating and cooling system is nearing the end of its usable life. These items are necessary to fix and are expensive. Even if the building is renovated to offices, he couldn't see how the small businesses could pay the increased rent needed to fund the renovations. He would like to see this building be preserved long-term, and using it as a hotel is consistent with the Living Asheville Comprehensive Plan. The developer is willing to make these renovations and willing to provide the City $2 per night for occupied rooms in order to compensate for the loss of parking spaces and other parking impacts. All of this is without a dime of taxpayer dollars. Some are concerned with the oversaturation of hotels in the area. If it wasn't for his concern about the Flatiron Building preservation, he would have likely opposed a similar proposal. Some also are concerned about the parking. Currently all of the small businesses and their guests are parking somewhere now. In this case, the traffic engineer shows that this area would likely see a decrease in traffic for a hotel use. In addition, he feels there is a deliberate attempt to vilify people who earn their living in the tourist and hotel industry. People who work in tourism or have businesses who benefit from it aren't part of some machine. They are not a faceless entity, but are human beings. Hotel and restaurant workers and owners in Asheville are our neighbors. There are many issues that tourism raises, some are positive and some are negative. We need to be thankful of the many positive aspects and deal rationally with its negative aspects using facts and data.

Councilwoman Mayfield believes it is everyone's goal to preserve the Flatiron Building. This is a very difficult decision for her. She appreciates the developer using a local team and is a big fan of adaptive reuse. However, she is concerned about the other two hotels across the street; the conversion of public parking spaces to private use for loading and unloading; the off-site parking and valets running on our congested sidewalks; and displacement of small businesses. She hoped that the developer will look at pulling together people who don't agree with the proposal and find a path forward. She did not feel that the only way to make money in downtown is for property owners and developers to build hotels or convert buildings into hotels. Looking at other Flatiron buildings, she noted that a hotel is not the only use. She also felt that if the City values preservation, we should dedicate some funds for it.

Councilwoman Smith understood that this building has a sentimental value to our City; however, she didn't think that it aligns with our Living Asheville Comprehensive Plan. She felt there is an abundance of hotels in that section of the City, there is a loss of parking, and she did not want to displace any business owners.

Councilman Haynes felt that our downtown character will be further compromised with more hotels. He felt this project doesn't match the City's vision, nor does it following the Living Asheville Comprehensive Plan.

Councilman Young saw this as an opportunity for leadership, knowing that we want to preserve our community and also preserve the Flatiron Building. He agreed with Councilwoman Mayfield's comments and could not support this conditional zoning.

Mr. Stevens withdrew the application. He said they will talk as a community and reach out to their opponents to see if there is another way to save this building.

Mayor Manheimer struggled personally that a lot of people took a chance on Asheville a long time ago to buy a building in downtown Asheville and it doesn't seem fair to the people who made early investments not to let them make the most of those investments.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. DISCUSSION AND DIRECTION REGARDING CITY COUNCIL TRAVEL & TRAINING BUDGET AND PRACTICE

Mayor Manheimer said that the City has a City Council Travel Policy adopted in August of 2008. She said City Council has a total of $16,000 in their travel budget, which breaks down to approximately $1,900 for Councilmembers with a little more for the Mayor. This is being considered to possibly amend the policy and/or increase the travel budget for Councilmembers. In addition, Councilman Young asked for a specific request.

Councilman Young presented a resolution requesting additional funds for training purposes, pursuant to Resolution No. 08-175 of the City Council Travel Policy and Procedures. He said that he has been accepted into the Implementing Public Policy masters level certificate course at Harvard University. His implementation challenge is bonds, current and future, because the City of Asheville is looking at implementing a rolling bond program, and the political impacts to overcome. He said this is a 7-month program, with on-line learning and learning at Cambridge, along with an on-hands implementation process that happens in the City. He would come back and put together a team of individuals and work through some of the questions he has as an elected official in tackling some of the political aspects of the policy implementation and other barriers we may see to the success of that implementation challenge. He has been awarded a $4,000 scholarship from Harvard University; however, it does not cover the remaining $7,900. After completion of the course, the City will be able to use the productive network of professionals committed to improving public policy implementation around the world. Therefore, he requested additional funds for training in the amount of $7,900. Per Resolution No. 08-175, the quality of life for the citizens is improved through an informed and educated elected and administrative body and the expense of such training, including the associated travel is an appropriate municipal expense.

Vice-Mayor Wisler asked that the City's policies be kept up-to-date and to rename it, as it's not just a travel policy. She was not sure its the elected official's job to implement a policy. It's our job to make policy and staff's role to implement policy. And while she is sure this program is great and congratulated Councilman Young from being accepted, she didn't think was an appropriate use of funds for an elected official. When she asked staff if they felt this policy would cover this actual expense, she was told no. In addition, the dollar value of the expense is one that she didn't think City employees are allocated per year. She could not support the request.

Councilman Kapoor felt this is an educational reimbursement. The question is whether we, as Councilmembers, should have a policy that would provide for educational reimbursement. He can see some benefits and respected Councilman Young for wanting to better his education. He did not; however, feel comfortable in spending taxpayer dollars for. During our retreat where we did the five-year planning, we talked about this is the time to "close the bank". If we are asking other organizations to abide by this, we need to abide by that as well.

Councilman Young said this is not about him personally. It is a great benefit to the City. The City can utilize Harvard University and it's tools as well as well-educated individuals who not only create policy but know how to create policy that is not going to cause some severe cunumberances that we are dealing with now.

Councilwoman Mayfield felt that if this is not covered by the policy, we need to look at revising the policy. If we are going to make funding for this kind of thing available at this level, that needs to be an opportunity that becomes available to all Council and she didn't think we can afford that amount. She would like to increase the Council travel budget a little bit. She didn't see how this proposal is necessarily fair, in particularly for future councils unless we look at the policy comprehensively.

Councilwoman Smith felt this is a sensible ask. Personally, the part-time pay that Council is offered is not enough for the time we spend and the drain and strain on our families. But, it's a sacrifice we make. We do not have administrative support like other organizations and do not have an office space to even meet with constitutes or staff. There are a lot of disadvantages with serving, noting that City Council did not accept a raise last year. She sees this as a one-time payment with a long-term benefit of having Harvard as a resource for us to pull information and pull implementation strategies. She didn't agree that the same amount needed to be set aside for each Councilmember. There should be an amount of money set aside for these types of specialty trainings. It takes a lot of effort to reach the learning curve to be a leader of great affect. She felt we need to revisit the policy and factor in some type of set aside for this type of expense for personal professional leadership development for Councilmembers. She supported the additional funds requested.

Ms. Kim Roney said that even though our Council has really powerful conversations about living wage, they are not setting a good example if they don't paying themselves one.

Councilman Young moved to approve $7,900 additional funds for his training purposes. This motion was seconded by Councilwoman Smith and failed on a 3-4 vote, with Mayor Manheimer, Vice-Mayor Wisler, Councilman Kapoor and Councilwoman Mayfield voting "no".

At the suggestion of Vice-Mayor Wisler, it was the consensus of Council to have the Governance Committee revisit the City Council travel policy. Councilwoman Mayfield also suggested looking at the kinds of conferences and educational opportunities that are available to Councilmembers. Councilman Kapoor also noted that we can use some of this money to bring people to Council for a more cost effective way, like training in development roles.

Councilman Young could not think of a better university than Harvard to have a relationship with and agreed the City should revisit their training policy.

B. BOARDS & COMMISSIONS

RESOLUTION NO. 19-119 - RESOLUTION APPOINTING A MEMBER TO THE CITIZENS-POLICE ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Citizens-Police Advisory Committee.

Gene Bell (representative of the Housing Authority) has resigned from the Citizens-Police Advisory Committee, thus leaving an unexpired term until June 30, 2021.

The following individual applied for the vacancy: Robert Hooper.

Vice-Mayor Wisler moved to appoint Robert Hooper as a member of the Citizens-Police Advisory Committee (representative of the Housing Authority) to serve the unexpired term of Mr. Bell, term to expire June 30, 2021, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 433

RESOLUTION NO. 19-120 - RESOLUTION APPOINTING A MEMBER TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Homeless Initiative Advisory Committee.

Donna Ball has resigned from the Homeless Initiative Advisory Committee, thus leaving an unexpired term until November 1, 2019.

The following individuals applied for the vacancy: Amber Banks, Josh Ivey, Annie Carpenter, Karen George, Shannon Watkins, Ellenore Holbrook, Sarah Tarpey, Patrick Casale, Patrick Gensert, Parker Smith, Rachael Bliss and Kelby Hartson Carr.

At the request of the Homeless Initiative Advisory Committee and the Boards & Commissions Committee, Vice-Mayor Wisler moved to appoint Parker Smith as a member of the Homeless Initiative Advisory Committee, to serve the unexpired term of Ms. Ball, term to expire November 1, 2019, and then a full three-year term, term to expire November 1, 2022, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 434

RESOLUTION NO. 19-121 - RESOLUTION APPOINTING A MEMBER TO THE HUMAN RELATIONS COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Human Relations Commission.

Ashley Cooper has resigned from the Human Relations Commission, thus leaving an unexpired term until June 1, 2020.

The following individuals applied for the vacancy: Stephanie Krucher, Grant Millin, J. Vann Vogel, Carol Buffum, Ivan Melchor, Celeste Fletcher, Michael L. Hayes, Britni Ness, Bettie Council and Ellenore Holbrook.

At the request of the Human Relations Commission and the Boards & Commissions Committee, Vice-Mayor Wisler moved to appoint Ivan Melchor as a member of the Human Relations Commission, to serve the unexpired term of Ms. Cooper, term to expire June 1, 2020, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 435

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Reid Thompson spoke about the commercial traffic in front of his house on Maxwell Street.

Ms. Deanna Williams expressed disappointment that the City of Asheville did not support her applying for the HUD Youth Homelessness Demonstration Program Grants.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:41 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – May 28, 2019 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. RECOGNITION OF NEIGHBORHOOD HERO

Councilman Kapoor, liaison to the Neighborhood Advisory Committee, was pleased to present Ms. Sophie Dixon with the 2019 Neighborhood Volunteer of the Year Award. He said that this award was initiated in 2017 by the Neighborhood Advisory Committee. The award is designed to recognize and honor a city resident who has demonstrated significant and positive contribution toward a neighborhood association and/or commitment to strengthening city neighborhoods through volunteer time, talents and service, an unsung hero.

Ms. Sophie Dixon has resided in the Shiloh Community as an active resident and the Shiloh Community Association's president. At 81 years, in 2018 Ms. Dixon has tirelessly lead and facilitated: (1) Shiloh Community Association (SCA) Administrative meetings, Community meetings, SCA Executive board, the EW Pearson Collaborative Project meetings and the Community Marker meetings; and (2) An an intentional effort to build community between generational residents and new residents, she has been involved in welcoming Habitat for Humanity new homeowners into the community at their key ceremonies.

Under her leadership the community at large has benefitted from the efforts of the SCA which include many efforts, some being: (1) Installation of Stream Critters Mural and a "critter" mural project using field guides through the NC Arboretum; (2) Establishment of a Roadside Stand at the Shiloh Community Garden; and (3) Completion of the Shiloh Social Justice Mural.

Ms. Dixon is the perfect example of active retirement. She has shown us how you can make a large impact by simply offering your time and talents were you live, work, play and pray.

Ms. Dixon thanked for all the support she receives and was so thankful for this recognition.

B. PROCLAMATION PROCLAIMING MAY, 2019, AS "JANE'S WALK MONTH"

Councilman Haynes read the proclamation proclaiming May, 2019, as "Jane's Walk Month" in the City of Asheville. He presented the proclamation to Hanan Shabazz and Octavia Boozier who briefed City Council on some activities taking place during the month.

C. PROCLAMATION PROCLAIMING JUNE, 2019, AS "POLLINATION

CELEBRATION MONTH"

Councilman Young read the proclamation proclaiming June, 2019, as "Pollination Celebration Month" in the City of Asheville. He presented the proclamation to Dawn Chavez, Executive Director of Asheville Greenworks, and Phyllis Styles, who briefed City Council on some activities taking place during the month.

D. PROCLAMATION PROCLAIMING JUNE 3-9, 2019, AS "HEMP HISTORY WEEK"

Vice-Mayor Wisler read the proclamation proclaiming June 3-9, 2019, as "Hemp History Week" in the City of Asheville. She presented the proclamation to Timothy Sadler,and others, who briefed City Council on some activities taking place during the week.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MAY 14, 2019

B. RESOLUTION NO. 19-122 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE INSTALLMENT LOAN CONTRACT WITH PNC BANK FOR THE ACQUISITION OF VEHICLES AND EQUIPMENT

Action Requested: Authorization of a resolution authorizing execution of an installment financing contract for Fiscal Year (FY) 2019 Capital Improvement Program (CIP) vehicles and equipment in an amount not to exceed $4,330,000.

Background:

- In April, the City distributed a Request for Proposal (RFP) seeking competitive bids for the installment loan financing to several money-center and local banks.
- Six proposals were received and reviewed. The most favorable proposal was submitted by PNC Bank with an interest rate of 2.28% per annum and a term of 59 months.

Council Goal: Financially Resilient City

Committee(s):

- Finance and HR Committee, April 23 & May 28, 2019 - recommendation to approve resolution

Pro(s):

- Provides funding of capital expenditures at a favorable interest rate.
- Spreads capital costs over several years of the purchased asset life.

Con(s):

- Increases the lifetime cost of the acquisition through interest and cost of issuance expenses.

Fiscal Impact:

- The annual debt service payments for this financing range between approximately $970,000 in the first year to approximately $882,000 in the fifth year. Funds are included in the City's debt service budget to cover the cost.

Motion:

- Motion to adopt the resolution authorizing the City Manager to execute the installment loan contract with PNC Bank for the acquisition of vehicles and equipment.

RESOLUTION BOOK NO. 40 - PAGE 436

C. RESOLUTION NO. 19-123 - RESOLUTION AN AMENDMENT TO THE ECONOMIC DEVELOPMENT AGREEMENT AND PURCHASE OPTION AGREEMENTS FOR WHITE LABS LOCATED AT 172 AND 174 S. CHARLOTTE STREET, ASHEVILLE N.C.

Action Requested: Adoption of a resolution to amend Economic Development Agreement and Purchase Option Agreement with White Labs, Inc.

Background:

- In January 2015, the City entered into an economic development incentive agreement with White Labs, Inc., a world leader in fermentation sciences for the brewing and winemaking industries, to open a new Asheville facility on City-owned property at 172 S. Charlotte Street under a five-year lease agreement.
- At the same time, White Labs executed a five-year option to purchase the property for 80% of the fair market value on the condition that jobs creation and investment numbers set forth in the economic development agreement were met.
- White Labs, Inc. has exceeded the jobs creation and investment numbers set forth in the agreement. As of 2018, White Labs employs 53 people and has invested over $11 million in the Asheville facility.
- In 2019, White Labs plan to add a Phase 2 to the Production Capacity at the existing facility to almost double production.
- As part of the overall economic development agreement, White Labs, Inc. also entered into shorter term option to purchase the adjacent City site at 174 S. Charlotte Street.
- The option for 174 S. Charlotte Street expired on May 1, 2019 and White Labs desires to extend for another year. The existing terms of the option state that White Labs has the exclusive option to purchase the adjacent 1.67 acre City-owned parcel for 80% of the fair market value if substantial additional improvements and jobs are committed to by White Labs, or for fair market value if no additional economic benefits are committed.
- White Labs, Inc. plans to purchase both sites in 2020 and bundle their financing to accomplish the transaction. They have created a company known as 172 S. Charlotte, LLC to purchase the real estate. This company will need to be included as a party to the economic development and option agreements with the City. During the one year extension, White Labs will determine if they are able to perform additional improvements and add jobs to obtain the 80% purchase price of the adjacent site, or if not, they will purchase the site with no additional commitments at fair market value.
- The property at 174 S. Charlotte Street includes land the City purchased in the 1970's and land that was part of Urban Renewal of East End. A portion of the revenue from the sale of the land at 174 S. Charlotte will go to the City's Community Development Block Grant (CDBG) Program as Program Income and be made available to the next funding cycle for eligible CDBG activities and the remainder of the funds will benefit the City's General Fund.

Council Goal(s):
- A Thriving Local Economy.

Committee(s):
- None.

Pro(s):
- Supports existing manufacturing in the City of Asheville.
- Leverages City-owned property to achieve job creation, capital investment and revenue from the sale of land to benefit the General Fund and the CDBG fund.

Con(s):
- None

Fiscal Impact:
- An additional non-refundable option fee of $10,000 will be paid upon execution of the amendment and will benefit the City's General Fund. If the Option is exercised on 174 S. Charlotte Street, then the City will receive the fair market value of the property or 80% of the fair market value plus economic development impact. Part of this revenue will go to the Community Development Block Program and part will go to the City's General Fund.

Motion: Move to approve an amendment to the Option Agreement for 174 S. Charlotte St. to extend it for an additional year to June 30, 2020 for an additional option fee of $10,000; to amend the Option Agreements for both 174 and 172 S. Charlotte Street and the Economic Development Agreement to include 172 S. Charlotte St. LLC as a party to these agreements; and to authorize the City Manager to execute any and all documents necessary to give effect to this resolution.

RESOLUTION BOOK NO. 40 - PAGE 438

D. RESOLUTION NO. 19-124 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH RSM US LLP FOR AUDITING CITY ACCOUNTS FOR FISCAL YEAR 2018-2019

Action Requested: Adoption of a resolution authorizing the Mayor to execute a contract with RSM US LLP for auditing City accounts for fiscal year ending June 30, 2019.

Background:
- North Carolina General Statute §159-34 requires that local governments have its accounts audited each fiscal year and submit a copy of the audit report and financial statements to the Local Government Commission. Staff recommends retaining the services of RSM US LLP to conduct an audit of the City's accounts for the fiscal year ending June 30, 2019.
- The estimated fee for fiscal year 2018-2019 audit is $95,760.
- Execution of this contract complies with the Audit Policy portion of City Council's Financial Policies which states that the City "shall enter into multi-year agreements of not more than five years in duration through a series of single-year contracts as consistent with applicable legal requirements."
- This will be the second consecutive year of contracting RSM US LLP to perform the City's audit.
- No competitive bid process was conducted this year.

Council Goal:
- Financially Resilient City

Pro:

- Contracting with RSM US LLP aligns with City Council's financial policy and will help ensure the timely and successful completion of the annual audit.

Con:

- None

Fiscal Impact:

- Fees of $95,760 for the annual audit are budgeted in the Internal Audit operating budget (Fiscal Year 2018-19).

Motion:

- Move to adopt a resolution authorizing the Mayor to execute a contract with RSM US LLP for auditing City accounts for fiscal year ending June 30, 2019.

RESOLUTION BOOK NO. 40 - PAGE 439

E. RESOLUTION NO. 19-125 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A RENEWAL ON-CALL CONTRACT WITH WOOD GROUP USA INC. FOR PROFESSIONAL GEOTECHNICAL AND ENVIRONMENTAL ENGINEERING SERVICES

RESOLUTION NO. 19-126 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A RENEWAL ON-CALL CONTRACT WITH S&ME INC. FOR PROFESSIONAL GEOTECHNICAL AND ENVIRONMENTAL ENGINEERING SERVICES

RESOLUTION NO. 19-127 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A RENEWAL ON-CALL CONTRACT WITH WES COLE LAND SURVEYING P.A. FOR PROFESSIONAL SURVEYING SERVICES

Action Requested: Adoption of a resolution authorizing the City Manager to renew on call contracts for professional engineering and land surveying services.

Background:

- On April 10, 2018, City Council authorized the City Manager to enter into on call professional service contracts for Geotechnical Engineering, Environmental Engineering, and Land Surveying services.
- On-call services are allowed in North Carolina and are used Statewide as a best practice for securing professional services.
- Tasks under this contract may include:
    - Geotechnical Engineering: Subsurface assessments, foundation testing, and other geotechnical services related to real property and/or redevelopment of real property; and
    - Environmental Services: Phase I and Phase II Environmental Site Assessments, Asbestos and Lead Paint Assessments, Remediation Design, Indoor Air Quality Assessments, Groundwater Testing and other Environmental services related to

real property and/or the redevelopment of real property.

- Land Surveying

- A qualifications based selection process was followed to procure these services.The following firms were selected as the best qualified for the respective professional services discipline listed below:
  - Wood Group, USA, Inc. (Asheville, NC Office, and formerly known as AMEC Foster Wheeler) was awarded Geotechnical Engineering and Site Environmental Engineering Services.
  - S&ME, Inc. (Asheville, NC Office) was awarded Building Environmental Engineer Services.
  - Wes Cole Land Surveying, PLS (Asheville, NC) was awarded Land Surveying.
- The City's standard procedure for on-call contracts is to enter into a no cost contract (i.e. Master Agreement) with the intent of entering into individual contracts (i.e. Supplemental Agreement) to perform specific activities and distinct work.
- The duration of each on-call service contract will be for one year with an option to renew for up to two additional one-year periods. This is the first renewal (second year) of the contract term.
- For this term, the total expenditure of the (individual supplemental agreements, and the cumulative sum of each) contracts will not exceed $250,000 for the Wood Group, and S&ME contracts, and $100,000 for the Wes Cole Land Surveying contract.

Council Goal(s):
- Financially Resilient City and Clean and Healthy Environment

Committee(s):
- None

Pro(s):
- A well-qualified firm will perform services in support of design services, analysis, and engineering needs.
- Well-qualified surveying firm will perform needed services in support of ongoing City real estate and facilities management.
- These services will be available to support various programs and projects within the City's portfolio, including capital improvement projects, facilities construction and renovation projects, and acquisition of real estate to support Council's strategic goals.

Con(s):
- None

Fiscal Impact:
- For the renewal term, these contracts will be established at a not-to-exceed amount of $250,000 for the engineering contracts, and $100,000 for the surveying contract. At the point in which a project, scope of work, and task cost are identified, the funds must be programmed and/or budgeted within the annual operating or capital project budget.

Motion:

- Move to adopt a resolution authorizing the City Manager to enter into professional services contracts with Wood Group, USA, Inc., and S&ME, Inc, for design and engineering professional services under the on-call services Master Agreement described herein.
- Move to adopt a resolution authorizing the City Manager to enter into professional services contracts with Wes Cole Land Surveying, PA professional land surveying services under the on-call services Master Agreement described herein.

RESOLUTION NO. 19-125 - RESOLUTION BOOK NO. 40 - PAGE 440
RESOLUTION NO. 19-126 - RESOLUTION BOOK NO. 40 - PAGE 441
RESOLUTION NO. 19-127 - RESOLUTION BOOK NO. 40 - PAGE 442

F. RESOLUTION NO. 19-128 - RESOLUTION AMENDING THE MEMBERSHIP OF THE CITIZENS-POLICE ADVISORY COMMITTEE

Action Requested: Adoption of a resolution amending the membership of the Citizens/Police Advisory Committee.

Background:
- The current CPAC membership includes the Chief of Police and APD Sergeant in Community Relations.
- The Chief may at times need to delegate important projects to other members of the leadership team and, therefore, requests the ability to designate a representative in his/her stead to help ensure the committee has the support required.
- Divisions within the department often change and officers often get promoted or change assignments. Specifying the rank and division of the representative not only would require multiple resolutions every time an officer or division changes, but limits the Chief's ability to designate the most appropriate person.

Council Goal(s):
- Connected and engaged community

Committee(s):
- The Citizens/Police Advisory Committee - April 3, 2019 - recommended adoption
- Boards & Commissions Committee - May 14, 2019 - recommended adoption

Pro(s):
- Provides flexibility for the Chief of Police in assigning appropriate police representatives to provide non-voting support to CPAC.

Con(s):
- None

Fiscal Impact:
- None

Motion:
- Move to adopt the resolution amending the membership of the Citizens/Police Advisory Committee to make the two non-voting Asheville Police Department (APD) representatives on the committee to be the Chief of Police or his/her designee and another member of the APD designated by the Chief of Police.

RESOLUTION BOOK NO. 40 - PAGE 443

G. RESOLUTION NO. 19-129 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH IBI GROUP, PC, TO PERFORM A FACILITY STUDY FOR THE CITY'S OPERATIONS & MAINTENANCE SERVICE CENTERS

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a professional services contract with IBI Group, PC to perform a Facilities Study for the City's Operations & Maintenance Centers in the amount of $278,000.

Background:

- The affordable housing bond study has identified that affordable and mixed-income housing is feasible on City-owned property located at 171-179 South Charlotte Street. Onsite, there are two major City service facilities - the Fleet Management Division and the Public Works Complex. In order to evaluate relocating these facilities, the City needs to understand the costs.
- The City recently completed a Facilities Condition Assessment that concluded that the Fleet Management facility would require significant investment to address deferred maintenance. Additionally, the Public Works department is quickly outgrowing the current complex in response to the needs of a growing City.
- Staff recommends that the City perform a Facilities Study for its Operations & Maintenance (O&M) Centers.
- Departments included in this study are Public Works, Fleet Management, the Fuel Station, Facilities Maintenance, and Parks Maintenance.
- The study will inform the City of the potential cost of relocation of O&M centers, help consider various service delivery models, and life cycle costs associated with a new site.
- A facilities study of this type would determine the space requirements for the existing O&M centers, identify future growth needs, analyze the operational and service delivery impacts of relocation, and provide the tools needed to evaluate new sites, along with the funding requirements and budgetary cost estimates for a new location(s).
- This firm was selected by a staff committee using a qualifications based selection process.

Council Goal(s):

- Quality Affordable Housing & A Financially Resilient City

Committee(s):

- Finance & Human Relations Committee - 1/8/2019 - Present to full Council - Fully funded through Affordable Housing Capital Improvement Program (CIP)

Pro(s):

- Funds a key study critical to implementing the Affordable Housing Bond Program.
- Performs a key planning task essential for an organization with a large facilities portfolio.

Con(s):

- None

Fiscal Impact:

- Total contract for the study is a negotiated fee of $278,000. Funding would be allocated from the existing budget of the Affordable Housing CIP funds. The need for the Operations and Maintenance Facilities Study has been created by the feasibility of affordable housing development on 171-179 S Charlotte Street site and therefore qualifies as an eligible expense.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a professional services contract with IBI Group, PC to perform a Facilities Study for the City's Operations & Maintenance Service Centers in the amount of $278,000. .

RESOLUTION BOOK NO. 40 - PAGE 444

H. RESOLUTION NO. 19-130 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A PROFESSIONAL SERVICES CONTRACT WITH THE WOOTEN COMPANY TO ADD THE MODERNIZATION OF CITY HALL ELEVATOR #2

Action Requested: Adoption of an amendment to the professional services contract with The Wooten Company to add the modernization of City Hall Elevator # 2 (center elevator) up to an added cost of $29,820 for design fee and contingency, bringing the total project budget to $122,320.

Background:

- The elevators currently do not meet modern safety codes and have inoperable parts.
- City Hall historic elevators currently operate using custom fabricated parts that are no longer made and require costly maintenance.
- The historic elevators are protected as a part of the local landmark "Asheville City Building" designated by City Council Ordinance No. 1709 on September 20, 1988.
- The City of Asheville has completed the architectural design for the modernization of Elevators #1 and #3 through Contract # 91600198 with The Wooten Company.
- Originally, design of the modernization of Elevator #2 was not considered due to budgetary concerns.
- After reevaluating City Hall projects it was determined that money could be available to complete this work.
- The Contract Amendment requested will allow the City to bid Elevator #2 as an Alternate to the Base Bid to be considered for construction if the budget allows.

Council Goal(s):

- Financially Resilient City

Committee(s):

- None

Pro(s):

- Modernization of all three historic elevators will reduce overall operational lifecycle costs.
- Modernizing Elevator #2 at the same time as the other elevators will reduce the construction cost.
- There will be fewer elevator service interruptions over time if all three elevators are modernized.
- Elevator #2 may be bid as an Alternate, but does not have to be constructed.

Con(s):

- None

Fiscal Impact:

- The contract amendment and contingency for the entire contract totals $29,820. With this addition, the total design contract amount for the City Hall elevators will be $122,320, which is within the total design budget of $200,000.

Motion:

- Move to authorize the City Manager to amend the professional services contract with The Wooten Company to add the modernization of City Hall Elevator # 2 (center elevator) up to an added cost of $29,820 for design fee and contingency, bringing the total project budget to $122,320.

RESOLUTION BOOK NO. 40 - PAGE 445

I. RESOLUTION NO. 19-131 - RESOLUTION ACCEPTING THE ANNUAL FLOOD MITIGATION ACTIONS REPORT WHICH IS PART OF THE REPETITIVE LOSS AREA ANALYSIS, AND AUTHORIZING THE CITY MANAGER TO SUBMIT THE REPORT FOR THE COMMUNITY RATING SYSTEM PROGRAM

Action Requested: Adoption of a resolution accepting the annual Repetitive Loss Area Analysis report which identifies actions staff has taker over the past year as a member of the Community Rating System (CRS) Program.

Background:

- The City of Asheville joined the Community Rating System (CRS) program, a program through the Federal Emergency Management Agency (FEMA), and administered by the Insurance Services Office (ISO) in 2014. As required by the CRS program, a Repetitive Loss Area Analysis (RLAA) was prepared in 2014 by the consultation firm of Brown and Caldwell to supplement the Buncombe County-wide All Hazards Mitigation Plan.
- A Repetitive Loss Area (RLA) is defined as an area that contains one or more repetitive loss structures (two or more claims of more than $1,000 that have been paid by the National Flood Insurance Program (NFIP) within any 10-year period since 1978).
- CRS provides lower insurance premiums under the National Flood Insurance Program. The premium reduction is in the form of a CRS Class, City of Asheville is currently a Class 8. The classes are obtained by actions that are above and beyond the requirements of the National Flood Insurance Program administered by FEMA. Currently, property owners in Asheville receive a 10 percent reduction in their flood insurance premiums through participation in the CRS program.
- In order to maintain the current status in the CRS program, staff is required to provide to council the annual report of the Flood Mitigation Actions Items that were part of the RLAA report from Brown anc Caldwell adopted by Council on December 10, 2013.

Summary of Flood Mitigation Action Report:

- Flood hazard mitigation public outreach efforts include:
  - Extensive information on the city's website with links to interactive tools, properties, Biltmore Village Flood Response Plans, and searchable database of elevations certificates.
  - Outreach through CAPE prior to and during flood events, through social media.
  - DSD outreach to Flood Action Plan email list when under flood watch & warning, with links to FIMAN.

  - DSD staff regularly meets with residents and property owners whom have questions about flooding, impacts to their property, and options for flood mitigation.
- Public Works Department has teamed with the Army Corps of Engineers on a flood mitigation project at the Biltmore Avenue bridge which is currently in the design phase.
- Public Works Department has two projects addressing localized flooding. Edwin/Celia which is currently in the design phase, and the Morris Street stormwater improvement project which is in the final construction phase.
- The Public Works Department, Development Services Department and the Asheville Fire Department is utilizing the FIMAN website to assist in advance warnings for flooding. The City team utilizes the projections and can send out key messages to residents.

Council Goal(s):
- A Clean and Healthy Environment
- Thriving Local Economy

Committee(s):
- None

Pro(s):
- Property owners in Asheville will continue to receive a 10% reduction on their flood insurance.
- Provides higher level of protection through the current flood ordinance.
- Promotes public education of the Special Flood Hazard Areas.

Con(s):
- Considerable amount of staff time is necessary to maintain these requirements

Fiscal Impact:
- There is no additional fiscal impact to continuing the efforts necessary for the CRS program, staff time is currently programmed into the annual operating budget.

Motion:
- Motion to approve a resolution accepting the report prepared by City staff for the flood mitigation action associated with the repetitive loss area analysis report.

RESOLUTION BOOK NO. 40 - PAGE 446

J. ORDINANCE NO. 4743 - BUDGET AMENDMENT FROM THE N.C. DEPT. OF ENVIRONMENTAL QUALITY FOR WASTE REDUCTION OUTREACH

Action Requested: Adoption of a budget amendment in the City's Special Revenue Fund in the amount of $36,000 to program funding from the N.C. Department of Environmental Quality (NCDEQ) for waste reduction outreach in the amount of $30,000, and the City's match of $6,000 from the Green Savings program.

Background:
- On February 12, 2019, City Council adopted Resolution No. 19-26 authorizing the City Manager to apply for, and accept if awarded, grant funding from NCDEQ for the purpose of reducing contamination in the recycling stream and improving material quality in the amount of $30,000.
- NCDEQ selected the City of Asheville proposal for funding for Fiscal Year 2020.

- This Community Waste Reduction and Recycling grant requires a 20% match. The grant award is for $30,000. The match of $6,000 will come from the Office of Sustainability Green Savings. This budget amendment will move the matching funds from the Sustainability Fund to a project budget along with the grant funds.

Council Goal(s):
- A Clean and Healthy Environment

Committee(s):
- Finance Committee - January 22, 2019 - approved to apply and accept grant

Pro(s):
- Helps support the City's waste reduction goal while leveraging state funding.

Con(s):
- None

Fiscal Impact:
- A cash match of $6,000, or 20% of the requested grant funds of $30,000, will be provided from Green Savings. This budget amendment moves the matching funds and grant funds into a Special Revenue Fund budget.

Motion:
- Move to adopt a budget amendment in the City's Special Revenue Fund in the amount of $36,000 to program funding from the N.C. Dept. of Environmental Quality for waste reduction outreach in the amount of $30,000, and the City's match of $6,000 from the Green Savings program.

ORDINANCE BOOK NO. 32 - PAGE 370

K. RESOLUTION NO. 19-132 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL SERVICES AGREEMENT WITH BIO-NOMIC SERVICES INC. FOR THE WATER TREATMENT PLANT SLUDGE REMOVAL PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a three-year General Services Agreement with Bio-Nomic Services, Inc. for the WTP Sludge Removal Project.

Background:
- The Water Resources Department (WRD) has historically taken WTP residuals, also known as "sludge" from all three water treatment plants to the Metropolitan Sewerage District (MSD) to be treated.
- MSD can no longer accept residuals from any water treatment facilities due to their new Air Quality Title V and renewed National Pollutant Discharge Elimination System (NPDES) permits.
- Buncombe County Landfill agreed to take the residuals for a period of two years while WRD and the consulting engineering firm (GHD) vet other treatment and/or disposal options.
- On March 4, 2019, the WRD issued a Request for Proposals (RFP) for work.
- The scope of services include, but are not limited to: pumping, dredging, conditioning, and dewatering of water treatment residuals (sludge) and the removal and disposal of produced solids from the North Fork, William DeBruhl, and Mills River Water Treatment Facilities.

- This project will dispose of water treatment plant residuals utilizing land application, which has a high nutrient value and can condition soil for improved fertilization and water retention.
- In response to the RFP, two proposals were received on March 25, 2019:
    1. Bio-Nomic Services, Inc. (Belmont, NC) - estimated total $257,180
    2. P&H Senesac, Inc. (Milton, VT) - estimated total $408,119.30
- The WRD requests authorization to contract with Bio-Nomic Services, Inc. for the estimated amount of $257,180 plus a 15% contingency in the amount of $38,577 for a total project budget in the amount of $295,757.

Council Goal(s):
- A Financially Resilient City

Committee(s):
- None

Pro(s):
- This project will dispose of water treatment plant residuals utilizing land application, which has a high nutrient value and can condition soil for improved fertilization and water retention.
- Ability to continue to treat and deliver drinking water to COA customers.

Con(s):
- None

Fiscal Impact:
- The Water Resources Department currently has the funds needed for Year 1 of this agreement budgeted in the Water Resources - Water Production Operating Budget. Years 2-3 will follow the WRD's operating budget allocation of approximately $200,000 annually.

Motion:
- Move to adopt a resolution authorizing the City Manager to execute a three-year General Services Agreement with Bio-Nomic Services, Inc. for the WTP Sludge Removal Project.

RESOLUTION BOOK NO. 40 - PAGE 450

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Kapoor and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. STATE OF THE AIRPORT

Mr. Lew Bleiweis, Airport Director, briefly updated City Council on the State of the Airport. He stated that 2018 was a milestone year for the Asheville Regional Airport. In 2018, they experienced record-breaking growth. The airport surpassed all projections and expectations,

exhibiting 19% of growth and contributing nearly $1.5 Billion to our local economy. For the first time in their history, the airport served over 1 Million passengers.

As they look to 2019, their dedicated team remains committed to upholding their mission to provide an exceptional airport experience with a focus on people, service, commercial and general aviation, and contribute to the regional economy.

Mayor Manheimer thanked Mr. Bleiweis and the entire Board for their hard work and efforts.

B. ASHEVILLE CITY SCHOOLS FOUNDATION - IN REAL LIFE AFTER-SCHOOL PROGRAM

Ms. Tiffany DE'Bellott and Brian Randall, In Real Life Co-Directors, and two students, updated City Council about the In Real Life (IRL) After-School Program. Ms. DE'Bellott said that in the summer of 2008 middle school students were involved in a shooting that left one student paralyzed. Research showed that many students during that time had nothing to do after school. The Asheville City Schools Foundation, the City of Asheville, Asheville City Schools District and the community at large came together for a listening project. IRL started in the fall of 2010 with 144 students. All students have access to opportunities after school, with over 10 options for students to choose from each day. The programs are inclusive and diverse. Forty-seven percent of students received free or reduced lunch. Parents can use one online portal, sign a form, call it in, and/or go through the school office to register for any program. They also provide transportation home and to offsite programs. Ninety percent of families in public housing rely on IRL transportation. The results of the City's investment include (1) removing the barriers to high quality programs; (2) decreased the opportunity gap - connected students to our city's organizations and industries; (3) kept our children safe while enhancing social/emotional and academic outcomes; and (4) recruit and retain providers of color to work with all youth.

They then showed the IRL demographics: 229 students attended for the 2018-19 school year; 184 students demonstrated social emotional growth; over 75% of students participating in academic based courses demonstrated growth; 44% of students of color enrolled in student school day support services; 25 service providers of color ran individual classes; and 20 service providers of color received a stipend.

Regarding cost effectiveness (60% of our families attend for free), (1) IRL operating costs are $1,000 per student ($3,178 National Average); (2) reduce the child care burden for working families; (3) partnership with ACS reduces overhead and transportation costs; and (4) the City of Asheville's investment increases training opportunities, leverages community resources, and stipends providers of color.

IRL partners and collaborates with over 45 community partners each year. IRL service providers develop, design, and disseminate their program of choice.

C. MANAGER'S REPORT

Charlotte Street Road Diet and Safety Improvements

Director of Transportation Ken Putnam explained that the purpose of this presentation is to update City Council and the community on the progress of the Charlotte Street Road Diet Project. As background, he said (1) on April 24, 2018, City Council adopted Resolution No. 18-93 authorizing the City Manager to direct staff to move forward with Charlotte Street improvements Option 1 (road diet) and Option 3 (spot safety improvements), as well as a review of zoning and land use along the corridor to identify possible changes that would enhance a multimodal

pedestrian-oriented experience; and (2) on November 13, 2018, City Council adopted Resolution No. 18-286 authorizing the City Manager to execute the design contract for the road diet and safety improvements on Charlotte Street. As outlined in the 2016 Asheville in Motion Mobility Plan, "with surrounding traditional neighborhood land uses, Charlotte Street needs a safer, walkable environment." The overall objective of the Charlotte Street Road Diet is to create a "more" complete street given the existing project constraints that could have a transformative impact on the safety and connectivity of the community. One hundred and seventy-four members of the public attended the first public meeting on February 19, 2019. Fifty members of the public attended the second public meeting on May 1, 2019. He then reviewed the corridor plan and what the public can expect. He showed a chart of the Corridor Plan feedback received from the community response survey.

Next steps include in June of 2019 (1) final plans complete; (2) continued property owner conversation; and (3) bid (advertise project for construction). In July-August of 2019, (1) bidding and contractor selection; (2) contractor coordination; and (3) online project updates. In September-December of 2019, (1) construction, schedule to be determined during contractor coordination; (2) construction administration; and (3) online project updates.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING ON THE FISCAL YEAR 2019-20 OPERATING BUDGET

City Manager Campbell said that this is a public hearing on the City of Asheville Fiscal Year 2019-20 Proposed Annual Operating Budget and inclusion of public input in City Council's consideration of the budget. This public hearing was advertised on May 17, 2019.

Background:

- The 2019-20 Proposed Annual Operating Budget was presented to City Council on May 14, 2019, and was balanced with an ad valorem tax rate of $0.4289 per $100 of assessed valuation (no change from the current rate).
- A copy of the Proposed Budget is available for public review in the City Clerk's office, as well as on the City's website (www.ashevillenc.gov).
- In accordance with the North Carolina Local Government Budget and Fiscal Control Act (G.S. 159-12), a summary of the Proposed Budget along with a notice of the public hearing was published on May 17, 2019. Adoption of the Fiscal Year 2019-20 Budget Ordinance is scheduled for June 11, 2019 at the regularly scheduled City Council meeting.
- The Proposed Budget may be changed by City Council in any way before adoption.
- It may also be changed by budget amendment after adoption, with the only exception being the ad valorem tax rate, which cannot be changed once the budget is adopted.

City Manager Campbell gave a brief process overview of the budget process, which started in August of 2018. The guiding principles were (1) essential service delivery - ensuring departments have the resources required to meet service delivery expectations; (2) enhancing customer value - ensuring efficient service delivery that improves the customer experience; and (3) strategic alignment - aligning resources (new and existing) to achieve community, Council and staff goals. The Fiscal Year 2019-20 proposed budget (1) continues funding for existing services with minor enhancements that align with community, City Council and staff goals; (2) maintains property tax rate (42.89-cents); and (3) totals $190.3 Million.

City Manager Campbell then did a brief review of major operating investments. For transit investments (1) 20,000 service hours to increase frequency and realign existing routes (Purple, Green and Yellow options); (2) staffing to improve quality, on-time performance and customer experience; (3) bus maintenance to improve reliability; (4) maintenance facility study; and (5) the 2020 estimate is an increase of $1.56 Million which is 30% over the current year. For investments in people (1) employee pay raise (2.5%); additional retirement contribution (1.2%); no additional healthcare contribution; (4) Class & Compensation Study; and (5) full year of funding for 6% 457 firefighter retirement program. In addition to employee pay raise, she recommended (1) Council direct staff to study compensating City of Asheville employees a base annual full-time salary of $31,200 (which is equivalent to $15/hour based on a 40 hour work week); (2) Apply this threshold to all permanent full-time, permanent part-time, and temporary/seasonal employees; (3) have staff direct the classification and compensation study consultant, in the first phase of the study, to provide the City with recommendations and costs for implementing this directive including any adjustments needed to address salary compression issues; and (4) have City Manager Campbell identify funding within this year's budget to begin implementation based on study recommendations.

For capital investments, there is (1) construction of Fire Station 13; (2) facility maintenance; (3) computer replacement; and (4) Walton Street Pool and Grant Center.

In summary, she said that planning for future years include (1) continuing to improve and innovate operations; (2) review strategic partnership process; (3) continue community outreach and engagement efforts; (4) strengthen link between priorities and budget; and (5) evaluate capital funding options.

Mayor Manheimer opened the public hearing at 6:15 p.m.

Many individuals spoke regarding the budget, with various comments, some being, but are not limited to: (1) fully funding the Transit Master Plan with extended hours; (2) funding the Urban Forest Master Plan and hiring an Urban Forester; (3) raise all City employees to $15/hour and pay current fair market value wages; (4) not removing a traffic lane on Charlotte Street; and (5) funding for staffing in Community & Economic Development to improve Minority Women Business Enterprise results related to the 2018 Disparity Study.

Mayor Manheimer closed the public hearing at 8:05 p.m. and said that adoption of the ordinance adopting the Fiscal Year 2019-20 Annual Operating Budget will be held on June 11, 2019, at which time no further public comment will be taken.

Closed Session

At 8:06 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(e). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit or potential lawsuit involving the following parties: PHG Asheville LLC vs. City of Asheville. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 8:35 p.m., Vice-Mayor Wisler to come out of closed session. This motion was seconded by Councilwoman Mayfield and carried unanimously.

B. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED ON 99999 VERDA VISTA CIRCLE FROM COMMERCIAL INDUSTRIAL DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE FOR THE CONSTRUCTION OF A 56-UNIT MULTI-FAMILY RESIDENTIAL BUILDING

ORDINANCE NO. 4744 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED ON 99999 VERDA VISTA CIRCLE FROM COMMERCIAL INDUSTRIAL DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE FOR THE CONSTRUCTION OF A 56-UNIT MULTI-FAMILY RESIDENTIAL BUILDING

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to conditionally zone property located on 99999 Verda Vista Circle from Commercial Industrial District to Residential Expansion/Conditional Zoning for the construction of a 56-unit multi-family residential building. This public hearing was advertised on May 17 and 24, 2019.

Action Requested: Consider a conditional zoning petition for property currently zoned Commercial Industrial (CI) to Residential Expansion District Conditional Zone (RES EXP CZ)

Project Location and Contacts:

- The project site consists of a 3.21 acre parcel located at 99999 Verde Vista Circle (PIN 9658.52-9309) that is owned by Pike Real Estate Development, LLC.
- Petitioner: Mission Properties; Contact: Warren Sugg.

Summary of Petition:

- The proposal is for the construction of a new multi-family residential apartment building as an expansion of an existing development.
- The petition includes a rezoning via conditional zoning from Commercial Industrial (CI) to Residential Expansion District Conditional Zone (RES EXP CZ) due to the limited residential density permitted in the underlying zoning district.
- The proposed four-story building contains 56 dwelling units and is approximately 66,941 square feet in size.
- The project utilizes an internal connection to the existing development, which is accessed from Bleachery Boulevard via River Ford Parkway.
- Plans include a surface parking lot with 84 vehicular spaces which is within the range required based on the number of one and two-bedroom units.
- The project includes 10-foot wide walkways around the building and five-foot wide paths with stairs to connect this phase to the existing development as well as to Bleachery Boulevard.
- A five-foot wide sidewalk will be provided behind the existing street trees along the project frontage on Bleachery Boulevard to connect into existing sidewalk to the north and will extend in the opposite direction to the intersection with River Ford Parkway.
- The applicant will provide a transit stop with a pad, shelter and bench along the project frontage on Bleachery Boulevard.
- Landscaping and retaining wall screening as required by code will be provided on the site.
- The applicant is requesting the following conditions to be approved for this project:
    - Sidewalks and walkways are required to be 10 feet wide; the stairs that connect to the existing development and to Bleachery Boulevard are proposed to have a width of five feet; five feet is also the width proposed for the sidewalk along Bleachery Boulevard to match into the existing sidewalk along this corridor and to preserve street trees.
    - Open space requirements are satisfied via the amenities in the existing

development.
- Parking is not permitted between a building and the primary access corridor; the layout shows parking closer to Bleachery Boulevard due to topography and existing infrastructure, including a 42 inch storm pipe running through the site.

Comprehensive Plan Consistency:
- The Living Asheville Comprehensive Plan identifies this location as an Urban Corridor on the Future Land Use Map. This designation anticipates mixed-use development including higher density residential and emphasizes multi-modal access, sidewalks and transit facilities to enhance connectivity and the pedestrian experience. This project aligns with these goals.

Compatibility Analysis:
- The expansion of the existing residential development is compatible with the area as the form and layout is similar to other multi-family developments in the vicinity and is well sited proximate to a variety of commercial uses, employment and transit.
- The applicant has provided a pedestrian connection to and along Bleachery Boulevard and extended the sidewalk connection from River Ford Parkway down to the retail center. The applicant has also agreed to relocate and upgrade a transit stop.

Council Goal(s):
- A Well-Planned and Livable Community
- Transportation and Accessibility

Committee(s):
- Technical Review Committee - February 15, 2019 - approved with conditions
- Planning and Zoning Commission - May 1, 2019 - recommended approval (7-0)

Staff Recommendation:
- Staff supports this expansion of the existing residential development including the upgrades to pedestrian connectivity and transit. The conditions requested by the applicant are supportable as the sidewalk location preserves existing street trees and extends the existing streetscape layout in the vicinity of the site. Additional activation of Bleachery Boulevard is not practical due to the grade differential on the site.

Mr. Robert W. Oast Jr., attorney representing the developer, provided Council with a packet of information, in which he outlined some of the major features (1) one additional building of 56 units - 10% (6 units) affordable for 20 years; (2) 84 parking spaces; (3) sidewalks internal and connecting to Bleachery Boulevard; (4) provide transit stop and shelter on site; (5) use of River Ford Parkway by City vehicles; and (6) new units use all amenities. He said this is a good, uncomplicated project and urged Council to support it.

When Vice-Mayor Wisler pointed out that the 10% affordable units is not contained in the B.1 conditions, Mr. Oast said that they are agreeable to having that included in the B.1 conditions.

Councilwoman Mayfield noted that Phase 1 also contains 10% affordable units.

At 8:48 p.m., Mayor Manheimer opened the public hearing, and when no one spoke, she closed the public hearing at 8:48 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the conditional zoning request for Verde Vista Phase 2 from Commercial Industrial (CI) to Residential Expansion District Conditional Zone (RES EXP CZ) for the construction of a new building and site upgrades with an amendment to the B.1 conditions to include 10% (6 units) affordable for 20 years; and find that the request is reasonable, is in the public interest and aligns with the city's comprehensive plan in the following ways: (1) this is an expansion of an existing residential development; (2) the Future Land Use category is appropriate and supportive of this higher density residential use; (3) the project provides pedestrian connections along Bleachery Boulevard and an upgraded transit stop; and, (4) the proposal is aligned with strategies found in the city's comprehensive plan regarding activating the pedestrian experience, siting uses along corridors that are supported by transit and locating residential density proximate to other commercial uses, contributing to a mixed-use corridor. This motion was seconded by Councilman Haynes and carried on a 6-1 vote, with Councilman Young voting "no".

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C. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 1 SOUTH TUNNEL ROAD FROM REGIONAL BUSINESS DISTRICT TO MIXED USE EXPANSION/CONDITIONAL ZONE TO ALLOW A MIXED-USE DEVELOPMENT THAT INCLUDES RESIDENTIAL, RETAIL, SERVICE AND ENTERTAINMENT USES

At the applicant's request, Councilman Young moved to continue this public hearing until July 23, 2019. This motion was seconded by Councilman Haynes and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 19-133 - RESOLUTION APPROVING HARRAH'S CHEROKEE RESORT, AN ENTERPRISE OF THE EASTERN BAND OF CHEROKEE INDIANS, AS THE NAMING RIGHTS PARTNER FOR THE CIVIC CENTER (CURRENTLY THE U.S. CELLULAR CENTER)

Mr. Chris Corl, General Manager of the U.S. Cellular Center, said that he is requesting the selection of one of two bidding companies - U.S. Cellular Inc. or Harrah's Cherokee Resort, an Enterprise of the Eastern Band of Cherokee Indians - as the Naming Rights Partner for the Asheville Civic Center and to authorize the City Manager to direct City staff to initiate the necessary steps to enter into a naming rights license agreement with this company.

Background:

- November 22, 2011, City Council passed Resolution No. 11-228 approving the Mayor to execute a naming rights licensing agreement with U.S. Cellular Inc.
- U.S. Cellular Inc. naming agreement was valued at $150,000 annually with a total term value of $1,350,000.
- 100% of the funds generated from naming rights are used towards debt services from arena & common spaces renovations completed in 2011-14. The debt service on this renovation project sunsets in 2031. All naming license fee revenues must stay with the Center's enterprise funds.
- The agreement with U.S. Cellular expires on December 31, 2019, and all possible extensions have been executed.
- In compliance with the City's Naming Rights Policy adopted in March 2014, staff was authorized to issue a "call for interest" and begin the process of developing a new naming

rights contract by the Finance and HR Committee on July 24, 2018.

- Subcommittee Goals of the Naming Rights Agreement were provided to Council, with the mission being "to contract a licensing agreement with a notable company or individual that is culturally and socially compatible with the local community."
- The process included:
  - Informing U.S. Cellular Inc. of the planned naming rights process
  - Working with the Civic Center Commission and sharing information with the public, including holding a public meeting
- Staff communicated with (14) companies, and received two written proposals.
  - An extension proposal from U.S. Cellular Inc.
  - A new proposal from Harrah's Cherokee Resort, an enterprise of the Eastern Band of Cherokee Indians.

Proposal #1: U.S. Cellular Inc. Extension

- U.S. Cellular Inc. proposes a three (3) year initial term with a (2) year mutually agreeable extension opportunity.
- The annual licensing fee rate calculation continues the current agreement utilizing a 2% annual escalator for the duration of the term.
- Includes annual attendance bonuses equal to 5% of annual naming fee.
- Contract with U.S. Cellular Inc.

U.S. Cellular -	
Year 1	$ 168,858
Year 2	$ 172,235
Year 3	$ 175,680
Year 4	$ 179,194
Year 5	$ 182,777
Subtotal	$ 878,745
3 Year Initial Term	
2 Year Mutually Agreeable Extension	
*Does NOT include request for Naming of Civic Center Garage	
Naming Rights 'fee' subject to a 2% annual escalator	
Includes attendance bonuses annual if target attendance is met. Equal to 5% of annual naming fee. total term potential of $43,937	
Total Term Potential Value:	$ 922,682

Pros Proposal #1:

- Continues the brand of the facility that staff, venue partners and U.S. Cellular have been actively growing and promoting for nearly 9 years.
- Facility name is widely accepted throughout the community and the region.
- U.S. Cellular, as a naming partner has not historically required a significant amount of dedicated staff time annually.
- Does not require renaming of the Civic Center parking garage.
- Ability for strong marketing assistance regionally

Cons Proposal #1:

- Does not create any new revenue for the U.S. Cellular Center enterprise fund.
- Does not meet the goal annual naming fee mark of $500,000 per year
- Full funding of a video board and other necessary infrastructure will be significantly more challenging to secure.
- If U.S. Cellular Inc. offer is selected, Council should be prepared to support staff in aggressively pursuing other sources of funding towards the Thomas Wolfe renovation project.

Fiscal Impact Proposal #1:

- Relative to the existing agreement, this proposal would bring in an additional $128,745 in revenue over the next five years.

Proposal #2: Harrah's Cherokee Resort

- Harrah's Cherokee Resort proposes a five (5) year initial term with a five (5) year mutually agreeable extension opportunity.
- The annual licensing fee rate shall be $500,000 annually for the duration of the term.
- Includes a total of $750,000 in addition to the licensing fee in the first year for fan experience improvements and video board installation.
- Harrah's Cherokee Resort will reimburse the City for all signage, wayfinding, uniform etc. change outs associated with the name change up to $250,000. Any costs over and above $250,000 would be that of the City.
- Contract with, Tribal Casino Gaming Enterprise, a wholly owned instrumentality of the Eastern Band of Cherokee Indians.

Harrah's Cherokee Resort - an Enterprise of the Eastern Band of Cherokee Indians	
Year 1 - 5 ($500,000 annually)	$ 2,500,000
Years 6 - 10 ($500,000 annually)	$ 2,500,000
Subtotal	$ 5,000,000
5 Year Initial Term	
5 Year Mutually Agreeable Extension	
*Includes request for Naming of Civic Center Garage	
Year 1 - Additional $250,000 for 'fan friendly' Mutually agreeable improvements	
Year 1 - Additional $500,000 towards Video Board installation; USCC to cover remaining ~$550,000	
Year 1 - Additional up to $250,000 (capped) reimbursables for signage, uniform change outs etc.	
Total Term Potential Value:	$ 5,750,000
Total 5 Year Potential Value (direct comparison to U.S. Cellular)	$ 3,250,000

Pros Proposal #2:

- Approximately $3,000,000 in new funding, earmarked specifically for capital improvements at the Thomas Wolfe Auditorium

- $750,000 in 'new' funding, fan experience improvements including video boards.
- Greatly increases the total intellectual property value of the facility for future potential naming partnerships.
- The Enterprise has significant impact to WNC.
- Support in staff training.
- Ability for strong marketing assistance regionally.

Cons Proposal #2:

- Requires re-education of community, business clients, artists and promoters who utilize the facility related to the branding and advertising of events.
- Requires staff time to manage signage and brand exchange.
- Unknown amount of dedicated staff time to relationship.

Fiscal Impact Proposal #2:

- Relative to the existing agreement, this proposal would bring in an additional $3,000,000 in revenue over the next five years, and another $1,750,000 in years 6-10.

Council Goals

- A Thriving Local Economy
- A Connected and Engaged Community
- A Smart City

Committees

- On April 2, 2019, the Civic Center Commission voted 3 - 2 in favor of support for the U.S. Cellular contract extension.
- On April 12, 2019, the Downtown Commission was informally presented information concerning Civic Center naming rights. No action was taken. On May 23 the Downtown Commission held a called meeting to discuss naming rights of the venue and voted 6-1 in favor of accepting Harrah's Cherokee.

Mr. Corl said that you will see the name on (1) exterior signage: monument sign, pole banners, street and wayfinding signage; (2) receipts, ticket stock, uniforms; (3) credits/mentions etc. on local, regional, national and webstream broadcasts; (4) all event advertising; (5) venue website, City of Asheville website and the Asheville App; and (6) naming of the Civic Center parking garage (if approved by Council).

Mr. Chris Stokes, Director of Sales with U.S Cellular, spoke about U.S. Cellular and provided Council with the following PowerPoint. U.S. Cellular is the fifth largest full-service wireless carrier in the United States. It offers coverage where other carriers don't and a wide range of communication services that enhance consumers' lives, increase the competitiveness of local businesses and improve the efficiency of government operations. U.S. Cellular's business model, the Dynamic Organization, starts with leadership excellence which creates passionate associates, who in turn deliver the best customer service, leading to customer advocacy that produces superior business results. U.S. Cellular maintains one of the industry's highest customer satisfaction and loyalty ratings. Regarding community outreach, U.S. Cellular strives to build a connection with our communities that extends beyond its business by supporting a cause that strengthens every neighborhood where we live and work. We are committed to enhancing the learning experience for children and communities by championing K-12 and STEM educational programs. In 2019, U.S. Cellular announced a $1 Million donation to the Boys & Girls Clubs of America to provide K-12 STEM educational opportunities to youth for the fifth consecutive year. More than $38,000 has been donated to the Salvation Army Boys & Girls Club of Buncombe County for afterschool and academic enrichment programs. In 2019, U.S. Cellular donated $300,000 to JASON Learning, a STEM curriculum dedicated to helping students learn

how to become better "scientific thinkers" in their future careers. Shines a light on hundreds young humanitarians, under the age of 16, who go above and beyond to better their communities, by connected to the good in all of us. In 2019, U.S. Cellular awarded $160,000 to 16 young humanitarians to further their cause. Celebrates elementary to high school coaches who go above and beyond for their teams, schools, and communities, connecting to the good in all of us. In 2018, U.S. Cellular awarded $225,000 to 15 coaches and $80,000 in school grants. Coach Chris Metzger of Pinecrest High School in Southern Pines, N.C., was this year's winner. U.S. Cellular awarded his school a $50,000 grant. U.S. Cellular's naming rights sponsorships are only aligned with properties that enhance and strengthen their communities - U.S. Cellular Community Park in Medford, Oregon; U.S. Cellular Soccer Complex in Knoxville, Tennessee; U.S. Cellular Center in Asheville, North Carolina; and U.S. Cellular Center in Cedar Rapids, Iowa.

Mr. Brian Saunooke, Vice-President of Marketing for the Harrah's Cherokee Casinos spoke about Harrah's Cherokee and provided Council with the following PowerPoint. The Harrah's Cherokee brand is (1) Locally owned by the Eastern Band of Cherokee Indians; (2) A top southeastern tourism destination and one of the largest and most successful gaming operations in the country; and (3) a Corporate Citizenship. Regarding supporting the wellbeing of our employees, guests and local communities (A) Job Creation - 9,000 direct and indirect jobs, 3,600+ direct employees, $129M annual wages, and 5,400 indirect jobs; (B) Education - Fully paid scholarships for all tribal members for any institution and degree program, New K-12 school campus, Harrah's offers tuition reimbursement program for all employees, Harrah's paid Internship program, and Harrah's Cherokee Tribal Scholarship Fund; (C) Social/Health - Employee Benefits (Medical & dental insurance; Retirement/401K; and Free employee health clinics, employee wellness coordinator and programs); New hospital complex; Crisis stabilization unit; and Dialysis Center; and (D) Community Partner - Buncombe County partners include Alzheimer Association, American Red Cross, Asheville Area Chamber of Commerce, Blue Ridge Health Foundation., Blue Ridge National Heritage, Blue Ridge Pride, Care Partners Asheville, Children's Welfare League, Eliada Children's Home, Highland Brewing, Homeward Bound, Manna Food Bank, March of Dimes, No Barriers USA, Rotary Club of Asheville South, Project Sanctuary, and UNC- Asheville. Caring for our environment to preserve the quality of life on earth are CODE GREEN Initiatives - Property-wide recycling & composting; Energy saving LED swap, electric grounds equipment, housekeeping opt out incentive; Solar farm providing 10% of Murphy, NC property electricity; and Responsible meetings and events certification. Industry leads Responsible Gaming program - Operation Bet Smart; Project 21; National Helpline; and Self Exclusion. He presented the following two naming options - Harrah's Cherokee Center – Asheville; or Harrah's Cherokee Arena at Asheville.

Vice-Mayor Wisler moved to adopt a resolution approving the selection of Harrah's Cherokee, an Enterprise of the Eastern Band of Cherokee Indians as the naming rights partner for the Asheville Civic Center and authorizing the City Manager to direct City Staff to initiate the steps necessary to enter into a naming rights license agreement with them pursuant to N.C.G.S. 160A-272. This motion was seconded by Councilman Young.

The following individuals spoke in support of approving the selection of U.S. Cellular Center Inc. as the naming rights partner for the Civic Center:

Mr. Bill Jones, a member of the Civic Center Commission
Mr. Barney Bryant
Mr. Paul Van Heden
Mr. Dennis Justice

Mr. David Nutter spoke in support of approving Harrah's Cherokee Resort, an enterprise of the Eastern Band of Cherokee Indians, as the naming rights partner for the Civic Center.

Ms. Nina Tovish questioned if we have exhausted all opportunities to get others to bid on the naming rights.

Mr. Roy Harris suggested Harrah's build a museum beside the Civic Center to tell the history of Native Americans.

Mr. Jonathan Wainscott thought we should name the Civic Center after a native of Asheville or Buncombe County and suggested the Brad Daugherty Center.

There was discussion, initiated by Councilman Haynes, about possibly extending the U.S. Cellular Center contract for a year. Mr. Corl said that that extension was not on the table and also one that didn't generate enough value given City staff would have to restart the naming rights process again next month.

In response to Councilman Haynes, Mr. Corl said that if Council declines both offers, the process for removing the U.S. Cellular signage would begin in January of 2020 with an estimated cost of $200,000. In addition, the City would have to find other revenue sources to fund the Thomas Wolfe renovations and pay down debt service.

Councilwoman Mayfield felt that the name of the Civic Center matters a lot. The Civic Center Commission recognized that by including the language in their mission to contract a licensing agreement with a notable company or individual that is culturally and socially compatible with the local community. Asheville is a progressive City. Asheville celebrates the natural environment, arts, music, food, southern Appalachian culture and local. We also now celebrate beer; however, there is not an equivalency between Harrarh's and beer. The reason is that we are Beer City USA is because we have created a craft of making beer here. It is not about drinking. She would be happy to partner with the tribe in some way. The tribe is absolutely part of our culture in Asheville and Western North Carolina and it's a partnership we should work hard to build and develop. She would have supported naming the Civic Center something that reflected some aspect of Native American culture. She wanted to reject both offers because neither of them meet the criteria set out; however, her recommendation is that we go with the shorter term - the U.S. Cellular Center - and we try again to find a corporate partner that is compatible with our community and with our culture. Her recommendation has nothing to do with her seat on the Buncombe County Tourism Development Authority (TDA).

Vice-Mayor Wisler said that she is basing her decision on the generous payments that will help with the Thomas Wolfe Auditorium renovations. She felt the brand of Harrah's Cherokee will not confuse visitors that the Civic Center is a casino. The Cherokee organization is very visible already in this community and she hasn't seen any adverse effects from that highly visible presence. She thought it was disingenuous of local nonprofits to accept the very generous money from the Cherokke organization, but yet they don't want that name on a building.

Mr. Corl responded to Councilman Kapoor when he asked what this extra revenue will go towards and how he felt how either sponsor would feed into the larger need to raise additional dollars to renovate the entire building.

Councilman Kapoor was concerned about how we fund the Thomas Wolfe Auditorium renovations. He noted that if we sponsor with Harrah's Cherokee, then at the end of five years term, the City or Harrah's Cherokee can decide whether or not to extend the term another five years.

Councilman Young said that the City of Asheville is the economic driver of all of Western North Carolina (WNC) and municipalities in WNC have economic success based on tourism that comes to Asheville. So, he felt that everyone piggy-backs off the success of Asheville.

Regarding the TDA weighing in on the naming rights sponsor after two bids were received, he felt they should have put in a bid. He felt there is no moral superiority on what Asheville's brand is, because when you go around the country and you say "Asheville" people automatically say "Beer City USA." He felt that having naming rights of a venue is about money and being able to put our facilities in good working conditions so we can continue to have events and renovate the Thomas Wolfe Auditorium. He felt the amount of financial support that Harrah's will be able to provide and our ability to keep future programs in the City and will be beneficial in the long-run.

Mayor Manheimer appreciated both entities for putting in a bid for the naming rights. She is satisfied that we have exhausted all opportunities. Staff has taken this through a very thorough and professional process. We are not as big a player in the naming rights business so we are fortunate to have some options to pick between. When you hear the budget discussions, these facilities take great subsidy to continue to keep it operating, even though it hosts all the events and people pay for tickets to attend there - there is still a great cost to run a facility like this. We must continue to offer amenities in our community as they are gathering places for people to see each other, spend time together and bring great quality of life. Since Asheville property tax payers have to help subsidize some of our facilities we are trying to be creative in looking for other ways to provide funding to keep those facilities up. We want to start to address the Thomas Wolfe Auditorium.

The motion made by Vice-Mayor Wisler and seconded by Councilman Young carried on a 6-1 vote, with Councilwoman Mayfield voting "no".

On behalf of the City of Asheville, Vice-Mayor Wisler thanked U.S. Cellular for coming forward years ago to help us start the process of naming rights. They have been a great partner over these years and she thanked them for their relationship with the City and the U.S. Cellular Center.

RESOLUTION BOOK NO. 40 – PAGE 451

B. REQUEST TO NAME POLICE HEADQUARTERS IN MEMORY OF FORMER POLICE LIEUTENANT WALTER ROBERSON

Action Requested: Announcement of a request to name Police Headquarters located at 100 Court Plaza in memory of former Police Lieutenant Walter Robertson.

Background:

- Pursuant to the City's public property naming policy, Councilman Keith Young has requested Police Headquarters be named in memory of former Police Lieutenant Walter Robertson.
- Mr. Robertson was an Asheville native and graduated from Lee Edwards High School.
- Mr. Robertson was a decorated Army veteran of the Vietnam War in which he earned several campaign medals, including the Purple Heart;
- Mr. Robertson was the first African American Lieutenant in the history of the Asheville Police Department.
- Mr. Robertson dedicated 30 years to law enforcement, diligently serving Asheville residents with pride and honor.
- Mr. Robertson was well respected and admired by the community.
- Mr. Robertson was a mentor to many and was actively involved in the program "Getting Back to Basics," to assist economically disadvantaged families.

Council Goal(s):

- Well-Planned and Livable Community

- Diverse Community

Committee(s):
- None

Pro(s):
- Honor a mentor to current and former Police officers alike.
- Recognize Mr. Robertson's leadership as a good servant of the public's well-being and safety

Con(s):
- None

Fiscal Impact:
- It is estimated that a plaque and installation may cost up to $10,000. Funding will come from the City Manager's Contingency budget.

Councilman Young moved to solicit input from the public on naming Police Headquarters located at 100 Court Plaza in memory of former Police Lieutenant Walter Robertson. This motion was seconded by Councilwoman Smith and carried unanimously.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Reid Thompson, Ms. Velvet Hawthorne and Mr. Joe Minicozzi spoke regarding commercial traffic on Maxwell Street and the City's lack of issuing Whole Foods a Notice of Violation.

Mr. Todd Stimson spoke about the medicinal benefits of hemp.

Ms. Lowell Sopcisak spoke about health issues faced by the City and urged Council to stop the rollout of 5G and not allow it in Asheville.

Ms. Kim Roney suggested Council consider moving their meeting to a larger room when they anticipate large crowds with child care, Spanish and Russian translation services.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 10:29 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – June 11, 2019 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

At the request of Mayor Manheimer, a motion to allow the electronic attendance of Mayor Esther Manheimer at the June 25, 2019, City Council meeting was added to the Consent Agenda.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MAY 28, 2019

B. RESOLUTION NO. 19-135 - RESOLUTION AUTHORIZING THE CITY MANAGER TO DIRECT STAFF TO PREPARE AND SUBMIT APPROPRIATE INFORMATION TO THE N.C. DEPT. OF TRANSPORTATION TO BE FORWARDED TO THE FEDERAL HIGHWAY ADMINISTRATION FOR CONSIDERATION AND APPROVAL OF ACTIVITY CATEGORY A LAND USE DESIGNATION FOR RIVERSIDE CEMETERY

Action Requested: Adoption of a resolution authorizing the City Manager to direct staff to prepare and submit appropriate information to the N.C. Dept. of Transportation (NCDOT) to be forwarded to the Federal Highway Administration (FHWA) for consideration and approval of Activity Category A land use designation for Riverside Cemetery.

Background:

- Procedures for noise studies and noise abatement measures are intended to help protect the public's health, welfare, and livability.
- The FHWA Noise Standard (23 CFR 772) and the NCDOT Traffic Noise Policy applies to any highway project that is funded by federal-aid highway funds in North Carolina.
- A traffic noise analysis is completed for each alternative under detailed study and for each noise abatement criteria activity category listed in Table 1 of the federal noise standard.
- Activity Category A includes lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
- The FHWA makes the final determination regarding Activity Category A designations.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- Recreation Board - May 13, 2019 - approved unanimously
- Planning & Economic Development Committee - May 13, 2019 - approved unanimously

Pro(s):
- Places a more restrictive traffic noise level threshold on the property.
- Would apply to the I-26 Connector project.

Con(s):
- This designation has been given to only two locations in the United States so it is very difficult to achieve.

Fiscal Impact:
- There is no known fiscal impact.

Motion:
- Staff recommends that City Council adopt a resolution authorizing the City Manager to direct staff to prepare and submit appropriate information to the NCDOT to be forwarded to the FHWA for consideration and approval of Activity Category A land use designation for Riverside Cemetery.

RESOLUTION BOOK NO. 40 - PAGE 454

C. RESOLUTION NO. 19-136 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TAG CONTRACTING INC. FOR THE VICTORIA ROAD SLOPE STABILIZATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with TAG Contracting, Inc. in the amount of $168,387.00 and authorize the City Manager to approve an additional contingency amount of $33,677.40 (20%) for a total of $202,064.40, for the Victoria Road - Slope Stabilization Project.

Background:
- The contract was advertised on April 30, 2019, with an original Bid Opening scheduled for May 13, 2019.
- Bids were not opened on May13, 2019, due to only receiving one bid.
- With advertising this contract as a formal contract, the requirement per city policy and general statute is that we cannot open bids on the first advertisement unless we receive three bids. The contract must then be re advertised for a minimum of seven days.
- During the second bid opening, according to general statute the city may open bids with even one bid received.
- We then re-advertised the contract on May 14, 2019, and with only receiving one bid for the second opening, the City could legally open the bids with only receiving one bid.
- Bid was opened on May 22, 2019, after receiving one bid - TAG Construction, Old Fort, NC.

Council Goal(s):
- A Financially Resilient City

Committee(s):
- None

Pro(s):

- The contract will complete the stabilization work required to stabilize the slope adjacent to Victoria Road a main road used by AB Tech, Mission Hospital, Asheville High School and other residents and business owners in the area.
- The contract is to prevent a much larger slide that would likely require the closing of part or all of Victoria Road.

Con(s):
- Construction will be disruptive to adjacent residences and businesses. Efforts will be made to minimize disruptions.

Fiscal Impact:
- Funding for this contract is budgeted in the Stormwater Utility Fund Capital Improvement Program.

Motion:
- Motion to adopt a resolution authorizing the City Manager to execute a contract with TAG Contracting, Inc. in the amount of $168,387.00 and authorize the City Manager to approve an additional contingency amount of $33,677.40 (20%) for a total of $202,064.40, for the Victoria Road - Slope Stabilization Project.

RESOLUTION BOOK NO. 40 - PAGE 455

D. RESOLUTION NO. 19-137 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH GHD CONSULTING SERVICES INC. FOR THE MILLS RIVER WATER TREATMENT PLANT ROOF PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a change order for GHD's engineering services on the Mills River Roof Replacement Project.

Background:
- The Mills River WTP was completed in 1999.
- During construction the need for replacement of five (5) indoor air handling units and their associated outdoor condensing units was identified
- Replacement for 20 year old air handling units is not "in kind" replacements. Staff required guidance on the specifications.
- Additional design of access ladders with platforms at the Intake Structure and Raw and Finish Water Pumping Building was also added to the project for staff safety and maintenance accessibility.
- GHD Consulting service was originally hired to supervise this work.
- The original contract requires an extension as a result of delays due to inclement weather.
- Additional construction management and inspection services are required to provide oversight for above items that have been added to the original scope of work resulting in a request for a change order at a cost of $96,720.

Council Goal(s):
- A Financially Resilient City

Committee(s):
- None

Pro(s):

- This project will finish repairs that needed to be made to the Mills River Water Treatment Plant in order to operate the plant efficiently, reliably, ensure sustainability and safety.

Con(s):
- None

Fiscal Impact:
- Water Resources Department currently has funds set aside in the Capital Improvement Program budget for this project and contingency.

Motion:
- Move to adopt a resolution authorizing the City Manager to execute a change order with GHD Engineering for $96,720.

RESOLUTION BOOK NO. 40 - PAGE 456

E. RESOLUTION NO. 19-138 - RESOLUTION AMENDING THE CITY COUNCIL RULES ON BOARDS AND COMMISSIONS TO PROVIDE CITY COUNCIL DISCRETION TO ALLOW MEMBERS OF CERTAIN BOARDS, APPOINTED BY THE CITY COUNCIL, TO SERVE MORE THAN TWO TERMS UNDER CERTAIN CIRCUMSTANCES

Action Requested: Adoption of a resolution amending the City Council Rules on Boards and Commissions to provide City Council discretion to allow members of certain boards, appointed by the City Council, to serve more than two terms under certain circumstances.

Background:
- Per the City Council's Rules on Boards and Commissions, a term of service on all City boards shall be limited to three years or less, unless otherwise provided by law; and, a length of service on all boards and commissions shall be limited to two full successive terms.
- Certain boards are creations of state laws which mandate two-year terms for board members. Boards created by state law often exercise quasi-judicial functions that require expertise and experience, and can be difficult to fill.
- The proposed amendment would allow City Council to waive the limit of two-full successive terms, for board members appointed by the City Council, for boards created by statute after weighing the following factors: 1) term lengths; 2) level of desired board expertise and experience; 3) matters pending before the board; and 4) additional terms would contribute to board stability and continuity.

Council Goal(s):
- Connected and engaged Community

Committee(s):
- Boards and Commission Committee - June 11, 2019

Pro(s):
- Limit vacancies on certain boards.
- Ensure board stability and consistency.

Con(s):
- Potential for a member to serve an extended period of time at the cost of recruiting a new member.

Fiscal Impact:
- None

Motion:
- Motion to adopt resolution to revise the Boards and Commissions Rules of Procedure to allow City Council the discretion to allow members of boards to serve more than two terms under certain circumstances.

RESOLUTION BOOK NO. 40 - PAGE 457

F. ORDINANCE NO. 4745 - BUDGET AMENDMENT RELATED TO ASHEVILLE POLICE DEPARTMENT AUTO INSURANCE RECOVERY FUNDS

Action Requested: Adoption of a budget amendment in the General Capital Projects Fund in the amount of $15,074.59 from insurance funds received from damaged Asheville Police Department (APD) vehicles to utilize towards APD vehicle or equipment replacement.

Background:
- Since July 1, 2018, the City of Asheville Risk Management Division (City) has recovered $15,074.59 form 3rd party at-fault motor vehicle accidents with APD vehicles.
- The City seeks to allocate these insurance recovery funds to APD to utilize towards APD vehicle replacement or equipment.

Council Goal(s):
- A Financially Resilient City

Committee(s):
- None

Pro(s):
- Allocate APD auto insurance recovery funds to APD for utilization.

Con(s):
- None

Fiscal Impact:
- Transfer $15,074.59 in reimbursed insurance claims revenue received in the Property & Liability Fund into the General Capital Project Fund for APD vehicles/equipment.

Motion:
- Move to adopt a budget amendment in the General Capital Projects Fund in the amount of $15,074.59 from insurance funds received from damaged APD vehicles to utilize towards APD vehicle replacement or equipment.
-

ORDINANCE BOOK NO. 32 - PAGE 379

G. RESOLUTION NO. 19-139 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BRYANT'S LAND AND DEVELOPMENT SERVICES INC. FOR THE PHASE 3 BOND RESURFACING PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with Bryant's Land and Development Industries, Inc. in the

amount of $2,487,426.50 plus a contingency of $497,485.30 (20%) for a total of $2,948,911.80 for Phase 3 Bond Resurfacing.

Background:

- Brooklyn Road, Cisco Road and Kenilworth Road were chosen for resurfacing under Phase 3 of the Bond Resurfacing Program. These roads were chosen because their condition and length made the roads too costly to fully repair under the City's annual resurfacing program. Brooklyn Road and Kenilworth Road will also receive sidewalk repairs.
- The contract was advertised on April 26, 2019, and bids were opened on May 16, 2019. The results were as follows:

Bryant Land and Development Services, Inc. of Burnsville, NC	$2,487,426.50
French Broad Paving, Inc. of Marshall, NC	$2,492,350.00
Harrison Construction, Inc. of Asheville, NC	$2,789,833.50

Council Goal(s):

- Transportation and Accessibility
- Smart City

Committee(s):

- None

Pro(s):

- The contract will resurface approximately 3.1 miles of City streets.
- The contract provides repairs for sidewalks on Brooklyn and Kenilworth Roads.

Con(s):

- Construction will be disruptive to adjacent residences and businesses. Efforts will be made to minimize disruptions.

Fiscal Impact:

- Funding is coming from the 2016 General Obligation Bond approved in November, 2016. The total maximum cost of this contract, including contingency, is $2,948,911.80 .

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with Bryant Land and Development Services, Inc. in the amount of $2,487,426.50 plus a contingency of $497,485.30 (20%) for a total of $2,948,911.80 for Phase 3 Bond Resurfacing.

RESOLUTION BOOK NO. 40 - PAGE 463

H. ORDINANCE NO. 4746 - BUDGET AMENDMENT TO ALLOW ADDITIONAL EXPENSES RELATED TO NEW PROTERRA ELECTRIC BUS PURCHASES

Action Requested: Adoption of a budget amendment in the amount of $216,000 from the General Capital Projects Fund to the Transit Capital Projects Fund to allow for additional expenses related to new Proterra electric bus upfitting.

Background:

- The Transit Services Capital Fund includes $3.63M or the purchase of 5 new Proterra electric buses, including battery (lease), chargers, and charging station installation.
- An additional $216,000 is needed to fund items that were not included in the original budget and/or that have exceeded the initial estimate.

- The additional funding is needed to purchase 5 fareboxes and software that were not originally included in the budget because staff thought fareboxes from the old buses could be reused in the new buses.
- Additional funding is also needed for vehicle registration fees and design/construction costs for the charger installation slightly exceeded the original estimate.
- Additional funding to add acceleration and brake pedal extenders to all 5 buses.
- Additional funding to purchase and install Swiftly GPS trackers on all 5 buses.
- Staff is recommending that the additional funding be taken from the FY 2018-19 General Capital Projects CIP contingency. Since this budget change involves moving funds from one fund to another, Council action is required to approve the budget amendment

Council Goal(s):
- A Financially Resilient City

Committee(s):
- Finance & Human Resources Committee - February 26, 2019 - approved unanimously

Pro(s):
- Provides the needed funding to complete the upfitting of 5 new Proterra electric buses and put those buses into service.

Con(s):
- Requires the use of $216,000 in funding from the FY 2018-19 CIP contingency.

Fiscal Impact:
- As noted above, staff is proposing to transfer $216,000 in funding from the FY 2018-19 CIP contingency to cover the additional costs associated with this project.

Motion:
- Motion to adopt a budget amendment in the amount of $216,000 from the General Capital Projects Fund to the Transit Capital Projects Fund to allow for additional expenses related to new Proterra electric bus upfitting.

ORDINANCE BOOK NO. 32 - PAGE 380

I. **RESOLUTION NO. 19-140 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A NEW ONE-YEAR MEMORANDUM OF UNDERSTANDING WITH THE FRIENDS OF THE NATURE CENTER**

Action Requested: Adopt a resolution authorizing the City Manager to execute a new one year Memorandum of Understanding with the Friends of the WNC Nature Center, Inc. ("Friends"), on behalf of the City of Asheville.

Background:
- Since 2005 the City of Asheville and the Friends of the Nature Center have participated in a Memorandum of Understanding (MOU) that describes the relationship between the two parties.
- The purpose of the agreement was for the City, as the owner of the Nature Center, to establish the respective roles of the Friends as the official membership and support organization for the Nature Center as approved by City Council.
- The City retained ownership of the membership program and designated the Friends as the official fundraising support organization supporting the mission of the Nature Center.
- In 2017, the City of Asheville entered into a lease agreement with Friends of the WNC

Nature Center.

- The primary role and responsibility of the Friends is to assist the Nature Center raising funds for financing education and conservation programs, development, expansion, renovation, and operation of the Nature Center facilities.
- The Fiscal Year (FY) 2018-19 funding levels provided by Friends is $175,000.
- Both parties evaluate the relationship as part of the annual process to renew the MOU. Both parties are in agreement to renew the MOU for the next 12 month period.
- The current agreement is set to expire June 30, 2019.
- The FY 2019-20 funding level provided by the Friends will be $150,000.
- The only change in terms of this MOU as compared to last year's is the aforementioned reduction in operating funding provided by the Friends and a change clarifying that City of Asheville/WNC Center, not the Friends, is an AZA accredited member.
- This is a one-year Memorandum of Understanding.

Council Goal(s):

- This action aligns with the 2036 Council Vision of a thriving local economy and a connected and engaged community.

Committee(s):Council Finance Committee April 23, 2019

Pro(s):

- Continued operational support from the Friends through a new Memorandum of Understanding for one additional year which allows staff to include this agreement in the analysis of agreements and partnerships planned for FY 2019-20.

Con(s):

- None

Fiscal Impact:

- The amendment includes a new annual allocation from the Friends of $150,000, a decrease of $25,000 over FY 2018-19. This decrease is not expected to impact the performance of the Nature Center; increased attendance is driving higher anticipated revenue that can cover the reduction.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a new one year Memorandum of Understanding with the Friends of the WNC Nature Center, Inc. on behalf of the City of Asheville.

Mr. Timothy Sadler wanted to make sure that the WNC Nature Center is still public, which it is.

RESOLUTION BOOK NO. 40 - PAGE 464

J. MOTON SETTING A PUBLIC HEARING FOR JUNE 25, 2019, TO CONSIDER A STREET NAME CHANGE OF THE MOST SOUTHERN PORTION OF PARK AVENUE NORTH TO ARTFUL WAY

Action Requested: Set a June 25, 2019, public hearing date to consider a street name change of the most southern portion of Park Avenue North to Artful Way.

Background:

- Park Ave N is a duplicated street name in the same emergency response area. The Haywood Road bridge was constructed in the 1970's and Park Avenue North was split

into two different street segments. The most northern segment is planned to remain the same Park Avenue North street name. The southern segment is being considered to be renamed to eliminate the duplicate street name confusion.
- Timing for eliminating the duplicate street name is right as there are no occupied structures on the street to endure a street address change.
- Changes to existing public street names shall be approved through a resolution of the City Council following a public hearing advertised with state open meeting laws. The Notice will be posted prominently along the street, published at least once in a newspaper and mailed to all property owners adjoining the affected right-of-way.

Council Goal(s):
- A well-planned and livable community

Committee(s):
- Public Safety Committee - May 23, 2019 - supported the street renaming

Pro(s):
- Potential emergency response enhanced with a new unique street name.

Con(s):
- Cost and labor of replacing one street name sign.

Fiscal Impact:
- Material, fabrication and installation costs of the new street sign is included in the Transportation Department annual operating budget.

Motion:
- Motion to consider changing the of the most southern portion of Park Avenue North to Artful Way and authorize the City Manager to set a public hearing on June 25, 2019.

K. MOTION SETTING A PUBLIC HEARING FOR JUNE 25, 2019, TO CONSIDER A STREET NAME CHANGE OF WILBAR AVENUE TO LEE GARDEN LANE

Action Requested: Set a June 25, 2019, public hearing date to consider a street name change of Wilbar Avenue to Lee Garden Lane

Background:
- The Lee Walker Heights property was rezoned to allow for a complete redevelopment of an existing housing development. The developer requested to name the proposed new access drive Lee Garden Ln. There is a short portion of what appears to be platted public right-of-way that connects Wilbar Ave to Short Coxe Ave. Since that portion of right-of-way appears to be public then only City Council can consider a street name change.
- Timing for changing the street name is right as there are no occupied structures on Wilbar Avenue to endure a street address change.
- Changes to existing public street names shall be approved through a resolution of the City Council following a public hearing advertised with state open meeting laws. The Notice will be posted prominently along the street, published at least once in a newspaper and mailed to all property owners adjoining the affected right-of-way.

Council Goal(s):
- A Well-Planned and Livable Community

Committee(s):
- Public Safety Committee - May 23, 2019 - subsequently supported the street renaming after hearing input from Asheville Housing Authority on how the proposed new name originated

Pro(s):
- Potential emergency response enhanced with a new unique street name before new construction. occurs.

Con(s):
- Cost and labor of replacing one street name sign.

Fiscal Impact:
- Material, fabrication and installation costs of the new street sign is included in the Transportation Department annual operating budget.

Motion:
- Motion to consider changing the street name of Wilbar Avenue to Lee Garden Lane and authorize the City Manager to set a public hearing on June 25, 2019.

L. RESOLUTION NO. 19-134 - RESOLUTION NAMING POLICE HEADQUARTERS IN MEMORY OF FORMER POLICE LIEUTENANT WALTER ROBERTSON

Action Requested: Adoption of a resolution naming Police Headquarters located at 100 Court Plaza in memory of former Police Lieutenant Walter Robertson.

Background:
- Pursuant to the City's public property naming policy, Councilman Keith Young has requested Police Headquarters be named in memory of former Police Lieutenant Walter "Walt" Robertson.
- Mr. Robertson was an Asheville native and graduated from Lee Edwards High School; and
- Mr. Robertson was a decorated Army veteran of the Vietnam War in which he earned several campaign medals, including the Purple Heart; and
- Mr. Robertson was the first African American Lieutenant in the history of the Asheville Police Department.
- Mr. Robertson dedicated 30 years to law enforcement, diligently serving Asheville residents with pride and honor.
- Mr. Robertson was well respected and admired by the community.
- Mr. Robertson was a mentor to many and was actively involved in the program "Getting Back to Basics," to assist economically disadvantaged families.
- Community input was solicited through Open City Hall and neighborhood networks. As of June 5, 456 people visited the Open City Hall page, 105 people commented which translates into 5.3 hours of public comment. The majority of the responses supported naming police headquarters in honor of former Lieutenant Robertson. All responses remain accessible through the Open City Hall web page.

Council Goal(s):
- Well-Planned and Livable Community
- Diverse Community

Committee(s):
- None

Pro(s):
- Honor a mentor to current and former Police officers alike.
- Recognize Mr. Robertson's leadership as a good servant of the public's well-being and safety.

Con(s):
- None

Fiscal Impact:
- It is estimated that a plaque and installation may cost up to $10,000. These funds are available in the City's operating budget.

Motion:
- Adopt a resolution to name Police Headquarters located at 100 Court Plaza in memory of former Police Lieutenant Walter Robertson.

RESOLUTION BOOK NO. 40 – PAGE 453

M. MOTION TO ALLOW ELECTRONIC ATTENDANCE

Action Requested: Pursuant to N. C. Gen. Stat. sect. 143-318.13, move to allow for the electronic attendance of Mayor Esther Manheimer at the June 25, 2019, meeting of the Asheville City Council so that she may participate fully in said meeting by phone, including any public hearing and vote.

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Kapoor and carried unanimously.

III. PRESENTATIONS & REPORTS: None.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO SOLICIT COMMENTS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT FUNDS ANNUAL ACTION PLAN FOR FISCAL YEAR 2019-20

RESOLUTION NO. 19-141 - RESOLUTION AUTHORIZING SUBMISSION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT FUNDS ANNUAL ACTION PLAN FOR FISCAL YEAR 2019-20 TO THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT

Community Development Director Paul D'Angelo said that this is the consideration of a resolution authorizing submission of the Community Development Block Grant and HOME

Investment Partnership Act funds Annual Action Plan for Fiscal Year 2019-20 to the U.S. Dept. of Housing & Urban Development. This public hearing was advertised on May 31 and June 7, 2019.

Action Requested: Authorization from the City Manager to submit the 2019-20 Consolidated Action Plan for Community Development Block Grants (CDBG) and the HOME Investment Partnerships Program (HOME) programs to the U.S. Department of Housing and Urban Development (HUD) and to sign all documents necessary to implement the plan.

Background:

- The City will have $1,098,176 in CDBG funds and $1,269,322 in HOME funds available for the fiscal year beginning July 1, 2019. The HUD entitlement grant funding is 12.5% lower for HOME and approximately 3% lower for CDBG entitlement level funding from 18/19:
  - CDBG 19/20 $1,009,176 18/19 $1,037,798
  - HOME 19/20 $1,229,155 18/19 $1,383,695

  The City's Housing and Community Development (HCD) Committee has made recommendations for the use of CDBG funds, which must be used in housing & community development programs within the City of Asheville.
- The Asheville Regional Housing Consortium Board has recommended uses for HOME funds, which must be used for housing programs within the four-county Consortium area (Buncombe, Henderson, Madison, and Transylvania counties).
- Funds are awarded based on HUD, CDBG & HOME guidelines as well as the Priorities listed in the City's 5 Year Consolidated Plan which was approved by the Asheville City Council on April 28, 2015, and HUD on July 22, 2015.

Council Goal(s):

- A Diverse Community
- Quality Affordable HOusing
- Thriving Local Economy

Committee(s):

- Housing & Community Development Committee - March 29 2019 - Unanimously approved
- Asheville Regional Housing Consortium Board - March 27 2019 - Unanimously approved
- Asheville Regional Housing Consortium Board - April 30 2019 -Unanimously approved

Pro(s):

- Approval of the Consolidated Action Plan paves the way for HUD funding to be utilized by partners in the City of Asheville and the region, with funds to be used to create affordable housing, jobs and impact in our moderate and lower income communities.

Con(s):

- It is not possible to fund all of the applications received, and many agencies funded will receive less than the amounts requested.

Fiscal Impact:

- The Action Plan is fully funded from federal CDBG & HOME entitlement grants, unused funds from previous completed projects, and estimated program income. Staff costs to administer the program are also fully paid from federal sources. The funded programs will provide new construction and other economic activity in the City and the region, creating and sustaining employment and impacting moderate and low income communities

Mayor Manheimer opened the public hearing at 5:10 p.m.

Mr. Timothy Sadler questioned how many units are dedicated for the homeless in the grant funds.

Mayor Manheimer closed the public hearing at 5:12 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Mayfield moved to adopt the resolution authorizing submission of the City's Consolidated Annual Action Plan for 2019-2020 to the U.S. Department of Housing and Urban Development and authorizing the City Manager to sign all contracts or agreements required for the implementation of the Consolidated Annual Action Plan. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 465

V. UNFINISHED BUSINESS:

A. RESOLUTION NO. 19-142 - RESOLUTION APPROVING THE RECOMMENDATIONS FOR THE FISCAL YEAR 2019-20 STRATEGIC PARTNERSHIP FUND GRANTS

Community Development Director Paul D'Angelo said that this is the consideration approval and adoption of 2019-20 Strategic Partnership Fund grant recommendations.

Background:

- The Housing & Community Development Committee received applications from 31 eligible organizations for Strategic Partnership Fund grants for 2019-20 for a total of $234,500, with an additional $7,500 set aside for agency capacity building.
- The Committee considered these applications at their meeting on March 29, 2019, in accordance with the Strategic Partnership Fund purpose of directly supporting the Asheville City Council's 2036 Vision and now recommends 27 applications for funding.
- Total recommended funding for Strategic Partnership Fund grants and capacity building set-aside is $242,000.
- The recommendations are:

AGENCY	AWARD
Asheville Writers Communities in Schools-Word on the Street	$7,500
Aspire Youth and Family-Kids at Work	$5,000
Council on Aging Buncombe County-Service Coordinator for the City of Asheville	$7,500
Hola Community Arts-Latino Partnership Program	$3,333
Mt Zion Community Development-Project Empower	$5,000
My Daddy Taught Me That-Youth in Public	$21,667

Housing Disparities	
YMI Cultural Center-Restoring the YMI	$10,838
YWCA-Swim Equity	$8,335
Asheville Art Museum Association-Early Literacy Through Art	$1,667
Asheville Museum of Science-Closing the Achievement Gap through STEM Learning for Students and Families	$10,000
Children First/Communities in Schools-Claxton Student Support Specialist and Pisgah View	$13,333
The Christine Avery Learning Center-CWA Early Learning Program	$20,000
One Youth at a Time-Tutoring, Mentoring, and Education	$2,662
Partners Unlimited-Academic Enhancement	$16,667
Getting Back to the Basics-Community Summer Day Camp	$3,167
Read to Succeed-Read to Succeed	$9,667
Youth Transformed for Life-R.O.S.E.S and M.O.S.S	$21,667
Buncombe Partnership for Children-Early Childhood Workforce Development	$10,667
Pisgah Legal Services-Tenant Eviction Response Program	$13,333
Green Opportunities-GO YouthBuild Community Improvement Projects	$13,333
YWCA-Getting Ahead in a Just Getting By World	$3,333
Aspire Youth and Family-Employ Youth	$3,333
Community Action Opportunities-Life Works for the Justice Involved	$4,000
Just Economics-Removing Barriers to Income Mobility	$2,833

OnTrackFinancial Education & Counseling-Volunteer Income Tax Assistance	$7,333
River Front Development Group-African American Cultural Heritage Project	$5,000
Bountiful Cities-Community Garden Network Support	$3,333

Council Goal(s):

- A Diverse Community
- Quality Affordable Housing
- Thriving Local Economy

Committee(s):

- Housing & Community Development Committee-March 29 2019

Pro(s):

- Approval of the Strategic Partnership Fund provides operating support to Asheville-based organizations that are providing direct services for Asheville residents.
- The Strategic Partnership Fund reflects the recommendations of the City's Housing & Community Development Committee.

Con(s):

- Budget constraints continue to curtail the availability of funds; supported organizations will need to find alternate sources of program support.
- All worthy proposals could not be funded.

Fiscal Impact:

- Strategic Partnership Funds are funded from the City's general fund and included in the Fiscal Year 2019-20 budget.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved to adopt a resolution approving the 2019-20 Strategic Partnership Fund grants as outlined above. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 468

B. ORDINANCE NO. 4747 - ORDINANCE ADOPTING THE FISCAL YEAR 2019-20 ANNUAL OPERATING BUDGET

Action Requested: Adoption of an ordinance to adopt the Fiscal Year 2019-20 Annual Budget.

Background:

- The Fiscal Year (FY) 2019-20 Proposed Annual Operating Budget was presented to City Council on May 14, 2019. In accordance with the North Carolina Local Government Budget and Fiscal Control Act, a summary of the Proposed Budget along with a notice of the Public Hearing was published on May 13, 2019.
- City Council conducted a public hearing on the Proposed Budget on May 28, 2019.

- The Proposed Budget is balanced with an ad valorem tax rate of $0.4289 per $100 of assessed value, which is unchanged from the current rate. All essential City services are continued in the Proposed Budget.
- There have been no fiscal changes to the Proposed Operating Budget since it was presented to Council on May 14, 2019.
- The Proposed Capital Budget has been updated to include the up to $1.5 million that the U.S. Cellular Center will be receiving over the next 12-18 months from the new Harrah's Cherokee naming rights agreement. The U.S. Cellular Center Capital Fund budget also includes the $1.6 million that will be received in July of this year from the new Ticketmaster Agreement.
- As part of Budget Adoption, Council is directing staff to study compensating all City employees at a base annual full-time salary of $31,200 (which is equivalent to $15/hour based on a 40 hour work week). This threshold would apply to all permanent full-time, permanent part-time, and temporary/seasonal employees.
- Staff will direct the classification and compensation study consultant in the first phase of the study to provide the City with recommendations and costs for implementing if applicable. Adjustments would include those needed to address salary compression issues. The City Manager will identify funding within the proposed budget to begin implementation based on study recommendations

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Ensures City's compliance with North Carolina General Statutes that require local governments to adopt a balanced budget ordinance by July 1 of each year.
- General Fund budget is balanced for ongoing operating expenses and all essential City services are continued.

Con: None.

Fiscal Impact:

- As noted above, the Proposed FY 2019-20 General Fund budget is balanced with an ad valorem tax rate of $0.4289 per $100 of assessed value, which is unchanged from the current rate.

City Manager Campbell explained her approach to addressing the funding issues raised at the public hearing. In summary, regarding the Urban Forest Master Plan and position, she said that over the next several months, an interdepartmental team will work with the Tree Commission and nonprofit groups to review current tools and our authority to regulate trees on private property as well as propose any needed changes. The Development Services Department has the capability to manage the current requirements and any near-term regulatory changes intended to enhance tree protection without additional staff. Regarding the support for the Minority Business Program and Manager, the Fiscal Year 2019-20 budget includes $60,000 to develop a small business training program that will increase access to contracting opportunities with the City and address barriers to success for small businesses. The requested programming includes implementation of a Train-the-Trainer program to increase capacity in minority contracting. Regarding fully funding the first year of the Transit Master Plan, the Fiscal Year 2019-20 budget includes a $1,559,000 increase in General Fund support for the Transit Fund, $1 Million of which is for operational improvements (route reconfigurations to include additional 20,000 service hours, and 6 additional staff. Implementation of the first year of the Transit Master Plan in January 2020 or sooner isn't just an issue of having enough funding, and she explained the other challenges. Staff is committed to reviewing and assessing implementation of the proposed enhancements

and will report back to Council on our progress and proposed budgetary changes, if any, that may be needed to accelerate the first full year of implementation. And, regarding a salary adjustment of $31,200/$15.00 (40 hour work week equivalent), Council directed her to study compensating employees a base annual full-time salary of $31,200 (which is equivalent to $15/hour based on a 40 hour work week). The threshold would apply to all permanent full-time, permanent part-time, and temporary/seasonal employees. Staff will direct the classification and compensation study consultant, in the first phase of the study, to provide the City with recommendations and costs for implementing this directive including any adjustments needed to address salary compression issues. She will identify funding within next year's budget to begin implementation based on study recommendations.

Vice-Mayor Wisler confirmed that the issues raised and addressed by City Manager Campbell are included in the budget before Council for adoption.

Councilwoman Mayfield was pleased with the direction regarding Urban Forest Master Plan and position. Regarding transit, she appreciated City Manager Campbell looking mid-year at trying to start the full implementation of the Transit Master Plan as soon as there is funding and stability.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to adopt the Fiscal Year 2019-20 Annual Budget. This motion was seconded by Councilman Kapoor and carried unanimously.

ORDINANCE BOOK NO. 32 – PAGE 381

C. **RESOLUTION NO. 19-143 - RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 18-287 WITH THIS RESOLUTION AUTHORIZING THE SALE OF CITY OWNED PROPERTY AT 360 HILLIARD AVENUE AND 99999 MERRITT PARK LANE TO THE KASSINGER DEVELOPMENT GROUP (KDG DBA HILLIARD PARK APARTMENTS, LLC) FOR AN AFFORDABLE HOUSING DEVELOPMENT**

RESOLUTION NO. 19-144 - RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 18-288 WITH THIS RESOLUTION APPROVING A LOAN FROM THE CITY'S HOUSING TRUST FUND

RESOLUTION NO. 19-145 - RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 17-117 WITH THIS RESOLUTION APPROVING A NEW LAND USE INCENTIVE GRANT AGREEMENT FOR KASSINGER DEVELOPMENT GROUP (DBA HILLIARD PARK APARTMENTS, LLC) FOR PROPERTY LOCATED AT 360 HILLIARD AVENUE

Community Development Program Director Paul D'Angelo said that this is consideration of support of the revised proposal from Kassinger Development Group for the development of a mixed-income rental community at the City-owned property at 360 Hilliard Avenue.

Background:

- On June 13, 2017, City Council approved a 50 year ground lease to the Kassinger Development Group (KDG) for a 64-unit rental development on the City-owned "Parks Maintenance" site located at 360 Hilliard Avenue. The terms of the agreement were:
  - Commitment of a $1,280,000 loan from the City's Housing Trust Fund (HTF).
  - Land Use Incentive Grant (LUIG) award estimated at $291,430.

- 33 of the 64 units to individuals and families at or below 80% of Area Median Income (AMI) for a period of 50 years; and,
- 13 of the 33 affordable units rented at or below 60% AMI.

- Throughout 2017 and 2018, the developer sought and eventually received HUD-guaranteed financing for the project. However, rising construction costs during that interim increased the project budget to a level that made the development of the 64 units infeasible.
- KDG submitted a second proposal that converted the apartment complex to a for-sale mixed-income condominium community. The terms of this agreement were:
  - $1,280,000 HTF commitment and a purchase of the property for $375,000 (half of the appraised value of $750,000);
  - 33 of the 64 units to individuals and families at or below 80% AMI;
  - 13 of the 33 affordable units sold to households at or below 60% AMI;
  - A deed restriction placed on the individual for-sale units would guarantee affordability to the units for a 50-year period; and,
  - A shared parking lot at the rear of the tennis center for park patrons and residents, with the City paying for half of the construction costs for the parking lot.
  - City Council approved this proposal on November 13, 2018.
- After attempting to implement this for-sale proposal with the City's legal team, staff couldn't legally find a way to ensure permanent affordability in a for-sale product outside of a community land trust. In order to maintain affordability, the sale price of the units must be capped to meet the ongoing AMI requirements of the deed restrictions, which staff, along with local realtors and bankers, felt could be problematic from a buyer, seller and lender perspective.
- Staff was also concerned about the difficulty of the long term monitoring of affordability from a capacity standpoint and with no partner agency to assist with the process.
- The developer also found challenges in securing financing from their bank and equity lenders under the framework of this for-sale mixed-income product.

Revised Proposal:

- Kassinger Development Group, to move forward and past the challenges of a for-sale product and rising construction costs, has updated their proposal to the following:
  - The development of an affordable mixed-income rental community of 86 units with 34 affordable units (or 39.5% affordable units in the Project). Of the 34 affordable units, 18 are to be made available to 60% AMI households and 16 to 80% AMI households. 50 Year Affordability Period.
  - KDG requests to expand the site footprint for additional surface parking for a total site area of approx. 1.75 acres (see enclosed map).
  - Fee simple purchase of the land for a total price of $475,000 which is below the market value for the property. An update to the existing appraisal is underway.
  - KDG requests a $1,400,000 Housing Trust Fund loan with interest only payments for a 3-year period to ensure adequate cash flow during construction and lease up. At the expiration of this 3-year period, principal and interest payments will begin.
  - KDG seeks a Land Use Incentive Policy (LUIP) incentive grant applied under the policy effective as of September 11, 2018. The project as scored under that policy is valued at 110 points, or 11 years. The estimated value of award per year is $50,913, which results in a total estimated award of $560,043.
  - KDG will install a public parking lot at the rear of the tennis courts, with the City to pay for half of the construction costs. KDG will install the trailhead and approximately 400 feet of the Bacoate Branch Greenway as well as the associated stormwater improvements. The value of these public improvements is estimated at $225,000.
  - If approved, KDG is ready to begin construction in late summer.

- The chart below reflects the various iterations and modifications proposed by Kassinger Development Group. The May 2019 column reflects the current proposal.

	June 2017	November 2018	May 2019
Project Type	Mixed Income Rental	Mixed Income For-Sale	Mixed Income Rental
Unit Count	64 Units (33 Affordable)	64 Units (33 Affordable)	86 Units (34 Affordable)
Affordability Levels	13 Units at 60% AMI 20 Units at 80% AMI	13 Units at 60% AMI 20 Units at 80% AMI	18 Units at 60% AMI 16 Units at 80% AMI
Affordability Term	50 Years	50 Years	50 Years
City Investment	$1,280,000 HTF Loan $291,430 LUIP Award Long-Term Land Lease	$1,280,000 HTF Loan Discounted Land Sale ($375,000 Sales Price / Revenue)	$1,400,000 HTF Loan $560,043 LUIP Award Discounted Land Sale of Two Parcels ($475,000 Sales Price / Revenue)
Additional Details	Developer Constructs Shared Parking	Developer Constructs Shared Parking	Developer Constructs Public Parking, Portion of Greenway, and Trailhead

Council Goal(s):
- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):
- Housing and Community Development Committee - May 28, 2019. The Committee voted 2-1 in support of the proposal, with direction to staff to work with the developer to consider adding 10 more affordable units to the project to reach a total of 51% affordable units. Staff analyzed the committees recommendation to add ten (10) additional units. The per unit cost of the additional units are significantly higher and therefore staff would not recommend increasing the number of affordable units as part of this development proposal.

Pro(s):
- The approval of the revised proposal will allow the developer to move forward and finalize their other sources of financing necessary to close on the property and begin construction.
- The City will gain 34 new affordable housing units under 80% AMI for a period of 50 years, with 18 of the units for individuals and families at or below 60% AMI.
- Utilizes City affordable housing tools, including City-owned land, HTF & LUIG, in producing affordable housing in a public/private partnership with a for-profit developer.

- The subsidy per affordable unit is estimated at $71,000 per unit; however, with the HTF loan being paid back the subsidy would be estimated at $30,000 per affordable unit which aligns closer with City policies.

Con(s):

- None

Fiscal Impact:

- The developer is requesting additional Housing Trust Fund debt, an updated Land Use Incentive Grant award, and a discounted purchase price of the City-owned land. The estimated value of City investment in the project -
    - HTF - $1,400,000 loan, amortizing at 2% interest and paid back monthly. Payments are scheduled to begin approximately 3 years after the start of construction, when project has leased up and stabilized.
    - LUIG - Value will total at least $560,043 with the first rebate payment tentatively occuring in fiscal year 2023.
    - Land discount of approximately $475,000.
- Revenue from the sale of land will total $475,000 and will benefit the Affordable Housing CIP.

In response to Councilman Kapoor, Mr. D'Angelo felt that any development issues before have been resolved.

Councilman Young could not be supportive of this project as he is not confident of the developer's ability to make this development happen.

When Mayor Manheimer asked for public comment, no one spoke.

Mayor Manheimer said that members of Council have been previously furnished with copies of the resolutions and they would not be read.

Councilman Kapoor moved (1) to repeal and replace Resolution No. 18-287 with this resolution authorizing the sale of City-owned property at 360 Hilliard AVenue and 99999 Merritt Park Lane to the Kassinger Development Group (k/d/g d/b/a Hilliard Park Apartments, LLC) for an 86 unit rental community with 34 affordable units; (2) repeal and replace Resolution No. 18-288 with this resolution approving a loan from the City's Housing Trust Fund; and (3) repeal and replace Resolution No. 17-117 with this resolution approving a new Land Use Incentive Grant agreement for Kassinger Development Group (d/b/a Hilliard Park Apartments, LLC) for property located at 360 Hilliard Avenue. This motion was seconded by Councilwoman Mayfield and carried on a 6-1 vote, with Councilman Young voting "no." .

RESOLUTION NO. 19-143 - RESOLUTION BOOK NO. 40 – PAGE 470
RESOLUTION NO. 19-144 - RESOLUTION BOOK NO. 40 – PAGE 472
RESOLUTION NO. 19-145 - RESOLUTION BOOK NO. 40 – PAGE 473

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

Regarding the Multimodal Transportation Commission, the following individuals applied for the vacancy: Ritchie Rozzelle, Pat Katz, Kenneth Armstrong, Dennis Wencel and Michael Stratton. It was the consensus of the Boards & Commissions Committee, it was the consensus of Council to re-advertise for the seats and postpone appointments until the Multimodal

Transportation Commission has an opportunity to review the applicants and make a recommendation to City Council.

RESOLUTION NO. 19-146 - RESOLUTION APPOINTING A MEMBER TO THE AFRICAN AMERICAN HERITAGE COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the African American Heritage Commission.

The term of S. Antanette Mosley will expire on July 1, 2019.

No one applied for the vacancy.

It was the consensus of the Boards & Commissions Committee to reappoint Ms. Mosley.

Vice-Mayor Wisler moved to reappoint Antanette Mosley to serve an additional three-year term, term to expire July 1, 2022, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 475

RESOLUTION NO. 19-147 - RESOLUTION APPOINTING MEMBERS TO THE CITIZEN-POLICE ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Citizens-Police Advisory Committee.

The terms of Allison Scott (at-large representative) and Shana McDowell (at-large representative) will expire on June 30, 2019.

The following individuals applied for the vacancy: Robert Woolley, Tracey DeBruhl, Gretchen Gudites, Celeste Fletcher, Frederic G. Arnold, Jason Martin, S. Elizabth Snyder, Jacob Haug, Shannon Watkins and Cathy Banks.

It was the consensus of the Boards & Commissions Committee to (1) reappoint Shana McDowell (at-large representative) and (2) appoint Grethen Gudites (at-large representative).

Vice-Mayor Wisler moved to (1) reappoint Shana McDowell (at-large representative) to serve an additional three-year term, term to expire June 30, 2022; and (2) appoint Grethen Gudites (at-large representative) to serve a three-year term, term to expire June 30, 2022. Both appointments are until their successors have been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 476

RESOLUTION NO. 19-148 - RESOLUTION APPOINTING A MEMBER TO THE CIVIC CENTER COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Civic Center Commission.

The term of Bill Jones will expire on June 30, 2010.

The following individuals applied for the vacancy: Shelia Surrett, John W. Ellis and David Nutter.

It was the consensus of the Boards & Commissions Committee to reappoint Bill Jones.

Vice-Mayor Wisler moved to reappoint Bill Jones to serve a three-year term, term to expire June 30, 2022, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 477

RESOLUTION NO. 19-149 - RESOLUTION APPOINTING MEMBERS TO THE CIVIL SERVICE BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members and Chair to the Civil Service Board.

The terms of Carol Goins and Carter Webb expired on May 21, 2019.

The following individuals applied for the vacancy: Stephen Hayleck and Travis Smith.

Pursuant to Resolution No. 19-138, adopted on June 11, 2019, City Council has the discretion to allow members of certain boards to serve more than two terms under certain circumstances. Carol Goins has served two full two-year terms on the Civil Service Board. The Boards & Commissions Committee has weighed the following factors and has determined that reappointing Ms. Goins to another two-year term is in the best interests of the City of Asheville: (1) term lengths; (2) level of desired board expertise and experience; (3) matters pending before the board; and (4) additional terms would contribute to board stability and continuity. Therefore, it was the consensus of the Boards & Commissions Committee to reappoint Carol Goins and Carter Webb.

After City Council weighed the factors, Vice-Mayor Wisler moved to reappoint Carol Goins and Carter Webb to each serve an additional two-term, term to expire May 21, 2021, or until their successors have been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 478

RESOLUTION NO. 19-150 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Asheville-Buncombe Historic Resources Commission.

The terms of Craig Cline and Woody Farmer will expire on July 1, 2019.

The following individuals applied for the vacancy: Will Hornaday, Linden Ontjes, Mike Kennedy, Wayne Wheeler and Gordon McKinney.

It was the consensus of the Boards & Commissions Committee to reappoint Craig Cline and appoint Gordon McKinney.

Vice-Mayor Wisler moved to (1) reappoint Craig Cline to serve an additional three-year term , term to expire July 1, 2022; and (2) appoint Gordon McKinney to serve a three-year term, term to expire July 1, 2022. Both appointments are until their successors have been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 479

RESOLUTION NO. 19-151 - RESOLUTION APPOINTING MEMBERS TO THE HUMAN RELATIONS COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Human Relations Commission.

The terms of Michael Carter, Gabrielle Fricke, Anne Greene, Christine Longoria, DeLores Venable and Sarah Williams expire on July 1, 2019.

The following individuals applied for the vacancy: Bettie Council, Ellenore Holbrook, Lisa Lemons, Tanya Rodriquez, Isaiah Green, Daniele Martin and Nieva Arana.

It was the consensus of the Boards & Commissions Committee to (1) reappoint Anne Greene and DeLores Venable; and (2) appoint Bettie Council, Isaiah Green, Daniele Martin, Nieva Arana and Tanya Rodriguez.

Vice-Mayor Wisler moved to (1) reappoint Anne Greene and DeLores Venable to each serve a two-year term, terms to expire July 1, 2021; and (2) appoint Bettie Council, Isaiah Green, Daniele Martin, Nieva Arana and Tanya Rodriguez to each serve a two-year term respectively, terms to expire July 1, 2021. All appointments are until their successors have been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 480

RESOLUTION NO. 19-152 - RESOLUTION APPOINTING MEMBERS TO THE NEIGHBORHOOD ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Neighborhood Advisory Committee.

The terms of Pat Deck (at-large seat), Billie Buie (at-large seat) and Anna Sexton (representing 28806 or 28728 zip code), expire on July 1, 2019.

The following individuals applied for the vacancy: Bob Swanson, Gretchen Gudites, Nan Huebner, Steven Rasmussen, Grace Davidson, Geoff Grant, Lee Arevian, Bobbette Mays, Diane Dankert and Greta Bush.

It was the consensus of the Boards & Commissions Committee to reappoint Anna Sexton and appoint Greta Bush and Bobette Mays.

Vice-Mayor Wisler moved to (1) reappoint Anna Sexton (representing 28806 or 28728) to serve a three-year term, term to expire July 1, 2022; and (2) appoint Greta Bush (at-large) and Bobette Mays (at-large) to each serve a three-year term respectively, terms to expire July 1, 2022. All appointments are until their successors have been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 481

RESOLUTION NO. 19-153 - RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART & CULTURAL COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Public Art & Cultural Commission.

Ron Laboray has resigned, thus leaving an unexpired term until June 30, 2020.

The following individuals applied for the vacancy: Karin Peterson, Travis Smith, Nandita Vyas, Honor Moor, Anne Manner-Mclarty, Pete Perez, Marsha Almodovar and Daniele Martin.

It was the consensus of the Boards & Commissions Committee to appoint Pete Perez.

Vice-Mayor Wisler moved to appoint Pete Perez to serve the unexpired term of Mr. Laboray, term to expire June 30, 2020, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 40 - PAGE 483

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Ms. Karen MacNeal presented City Council with a petition containing over 750 signatures in favor of an urban forester.

Mr. Michael Stratton urged Council to ask our state legislators for occupancy tax money from the Tourism Development money.

Mr. John Miall, representing several City of Asheville retirees, urged City Council to send a resolution to the State Treasurer and the State Legislature supporting a Cost of Living Adjustment to retired employees. It was the consensus of Council to ask the Finance & Human Relations Committee to consider this request.

Mr. Ryan Schulze urged Council not to move forward with the Charlotte Street road diet.

Ms. Matilda Bliss urged City Council to continue funding transit.

Ms. Sarah Benoit and Ms. Darlene Azarmi urged City Council to take a stand against redistricting.

Ms. Susan Loftis thanked City Council for moving forward with designating Riverside Cemetery as a place of serenity and quiet.

Ms. Vicki Meath, Director of Just Economics, hoped City Council would seek quarterly or monthly reports on what is needed to implement the Transit Master Plan and that City Manager Campbell will follow through on her commitments regarding transit.

Mr. Timothy Sadler wondered if City Council can require contractors to pay their subcontractors a living wage.

Mr. Jonathan Wainscott supported redistricting.

Ms. Jan Howard stated that Mr. Reid Thompson was arrested today for standing on the sidewalk.

Mayor Manheimer updated the public on the redistricting legislation. It was the consensus of Council to ask City Attorney Branham to attend the July 9, 2019, Governance Committee to explain the City's legal options on district elections, with the opportunity for public comment.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:40 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – June 25, 2019 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer (participating via speaker phone); Vice-Mayor Gwen C. Wisler, Presiding; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Vice-Mayor Wisler led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

At the request of Councilman Haynes, Consent Agenda "O" was added to the Consent Agenda.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 11, 2019

B. ORDINANCE NO. 4748 - BUDGET AMENDMENT TO MOVE THE REMAINING BALANCES FROM THE ANNUAL CAPITAL MAINTENANCE ALLOCATIONS FOR FACILITY MAINTENANCE AND TRAFFIC CALMING FROM THE GENERAL FUND TO THE GENERAL CAPITAL PROJECTS FUND

Action Requested: Adoption of a technical budget amendment in the amount of $1,489,327 to move the remaining balances from the annual capital maintenance allocations for facility maintenance and traffic calming from the General Fund to the General Capital Projects Fund.

Background:

- In fiscal year 2012-13, the City moved certain annual capital maintenance budgets from the Capital Improvement Program (CIP) to the annual General Fund operating budget. This included capital maintenance allocations for facility maintenance and traffic calming, among others.
- Since that time, any available budgets in those accounts at year end have been reported as Assigned Fund Balance on the General Fund Balance Sheet in the Comprehensive Annual Financial Report (CAFR). Once the CAFR is complete each year, staff rolls those available budgets to the new fiscal year for departments to utilize.
- Over time those balances, especially the facility maintenance allocation, have grown and now represent a significant assignment of fund balance on the General Fund Balance Sheet.
- For this reason, staff is recommending that current remaining balances from the facility maintenance and traffic calming allocations be moved from the General Fund to the General Capital Projects Fund.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Reduces the amount of assigned fund balance reported as "Various Projects" on the General Fund Balance Sheet portion of the CAFR.
- Provides a higher level of transparency about the purpose of the funds.
- Provides formal access to those remaining budgets prior to completion of the FY 2018-19 CAFR.

Con(s):

- None.

Fiscal Impact:

- Since these capital maintenance allocations were assigned in the FY 2017-18 CAFR, this budget amendment will have no impact on the City's unassigned fund balance.
- The amount being moved for facility maintenance totals $1.2 million and the amount for traffic calming is $289,327. Staff anticipates utilizing the facility maintenance funding in FY 2019-20 to fund or partially fund City Hall projects including boiler replacement and elevator modernization. Traffic calming funds will be used in FY 2019-20 to install speed humps along street sections approved for traffic calming that are now going through the petition process.

Motion:

- Motion to adopt a budget amendment in the amount of $1,489,327 to move the remaining balances from the annual capital maintenance allocations for facility maintenance and traffic calming from the General Fund to the General Capital Projects Fund.

ORDINANCE BOOK NO. 32 - PAGE 388

C. **RESOLUTION NO. 19-154 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE INDEPENDENCE DAY CELEBRATION**

RESOLUTION NO. 19-155 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BIG CRAFTY

RESOLUTION NO. 19-156 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE NORTH CAROLINA CERAMIC ARTS FESTIVAL

RESOLUTION NO. 19-157 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT LEAF DOWNTOWN AVL

Action Requested: Adoption of resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at the Independence Day Celebration, the Big Crafty, LEAF Downtown AVL, and the NC Ceramic Arts Festival.

Background:

- The following organizations have requested that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at the events:
  - Asheville Downtown Association for the Independence Day Celebration, to occur at Pack Square Park on July 4, 2019, from 2:00 p.m. - 10:00 p.m.
  - Asheville Area Arts Council for the Big Crafty to occur at Pack Square Park on July 14, 2019, from 12:00 p.m. - 7:00 p.m.
  - NC Ceramic Arts Festival to occur at Pack Square Park on September 21, 2019, from 11:00 a.m. - 5:00 p.m.
  - LEAF Community Arts for LEAF Downtown AVL, to occur at Pack Square Park on August 2, 2019, from 3:00 p.m. - 10:00 p.m. and August 3, 2019, from 9:00 a.m. - 10:00 p.m.
- Alcohol boundaries are defined for each request as per the accompanying event site maps.

Council Goal(s):

- These actions have no direct connection with the City Council 2036 Vision.

Committee(s):

- None

Pro(s):

- Allows fundraising opportunities for the sponsoring nonprofit organizations

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Motion to permit the possession and consumption of malt beverages and/or unfortified wine at the Independence Day Celebration, the Big Crafty, LEAF Downtown AVL, and the NC Ceramic Arts Festival.

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D. RESOLUTION NO. 19-158 - RESOLUTION AMENDING THE 2019 CITY COUNCIL MEETING SCHEDULE TO ADD A WORKSESSION ON JULY 2, 2019, AT 5:00 P.M. IN THE BANQUET HALL AT THE U.S. CELLULAR CENTER, TO DISCUSS LEGAL OPTIONS REGARDING ELECTION DISTRICTS

At the July 2 worksession, a motion is anticipated to suspend the rules and allow public comment.

RESOLUTION BOOK NO. 41 - PAGE 13

E. ORDINANCE NO. 4749 - BUDGET AMENDMENT FROM THE N.C. DEPT. OF PUBLIC SAFETY FOR HURRICANE FLORENCE REIMBURSEMENT

Action Requested: Adoption of a budget amendment in the General Fund in the amount of $110,000 for reimbursements to the City of Asheville by the North Carolina Department of Public Safety that exceeded initial budget estimates.

Background:

- In September 2018, the Asheville Fire Department (AFD) was requested by the N.C. Dept. of Public Safety to support the response and coordination of rescue efforts for Hurricane Florence.
- In response to the request, AFD deployed staff, apparatus, and equipment to areas of North Carolina that were impacted by the hurricane.
- This response included:
    - Critical Incident Stress Management team to aid responders at the event
    - Communications trailer and appropriate staff to provide remote communications for the event
    - North Carolina Helo Aquatic Response Team to assist in rescues via helicopter
    - Staff to support the Overall Incident Management Team
    - Staff and Medical bus to evacuate hospitals
    - And the Department's Type I Swiftwater Rescue Response Team

Council Goal(s):

- Smart City

Committee(s):

- Finance & Human Resources Committee - June 25, 2019

Pro(s):

- Reduction of overtime impact on Asheville Fire Department's overtime budget

Con(s):

- None

Fiscal Impact:

- Upon City Council approval, a budget amendment will be made in the current fiscal year to accept reimbursement and reduce the overtime impact to the Asheville Fire Department.

Motion:

- Motion to adopt a budget amendment in the General Fund in the amount of $110,000 for reimbursements to the City of Asheville by the North Carolina Department of Public Safety that exceeded initial budget estimates

ORDINANCE BOOK NO. 32 - PAGE 389

F. RESOLUTION NO. 19-159 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL SERVICES AGREEMENT WITH

HARPER CORPORATION FOR THE MILLS RIVER WATER TREATMENT PLANT MISCELLANEOUS IMPROVEMENTS PHASE I PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a construction contract with the Harper Corporation for the Mills River Miscellaneous Improvements

Background:

- The Mills River Water Treatment Plant (WTP) was completed in 1999. The life cycle of many assets important to the treatment of drinking water need to be rehabilitated and/or replaced.
- This project includes the following components:
  - Replacement of the bulk and day tanks for sodium hypochlorite (disinfectant);
  - Rehabilitation and upgrade to the Ozonia ozone diffusers, dielectrics and associated Programmable Logic Controllers;
  - Replacement of seven Variable Frequency Drives for pump operation; and,
  - Improvements to the ventilation system in one chemical feed room for air quality.
- The Water Resources Department (WRD) received two bids on May 30, 2019
  - Harper Corporation: Greenville, SC $1,917,000.00
  - Gilbert Engineering: Statesville, NC $3,138,921.82
- Following a review of the bids, the Harper Corporation, was selected as the lowest responsible, responsive bidder for the bid amount of $1,917,000. A 15% contingency amount of $287,550 has been added for a total project budget in the amount of $2,204,550.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned business through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. Harper is not a minority or woman owned business. They will be self-performing most of the project; however, they will be reaching out for local labor and subs for certain tasks and plan on reaching out to local minority businesses.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- These improvements will ensure the Mills River WTP can continue to create high quality drinking water for our customers.

Con(s):

- None

Fiscal Impact:

- Water Resources Department currently has funds budgeted in the CIP for this project.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a contract with the Harper Corporation to perform the work per the specifications and drawings provided by CDM Smith and the City of Asheville in the amount of $917,000 with a 15% contingency amount of $287,550 for a total project budget in the amount of $2,204,550.

RESOLUTION BOOK NO. 41 - PAGE 14

G. **RESOLUTION NO. 19-160 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH H&M CONSTRUCTORS INC. FOR THE CITY HALL BOILER REPLACEMENT PROJECT**

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with H&M Constructors, Inc. in the amount of $772,500.00, for the City Hall Boiler Replacement project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $77,250 (10%).

Background:

- City Hall is heated with two large steam boilers. They are 35 years old, and have had recent repairs (2015) to keep them in service.
- This project replaces the two (2) large steam boilers with four (4) "modular" more efficient boilers. The design allows for increased reliability and redundancy. One boiler can be taken down for service, while the other three continue running.
- The boiler replacement will occur during the summer, and will be reinstalled before the start of the heating season.
- Bids were initially advertised on May 3rd, 2019. Only two bids were received at the bid opening deadline on May 30, 2019. The City could not open due to city policy and general statues.
- The project was readvertised on June 3, 2019, and the City received and opened bids on June 10, 2019. Three bids were submitted, their names and bid amounts are listed below:
    - H&M Constructors, Inc., Asheville, NC $ 772,500.00
    - Johnson Controls, Inc., Asheville, NC Office. $ 891,400.00
    - Nor-Well Company, Inc., Elizabethton, TN. $ 566,090.00
- The Nor-Well bid was determined to be non-responsive, and could not be accepted per City policy and general statutes. Their bid was non-responsive because the bid documents required a NC General Contractor "Unlimited" License. Nor-Well only holds a NC "Limited"/Mechanical license.
- H&M Constructors, Inc. was the lowest responsive, responsible bidder.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned business through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. No MWBE firms submitted bids with this prime contractor and all work will be self performed by the prime contractor.

Council Goal(s):

- A Clean and Healthy Environment & A Financially Resilient City

Committee(s):

- None.

Pro(s):

- The resulting boilers will be more efficient and reliable.
- The work will occur during the off season for heating, and the majority of the work will occur in spaces that will not disrupt City Hall operations.

Con(s):

- None

Fiscal Impact:

- Funding for this contract is already included in the adopted Capital Improvement Program (CIP).

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with H&M Constructors, Inc. in the amount of $772,500.00, for the City Hall Boiler Replacement project; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $77,250 (10%).

RESOLUTION BOOK NO. 41 - PAGE 15

H. RESOLUTION NO. 19-161 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE PRESERVATION SOCIETY OF ASHEVILLE AND BUNCOMBE COUNTY FOR CITY-OWNED PROPERTY LOCATED AT 324 CHARLOTTE STREET

Action Requested: The approval of a resolution authorizing the City Manager to execute a lease agreement between the City of Asheville (City) and the Preservation Society of Asheville and Buncombe County (PSABC) for the historic E.W. Grove Office located at 324 Charlotte Street.

Background:

- The PSABC is a non-profit organization whose mission is to "sustain the heritage and sense of place that is Asheville and Buncombe County through preservation and promotion of the unique historic resources of the region." (https://psabc.org/mission/)
- The City and PSABC entered into a lease for the historic E.W. Grove Office located at 324 Charlotte Street in Asheville, for use of PSABC's administrative offices, on November 1, 2007.
- This lease ended on September 30, 2017 and PSABC has continued to occupy the space on a month to month tenancy since that time.
- When PSABC initially leased the property, the building was in disrepair and needed significant improvements. In accordance with the former lease agreement, PSABC agreed to accept the building "as is" and to make all repairs necessary to obtain a Certificate of Occupancy. The lease allowed for "rent credit" in exchange for these repairs.
- Based on PSABC's initial investment in repairs to the building, PSABC represents that $114,309 is still outstanding as available rent credit.
- The City obtained an appraisal of the property, which took into consideration the existing conditional zoning restrictions on the building which limit occupancy to non-profit entities. The appraisal concluded an opinion of the fair rental value at $600 per month.
- Based on this information, the following terms have been negotiated between the City of Asheville and PSABC:
    - Premises: 324 Charlotte Street, 720 square feet of office space
    - New Lease Term: 10/1/2017 to 12/31/2030
    - Rent: $600.00 per month, escalation at 3% (based on City's MAI appraisal)
    - Rent Credit Balance: $114,309.00, will be exhausted at the end of the lease in 2030
    - Term: 13 years, 2 months
    - No additional rental credit for any future tenant improvements

- PSABC is amenable to these terms.

Council Goal(s):
- A Well-Planned and Livable Community

Committee(s):
- None

Pro(s):
- Continued partnership with the Preservation Society of Asheville and Buncombe County through a lease of City-owned property.
- This lease contains specific insurance requirements to protect the City's liability.
- PSABC will be responsible for all maintenance to the building and adjacent landscaped beds.

Con(s):
- None noted.

Fiscal Impact:
- None noted.

Motion:
- Motion to adopt a resolution authorizing the City Manager to execute a lease agreement with the PSABC for City-owned property known as the historic E.W. Grove Office at 324 Charlotte Street for the PSABC business office.

RESOLUTION BOOK NO. 41 - PAGE 16

I. RESOLUTION NO. 19-162 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH E. LUKE GREENE COMPANY INC. FOR THE CITY HALL 7TH FLOOR ASBESTOS ABATEMENT PROGRAM

Action Requested: Adopt a resolution authorizing the City Manager to enter into a contract with E. Luke Greene Company, Inc. in the amount of $175,345, for the City Hall 7th Floor Asbestos Abatement project and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $35,069 (20%).

Background:
- Testing for asbestos containing materials (ACM) was performed in support of the various City Hall renovation projects.
- ACM was confirmed in floor tiles, mastic (glue) and other materials on the 7th and 8th floors, and in mechanical areas related to the boiler replacement project.
- Select demolition and ACM removal must be performed prior to the start of the 7th floor renovation project, and in support of the boiler replacement project.
- ACM will be removed with safe methods, and under the supervision of the City's environmental consulting engineer, S&ME.
- The work will be performed at night to minimize disruption to City Hall operations.
- Bids were advertised on May 7th, 2019 and the City received and opened on May 30th, 2019. Five (5) firms submitted bids, their names and bid amounts are listed below:
  - Contaminant Control, Inc., Salsbury, NC $ 365,285
  - Eastern Environmental, Inc., Charlotte, NC $ 327,720
  - E. Luke Greene Co, Inc., Strawberry Plains, TN $ 175,345

- NEO Corporation, Cantor, NC $ 175,495
- Target Contractors, LLC, Landson, SC $ 215,950

- The E. Luke Greene Company was the lowest responsive, responsible bidder.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned business through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. E. Luke Greene Company is registered with the North Carolina Historically Underutilized Business (HUB) office as a woman owned business.

Council Goal(s):

- A Clean and Healthy Environment & A Financially Resilient City

Committee(s):

- None

Pro(s):

- The project prepares the 7th floor for the future renovation project, and makes the future project less expensive.
- The work will be performed at night, to minimize disruption to City Hall operations.
- The project will be awarded to a registered HUB firm.

Con(s):

- None

Fiscal Impact:

- Funding for this contract is already included in the adopted Capital Improvement Program (CIP).

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with E. Luke Greene Company, in the amount of $175,345, for the City Hall 7th Floor Asbestos Abatement project and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $35,069 (20%).

RESOLUTION BOOK NO. 41 - PAGE 17

J. ORDINANCE NO. 4750 - BUDGET AMENDMENT FROM A DONATION FROM THE FRIENDS OF THE NATURE CENTER TO SUPPORT THE NATURE CENTER NEW FRONT ENTRANCE CAPITAL IMPROVEMENT PROJECT

Action Requested: Budget amendment, in the amount of $177,000, from a donation from the Friends of the Nature Center to support the Nature Center new front entrance capital improvement project.

Background:

- Renovation of the Nature Center front entrance was complete in September 2018.
- The total cost for the renovation was $1,197,000
- The funding sources for the project was TDA ($313,000) and The Friends of the Nature Center ($884,000)

- In 2015 the Friends of the Nature Center donated $627,000 to support the construction of the Nature Center new front entrance.
- The Friends of the Nature Center increased its donation by $80,000 for a new total of $707,000 to support increased construction cost of the Nature Center new front entrance.
- In 2018 the Friends of the Nature Center increased its donation again by $177,000 for a new total of $884,000 to support increased construction cost of the Nature Center new front entrance.
- Budget amendment for the first two Friends of the Nature Center donations were completed prior to starting construction of the Nature Center front entrance.
- The budget amendment of $177,000 is the final budget amendment to complete the Friends of the Nature Center donations for the Nature Center front entrance.

Council Goal(s):
- A Well-Planned and Livable Community

Committee(s):
- Recreation Board unanimously approved on May 13, 2019

Pro(s):
- Increases the amount of contribution from the Friends of the Nature Center to support construction cost of the Nature Center front entrance capital project, resulting in reducing the cost to the City's capital improvement budget.

Con(s):
- None

Fiscal Impact:
- The donation increases the City's capital improvement budget for the Nature Center front entrance.

Motion:
- Motion to approve a budget amendment to increase the capital budget of the Nature Center front entrance in the amount of $177,000.

ORDINANCE NO. 32 - PAGE 390

K. RESOLUTION NO. 19-163 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW THE EXISTING AGREEMENT WITH A&B CLEANING SERVICES FOR CUSTODIAL SERVICES

Action Requested: Adoption of a resolution authorizing the City Manager to renew a custodial services agreement with A&B Cleaning Services for a period of one year, retroactively authorize the renewal and expenditures for the past year of service, and authorize changes to the contract that will set a limit for providing these services to no more than five consecutive years.

Background:
- The City Hall Operations (CHO) Division of the Capital Projects Department provides a variety of services including custodial work at multiple locations. CHO in-house custodians service City Hall, the Municipal Building, and the Public Works Building.
- CHO is a lean operation with limited resources, and contracting work to third-party firms is needed to maintain current key performance measures.
- Remote facilities cleaned under the City's existing contract with A&B include six police sub-stations, the City Gas Station, Fleet Management Building, and the Armory.

- This contract was originally signed in October 2016 for a term to extend through June of 2017.
- The contract was renewed on July 1, 2017 for a period of one year by the City Manager.
- The contract was not officially renewed in 2018.
- The aggregate value of this contract currently exceeds $90,000, so approval by the City Council is required with retroactive approval of the expenses and services provided in the past year.
- The original contract also did not establish a limit for renewal and the suggested changes set a limit of no more than 5 years.
- While there is no way to confirm it, A&B's company profile states that they offer benefits and competitive wages to their employees.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. A&B Cleaning is a certified Historically Underutilized Business (HUB) identified on the HUB website as a black owned business out of Greenville NC. Although this company is not located in Asheville, it is anticipated that the majority of the employees will be hired locally.

Council Goal(s):

- Smart City

Committee(s):

- None

Pro(s):

- Allows third-party service work to continue as a supplement to in-house staff.
- Provides flexibility in service delivery without significant capital investment (e.g., vehicle, equipment, etc.).
- Allows the Division to maintain key performance measures.

Con(s):

- None

Fiscal Impact:

- Costs for these services are included in the General Fund allocation to City Hall Operations in Capital Projects for the current fiscal year. The contract is contingent on budget appropriations in future fiscal years.

Motion:

- Motion to adopt a resolution authorizing the City Manager to renew the existing agreement and authorize expenditures of $39,178.04 for the upcoming year of service, retroactively authorize the renewal and expenditures for the past year of service, and authorize changes to the contract that will set a limit for providing these services to no more than five consecutive years.

RESOLUTION BOOK NO. 41 - PAGE 18

L. RESOLUTION NO. 19-164 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH STANTEC CONSULTING SERVICES TO COMPLY WITH THE

AMERICA'S WATER INFRASTRUCTURE ACT (AKA SENATE BILL 3021)

Action Requested: Adoption of a resolution authorizing the City Manager to execute a Professional Services Contract with Stantec Consulting Services to comply with America's Water Infrastructure Act (AWIA) Senate Bill 3021

Background:

- The AWIA was signed into law on October 23, 2018. The Act requires that organizations like the City of Asheville conduct and certify a Risk and Resilience Assessment (RRA).
- The RRA will analyze the vulnerabilities and the effectiveness of existing countermeasures and develop the baseline, or draft risk analysis. The assessment will consider: malevolent acts, resilience of infrastructure, monitoring practices, financial infrastructure, use, storage, or handling of chemicals, and operation & maintenance of the system.
- Within six months an Emergency Response Plan must be submitted to address the RRA findings and establish plans, strategies, and procedures associated with potential hazards. The deadline for the RRA is March 31, 2020.
- In January of 2019, the Water Resources Department (WRD) issued a Request for Qualifications (RFQ) for the project.
- The scope of services include meetings, coordination, data collection, workshops, field investigations, development of the RRA, update water system management plan, training, and an operational sustainability plan.
- Stantec was the only firm responding to the RFQ. Their total estimate to complete the work is $382,502.36.
- Staff recommends entering into a Professional Services Contract with Stantec Consulting Services to comply with the AWIA Senate Bill 3021.
- Staff requests authorization to contract with Stantec Consulting Services for the estimated amount of $382,502.36 plus a 10% contingency in the amount of $38,250.24 for a total project budget in the amount of $420,752.59.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- This project allows WRD to comply with the AWIA - Senate Bill 3021 in a timely manner in order to meet the regulatory deadlines.

Con(s):

- None

Fiscal Impact:

- Water Resources Department has funds in the Fiscal Year 2019-2020 CIP budget for this project and contingency.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a Professional Services Contract with Stantec Consulting Services for compliance with the America's Water Infrastructure Act - House Bill 3021 in the amount of $382,502.36 plus a 10% contingency in the amount of $38,250.24 for a total project budget in the amount of $420,752.59.

RESOLUTION BOOK NO. 41 - PAGE 19

M. **RESOLUTION NO. 19-165 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY AN EASEMENT TO DUKE ENERGY PROGRESS INC. FOR THE PURPOSE OF INSTALLING ELECTRIC SERVICE TO A WATER TANK ON CITY-OWNED PROPERTY ON CHARLOTTE HIGHWAY**

Action Requested: Adoption of a resolution authorizing the City Manager to grant an easement to Duke Energy Progress, Inc. for electrical utility improvements at the Water Tank site on Charlotte Highway (PIN #967721747100000).

Background:

- The Water Resources Department has recently built a new water tank on property located on Charlotte Highway in Fairview and has requested that electricity be extended to the new water infrastructure.
- Duke Energy is the provider of electrical service in this location and requests an easement to install additional electric infrastructure on City property.
- These electrical improvements include both underground lines and overhead power lines. The easement will be 30 feet wide for the overhead portion and 20 feet wide for the lines below ground. The amount of permanent easement is approximately 2,121 square feet.

Council Goal(s):

- A Well Planned and Liveable Community

Committee(s):

- None

Pro(s):

- The City will continue to provide safe and abundant water services.

Con(s):

- None.

Fiscal Impact:

- No compensation is offered for the easement and the Water Department Enterprise funds will be used to pay the ongoing electric costs after the improvements are constructed.

Motion:

- Motion to approve a resolution authorizing the City Manager to convey an electrical easement to Duke Progress Energy, Inc. (DEP) at the City water tank on Charlotte Highway.

RESOLUTION BOOK NO. 41 - PAGE 20

N. **RESOLUTION NO. 19-166 - RESOLUTION RATIFYING INTERLOCAL AGREEMENT WITH THE BUNCOMBE COUNTY SHERIFF'S OFFICE CONCERNING BUNCOMBE COUNTY ANTICRIME TASK FORCE EQUITABLE SHARING**

Action Requested: Ratification of an inter-local agreement and approval of an amendment to that agreement concerning distribution of forfeited funds seized by the Buncombe County Anti-Crime Task Force between the Buncombe County Sheriff's Office and the City.

Background:

- In August of 2015, the Asheville Police Department (APD) and Buncombe County Sheriff's Office (BCSO) entered into an agreement to operate a joint anti-crime task force (BCAT) charged with high-level drug interdiction.
- BCAT investigations sometimes lead to the seizure and forfeiture of money and property, which is then available to the agencies according to federal equitable sharing guidelines.
- In the past, seized funds have remained with BCAT as the fiduciary, however, due to recent federal guideline changes, those funds may not be maintained by an interagency task force, and must be redistributed to the overarching agencies.
- Recently, the BCSO and City have agreed to amend the agreement to share the forfeited funds, with the BCSO receiving 68.44 % and Asheville Police Department (APD) receiving 31.56%.
- Funds transferred to APD will be placed in a project fund within APD and used for furthering illegal drug investigations and related crime activities.
- Per N.C. Gen. Stat. § 160A-461, inter-local agreements must be ratified by the City Council.
- This action includes ratification of the original 2015 agreement, as well as the amendment concerning equitable sharing.

Council Goal(s):

- Connected and engaged Community

Pro(s):

- Will maintain compliance with federal equitable sharing guidelines.

Con(s):

- None

Fiscal Impact:

- None. Funds that previously were held by BCAT will be transferred to a BCAT project fund maintained by the Asheville Police Department.

Motion:

- Motion to adopt resolution ratifying the 2015 inter-local agreement concerning the Buncombe County Anti-Crime Task Force as well as an amendment concerning the distribution forfeiture funds between the Buncombe County Sheriff's Office and the City of Asheville

RESOLUTION BOOK NO. 41 - PAGE 21

O. RESOLUTION NO. 19-169 - RESOLUTION ASKING GOVERNOR COOPER TO VETO HOUSE BILL 370 AND INDICATING OUR SUPPORT OF THIS ACTION AND OUR ELECTED SHERIFF QUINTIN MILLER

Councilman Haynes read the following resolution: "WHEREAS, we are mandated to provide the service of public safety for all residents of the City of Asheville; and WHEREAS, we are grateful for our neighbors and all the gifts that they bring to the City of Asheville; and WHEREAS, we recognize the strength we have as a community when all of our residents in all of our neighborhoods can live without fear; and WHEREAS, the people of Asheville and Buncombe County duly elected Sheriff Quentin Miller under the mandate to fulfill his promise to keep the full community safe and to not cooperate with the Immigration and Customs Enforcement; and WHEREAS, N.C. HB370 would make it mandatory for NC Sheriffs to do something the Federal Government has said is voluntary (to cooperate with ICE detainers); and WHEREAS, because these detainers are not tied to criminal cases, they would require local sheriffs to hold individuals

without probable cause, in violation of their constitutional rights; and WHEREAS, forcing sheriffs to act as an extension of ICE diverts much needed taxpayer resources away from education, healthcare, childcare, housing, and other resources needed by every person in Asheville; and WHEREAS, making sheriffs comply erodes the community trust in local law enforcement, decreases the voluntary reporting of crime, and spreads fear throughout our immigrant communities; and WHEREAS, we believe that the best of our humanity and the best of local government happens when we support the full worth and dignity of all people and their families by helping to keep them safe in our community and together; and WHEREAS, we as a community are committed to protecting each other and to making Asheville a safe place in which to live; NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: An official request be sent from this body to Governor Roy Cooper asking him to veto HB370 and indicating the support of this body for that action."

A gentleman and Rev. Amy Cantrell spoke in support of the resolution and thanked City Council for its adoption.

RESOLUTION BOOK NO. 41 - PAGE 24

Vice-Mayor Wisler said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilman Young moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Haynes and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT

APD Update on Gun Violence

City Manager Campbell updated Council on the press conference held on June 24, 2019, by Attorney General Josh Stein, in coordination with the Asheville Police Department (APD), Our Voice, Buncombe County Sheriff's Department and the District Attorney's Office. The conference was held to bring attention to the need for funding to address the backlog of sexual assault kits that need to be processed and tested. Of the total number of kits that are awaiting testing, the APD has submitted the most kits of all the communities in the state. That means that all kits currently in the possession of the APD have been reviewed and either already sent in for testing or are ready to be processed.

City Manager Campbell then asked Deputy Police Chief Jim Baumstark to provide a brief update on a disturbing trend that is occurring in Asheville related to gun violence that is affecting our city and communities. She noted that prior to coming to Asheville, she was in Charlotte, and according to the Charlotte Observer, as of June 20, 2019, there were 56 homicides committed in just 6 months, which is just short of the 58 homicides committed for the entire year of 2018. Unfortunately we cannot answer why these types of crimes are increasing in Asheville and in other communities. More importantly she wished we could say we have a solution. But, what we know for sure is that these acts of violence can't be solved by APD alone. It will take a community-wide effort to both own and help address this complex issue in our community.

Deputy Chief Baumstark It is important to note that the data discussed tonight is only as it relates to gun violence and not all violent crimes. Using a table, he highlighted the number of violent gun crimes reported with the percentage change from 2018 to 2019 year-to-date January 1 through June 23 each year.

Using a chart, he showed the visual month-by-month breakdown for the same data on violent gun crimes. Violent Gun Crimes in 2018 total 72: Homicide 5, Robbery - 23, and Aggravated Assault - 44. For 2018 they total 82: Homicide 2, Robbery 29; and Aggravated Assault - 51. May was an especially violent month for our community.

As of June 23rd this year, the Asheville Police Department (APD) responded to a total of 360 gun calls - that is calls for gun discharges, gunshot wounds, and persons with a gun. That is a 15% increase over 2018. The first quarter started off in line with 2018 while we've seen double-digit percentage increases in April, May, and through the 23rd of June.

He showed a density map which shows the Top 10 locations to which APD responded for gun calls. I need to note that 5 of these locations are in and around public housing communities. Of the top 10 locations for calls, people who live in and around Pisgah View, Deaverview, and Hillcrest areas combined for more than half of all calls for gunshot wounds, gun discharges, and persons with gun.

To put things in a historical perspective, since at least 2014 - other than 2016, each year we have seen an increase in gun crimes year over year. 2019 year-to-date, we have had an increase of 15% over 2018. Since 2016, gun crimes have increased 55%.

He explained that crime prevention and reduction must be a community effort. He said that this is bigger than APD and cannot be addressed by APD alone. It will take a community wide effort to address the complex issues of violence in our community.

APD efforts include: (1) Formed a Special Task Force working with state & federal partners; (2) Using data to deploy resources to areas experiencing violence & gun crimes; (3) Increased presence and engagement of residents, business owners & property owners in impacted areas; and (4) Collaborating with community organizations to identify and respond to the root causes of violent crime.

Regarding community efforts, (1) Encourage input and open dialogue about increased violence, drug epidemic, and gang violence; (2) Be aware of what's happening in your neighborhood; and (3) Take an active stance against violence - if you see or hear something, say something.

In summary, (1) Violent gun crime is up 14% year-to-date with an overall 55% increase since 2016; (2) Homicides are down 60% from the previous year to date; (3) Robberies are up 26% and aggravated assaults are up 16% from the previous year to date; (4) 5 of the top 10 locations to which APD received gun calls are in and around public housing communities, including the top 3 locations; and (5) We can and must work together to address this complex issue.

The APD alone cannot prevent gun violence. We must work together to provide the most accurate information in a timely and efficient manner. We can and must work together to address this complex issue.

Deputy Chief Baumstark responded to various questions/comments from Council and those questions he could not readily answer, he would prepare a memorandum for Council.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER A STREET NAME CHANGE OF THE MOST SOUTHERN PORTION OF PARK AVENUE NORTH TO ARTFUL WAY

RESOLUTION NO. 19-167 - RESOLUTION TO CHANGE THE STREET NAME OF THE MOST SOUTHERN PORTION OF PARK AVENUE NORTH TO ARTFUL WAY

Emergency Address Coordinator Stuart Rohrbaugh said that this is the consideration of a resolution to change the street name of the most southern portion of Park Avenue N to Artful Way. This public hearing was advertised on June 14, 2019.

Action Requested: Public hearing date to consider a street name change of the most southern portion of Park Avenue North to Artful Way.

Background:

- Park Avenue North is a duplicated street name in the same emergency response area. The Haywood Road bridge was constructed in the 1970's and Park Avenue North was split into two different street segments. The most northern segment is planned to remain the same Park Avenue North street name. The southern segment is being considered to be renamed to eliminate the duplicate street name confusion.
- Timing for eliminating the duplicate street name is right as there are no occupied structures on the street to endure a street address change.
- Changes to existing public street names shall be approved through a resolution of the City Council following a public hearing advertised with state open meeting laws.
- The Notice was posted prominently along the street, published at least once in a newspaper and mailed to all property owners adjoining the affected right-of-way.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Public Safety Committee - May 23, 2019 - supported the street renaming

Pro(s):

- Potential emergency response enhanced with a new unique street name.

Con(s):

- Cost and labor of replacing one street name sign.

Fiscal Impact:

- Material, fabrication and installation costs of the new street sign is included in the Transportation Department annual operating budget.

Vice-Mayor Wisler opened the public hearing at 5:37 p.m. and when no one spoke, she closed the public hearing at 5:37 p.m.

Vice-Mayor Wisler said that members of Council have previously received a copy of the resolution and it would not be read.

Councilman Haynes moved to adopt a resolution changing the name of the most southern portion of Park Avenue North to Artful Way. This motion was seconded by Councilman Kapoor and carried unanimously.

RESOLUTION BOOK NO. 41 – PAGE 22

B. **PUBLIC HEARING TO CONSIDER A STREET NAME CHANGE OF WILBAR AVENUE TO LEE GARDEN LANE**

RESOLUTION NO. 19-168 - RESOLUTION TO CHANGE THE STREET NAME OF WILBAR AVENUE TO LEE GARDEN LANE

Emergency Address Coordinator Stuart Rohrbaugh said that this is the consideration of a resolution to change the street name of Wilbar Avenue to Lee Garden Lane. This public hearing was advertised on June 14, 2019.

Action Requested: Public hearing to consider a street name change of Wilbar Avenue to Lee Garden Lane

Background:

- The Lee Walker Heights property was rezoned to allow for a complete redevelopment of an existing housing development. The developer requested to name the proposed new access drive Lee Garden Ln. There is a short portion of what appears to be platted public right-of-way that connects Wilbar Ave to Short Coxe Ave. Since that portion of right-of-way appears to be public then only City Council can consider a street name change.
- Timing for changing the street name is right as there are no occupied structures on Wilbar Avenue to endure a street address change.
- Changes to existing public street names shall be approved through a resolution of the City Council following a public hearing advertised with state open meeting laws.
- The notice was posted prominently along the street, published at least once in a newspaper and mailed to all property owners adjoining the affected right-of-way.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Public Safety Committee - May 23, 2019 - subsequently supported the street renaming after hearing input from Asheville Housing Authority on how the proposed new name originated

Pro(s):

- Potential emergency response enhanced with a new unique street name before new construction. occurs.

Con(s):

- Cost and labor of replacing one street name sign.

Fiscal Impact:

- Material, fabrication and installation costs of the new street sign is included in the Transportation Department annual operating budget.

Vice-Mayor Wisler opened the public hearing at 5:39 p.m., and when no one spoke, she closed the public hearing at 5:39 p.m.

Councilman Young said that his family was one of the first families to move into Lee Walker Heights and he felt that changing this street name will erase the history of Lee Walker Heights.

Councilwoman Smith said that at the Public Safety Committee meeting, she asked the developer to make sure they reached out to the community on the proposed name change. She didn't want a street name change to be perceived as an indicator of displacement. Lee Garden Lane is a name that was chosen and endorsed by the community to commemorate the name "Lee Walker" and also a garden that was very beautiful at the base of Lee Walker Heights.

Vice-Mayor Wisler said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Smith moved to adopt a resolution to change the street name of Wilbar Avenue to Lee Garden Lane. This motion was seconded by Councilman Haynes and carried on a 6-1 vote, with Councilman Young voting "no".

RESOLUTION BOOK NO. 41 – PAGE 23

C. PUBLIC HEARING TO CONSIDER REZONING 990 SWEETEN CREEK ROAD FROM INDUSTRIAL DISTRICT TO COMMERCIAL INDUSTRIAL DISTRICT

ORDINANCE NO. 4751 - ORDINANCE TO REZONE 990 SWEETEN CREEK ROAD FROM INDUSTRIAL DISTRICT TO COMMERCIAL INDUSTRIAL DISTRICT

Urban Planner Sasha Vrtunski said that this is the consideration of an ordinance to rezone 990 Sweeten Creek Road from Industrial District to Commercial Industrial District. This public hearing was advertised on June 14 and 21, 2019.

Action Requested: Rezone the property located at 990 Sweeten Creek Rd. (PIN 9657-22-7697) from Industrial (IND) to Commercial Industrial (CI) for the purpose of supporting commercial development compatible with adjacent industrial and commercial industrial uses.

Background:

- The subject property includes a single 0.33 acre lot zoned Industrial (IND) located on the southeast corner of Sweeten Creek Rd. and Sweeten Creek Industrial Park.
- The property has high visibility and is easily accessed from both Sweeten Creek Rd. and Sweeten Creek Industrial Park with driveway entrances on each.
- The subject property is currently developed with a small commercial structure (approx. 2,000 s.f.) along with a small parking area, and is directly adjacent to existing warehousing and distribution uses.
- The existing structure is currently vacant but had most recently been used as an office.
- The subject property is bordered by Commercial Industrial (CI) zoned properties to the north, across Sweeten Creek Industrial Park; and to the west, across Sweeten Creek Rd. The property is also directly adjacent to IND zoned properties to the east and south.
- The purpose of the IND zoning district is to reserve land for existing and future industrial activities and for land uses that support industrial activities. The IND zoning designation does not allow for more common commercial uses (i.e. retail, entertainment, restaurants, etc.).
- The purpose of the CI zoning district is to provide areas for a wide range of commercial and industrial uses.
- The 0.33 acre parcel is very small and unlikely to be used for an industrial purpose.
- The area is identified as Industrial/Manufacturing on the Future Land Use map, which describes what are typically larger tracts of land located near existing transportation and utility infrastructure. These properties may require some separation of heavier industrial uses from more sensitive uses but can generally be appropriate neighbors to other commercial or mixed-use areas (p. 344-345).

Council Goal(s):
- A Thriving Local Economy.

Committee(s):
- Planning & Zoning Commission - June 5, 2019 - unanimously to support the request

Pro(s):
- Supports the adaptive re-use of an existing structure.
- Aligns with the Future Land Use Map, Industrial/Manufacturing, in the Living Asheville Comprehensive Plan, in that the proposal allows for a broader range of uses that can be compatible with the existing and future industry in the area.
- The proposed zoning, if adopted, would allow for commercial and service uses that may directly support and serve the surrounding businesses, employees and residents (i.e. coffee/sandwich shop).

Con(s):
- Results in the loss of IND zoned property that could be combined with adjacent properties for new or expanded industry.
- Not all permitted uses in the CI zoning district may be compatible with the existing industrial uses.

Fiscal Impact:
- None

Vice-Mayor Wisler opened the public hearing at 5:45 p.m.,and when no one spoke, she closed the public hearing at 5:45 p.m.

When Councilman Haynes asked what the plans were for this building, Ms. Vrtunski said that she was not sure; however, she was aware that the building would not be demolished. She also noted that whatever uses are allowed in the Community Industrial District would be allowed on this property, if rezoned.

Vice-Mayor Wisler said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Kapoor moved to approve the rezoning request from Industrial District (IND) to Commercial Industrial District (CI) thereby assigning a zoning designation that is compatible with the surrounding properties and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: the rezoning will, 1) support the adaptive reuse of the existing structure; and, 2) will allow for a broader range of uses that will support and serve the surrounding businesses, employees and residents. This motion was seconded by Councilman Haynes and carried unanimously.

ORDINANCE BOOK NO. 32 - PAGE 391

D. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 20 BATTERY PARK AVENUE AND KNOWN AS THE FLAT IRON BUILDING FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS DISTRICT EXPANSION/CONDITIONAL ZONING FOR THE RENOVATION OF AN EXISTING BUILDING TO INCLUDE A RESTAURANT, RETAIL SPACES, COMMERCIAL OFFICE SPACE ON THE 2ND FLOOR AND 71 LODGING UNITS ON FLOORS 3-8

ORDINANCE NO. 4752 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT 20 BATTERY PARK AVENUE AND KNOWN AS THE FLAT IRON BUILDING FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS DISTRICT EXPANSION/CONDITIONAL ZONING FOR THE RENOVATION OF AN EXISTING BUILDING TO INCLUDE A RESTAURANT, RETAIL SPACES, COMMERCIAL OFFICE SPACE ON THE 2ND FLOOR AND 71 LODGING UNITS ON FLOORS 3-8

Planning & Urban Design Director Todd Okolichany said that this is the consideration of an ordinance to conditionally zone property located at 20 Battery Park Avenue and known as the Flat Iron Building from Central Business District to Central Business District Expansion /Conditional Zone for the renovation of an existing building. On May 14, 2019, the petitioner withdrew his application (which requested 80 lodging units and no office space) in order for the applicant to have further dialog with the community about the proposal. The petitioner has revised is application to include a restaurant, retail spaces, commercial office space on the 2nd Floor and 71 lodging units on Floors 3-8. This public hearing was advertised on June 14 and 21, 2019.

Action Requested: Consider a conditional zoning petition for property currently zoned Central Business District (CBD) to Central Business District Expansion Conditional Zone (CBD EXP CZ)

Project Location and Contacts:

- The project site consists of a 0.13 acre parcel located at 20 Battery Park Avenue (PIN 9649.30-3481) and owned by Midtown Development Association LLC.
- Petitioner: Russell Thomas and Philip Woollcott; Contact: Chris Day.

Summary of Petition:

- The proposal is for the renovation of the iconic Flatiron building, an existing eight floor structure built in 1926 and designated as a local historic landmark. There is a small rooftop addition proposed and activation of the street level along Wall Street.
- The uses proposed have been revised from the previous submittal and now include 71 lodging guestrooms (*reduced from 80*), a floor of office space (*previously not included*) and the retail and restaurant spaces on the ground level.
- The petition includes a rezoning via conditional zoning from Central Business District (CBD) to Central Business District Expansion Conditional Zone (CBD EXP CZ) due to the lodging use, which is prohibited in the CBD zoning district.
- The Future Land Use category is Downtown, where lodging uses are permitted as described in the Comprehensive Plan Consistency section of this report.
- The project includes widening the sidewalk along Battery Park Avenue from between 15.5 and 25.5 feet with a maintained clear pedestrian path of at least eight feet.
- Streetscape improvements proposed along Battery Park Avenue include the conversion of six existing angled on-street parking spaces to one (ADA) accessible parallel space and one enlarged loading zone (net loss of five metered parking spaces). The City will grant an easement/license agreement at fair market value to the Applicant for the loading zone area, so that it may be used exclusively by the Applicant for hotel valet parking. Plans also include relocating a crosswalk and creating a bulb-out in front of the flat iron sculpture for public gathering.
- Accessible pathways will be provided from activated entrances/exits along Wall Street (similar to other businesses along the block) but otherwise no streetscape or pedestrian improvements along this facade are included so as not to disrupt the cohesive aesthetic streetscape design in place along the entire length of Wall Street.
- Parking needs for lodging guests and visitors to the restaurant uses is proposed to be managed by a valet service.
- The applicant is requesting the following conditions to be approved for this project:

- Provision of a loading zone which would otherwise not be permitted on a Key Pedestrian Street or primary access corridor (Battery Park Avenue).
- While the UDO requires that guest drop off areas shall be located at the interior of the site and not along the primary access corridor, the placement of this existing building results in the Applicant not being able to comply. The Applicant proposes to obtain an easement or license agreement from the City for fair market value in order to create a loading zone on Battery Park Avenue. This proposal and condition changed since the project was reviewed by the Planning and Zoning Commission.
- A minimum of 36 parking spaces are required to be provided for the lodging use; however, the applicant cannot comply on-site due to their reuse of the existing structure. Off-site spaces will be secured at various locations that are likely to exceed the maximum distance allowed for remote parking (500 feet).
- The sidewalk does not meet the district's minimum width of 12 feet along Wall Street and existing materials do not comply with accessibility standards.

Comprehensive Plan Consistency:

- This proposal is largely consistent with the Living Asheville Comprehensive Plan in that the Future Land Use Section and Map encourages prioritizing pedestrian infrastructure and the adaptive reuse of historic buildings in Downtown. The plan also acknowledges that while lodging and hotels are part of what makes Downtown the primary commercial center of the city, they *"must be considered in context with other development so that the variety and mix of uses, which give downtown its distinctive character is not compromised"*. While the goal of maintaining the right mix of uses downtown was noted in the list of concerns forwarded by the Downtown Commission and by several City Council members during public hearings for other lodging proposals over the past year, staff does not have evidence that this specific proposal will detract from downtown's vitality.

Compatibility Analysis:

- The historic building would be preserved with high quality upgrades completed according to the Secretary of the Interior's Standards and include essential life safety upgrades and the retention of active uses along the street-level of Battery Park Avenue.
- The use is compatible in a downtown setting; however, there are at least 10 lodging facilities within less than a half mile radius from this site with two hotels directly across the street on the same block; future lodging proposals in this area may be incompatible.
- While the proposed on-street loading space and its use to support valet service for (off-site) parking management may add to congestion in the immediate area where double-parking and large amounts of loading/deliveries exist, parking impacts for lodging are projected to be less than the current office use.
- Proposed streetscape enhancements provide an enhanced pedestrian experience and enlarged public gathering spaces but come with a loss of 5 metered on street (public)parking spaces. This prioritizes the pedestrian as encouraged in the Comprehensive Plan.
- Trash collection is currently managed with roll-out bins on Wall Street; refuse impacts may or may not increase with the new uses and impacts will be largely dependent on management by owners.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Historic Resources Commission - November 14, 2018 - certificate of appropriateness issued

- Technical Review Committee - February 4, 2019 - approved with conditions
- Downtown Commission - February 8, 2019 - approved design review (7-3)
- Planning and Zoning Commission - April 8, 2019 - recommended approval (4-2)

Staff Recommendation:

- Staff finds that the public benefits of the project- including needed life safety upgrades and the overall rehabilitation and preservation of an iconic historic building in downtown, coupled with the conditions proposed by the Applicant that minimize impacts stemming from this change of use- outweigh identified concerns, and can recommend approval of this project. Staff notes that although this use may be well represented in the immediate area (with ten hotels within less than a half a mile of this site) that the City has not adopted specific criteria to determine when additional lodging will detract from the mix of uses that gives its "distinctive character" as described in the Comprehensive Plan. Additionally, while the parking and guest drop-off standards required by the UDO for this use are an effective tool for minimizing impacts in new construction projects, it is not feasible for adaptive re-use projects, especially those in our dense, urban core. That the project proposal will displace small businesses from existing office spaces is also a concern, as our Comprehensive Plan places emphasis on "Promoting Small and Independent Business, Entrepreneurship, and the Maker Economy". Staff acknowledges that this displacement could occur with the advent of any rehabilitation proposal for this building, and is not tied to the proposed use. Also, office uses have been added to the revised development proposal so the impact on small businesses may not be as significant as anticipated in the earlier proposal.

Upon inquiry of Councilman Haynes about the May 14 meeting and whether it was a continuance or a withdrawal (as the applicant requested), Mr. Okolichany said that even though the applicant's attorney did say he wanted a withdrawal, it was his intent to go back to the community for more dialog as Council requested. That was how staff interpreted the request. In the future, staff will make sure that the applicant understands and uses the correct wording so that Council is aware exactly what the applicant is requesting.

Councilman Kapoor noted that there was a similar project on Biltmore Avenue where this withdrawal/continuance occurred so we are not changing the process with this applicant.

Mr. Wyatt Stevens, attorney representing the Flatiron Preservation Group, apologized to Councilman Haynes for any confusion he created with the words that he used at the May 14 public hearing, but he did appreciate to be back before Council. At the May 14 meeting they heard from voices on all sides of this issue. One common theme was that the Flatiron Building is an icon and important building and we need to preserve it. Councilwoman Mayfield asked that they sit down with their opponents, experts in the field of historic renovation, experts in the field of real estate development, people who understand the financing of projects of this nature, and see if they could collectively come up with the best decision for the Flatiron Building. They did that. Over the last six weeks they had meetings, telephone calls, and e-mails. They met with people that understand the history of this building even before it was purchased by Midtown Development Group in 1985. They met with folks like Doug Ellington, whose name is associated with a lot of the famous architecture in Asheville. They met with bankers who understand financing. They asked if there were any philanthropists that would be willing to put the necessary money in to purchase, preserve and protect this building - no one came forward. They asked if there was a bank willing to lend the money necessary to protect and preserve this building - no one offered to lend money to keep this building as commercial office space. Along the way there were questions asked about the estimated amount of $10.5 Million that it would take to protect and preserve the building. It is true that a sprinkler system is not required because the building is grandfathered. However, if you are going to do the kind of renovations you need to do to protect and preserve the building long-term, you will need a sprinkler system. The renovation will also

include an Americans with Disabilities Act elevator; a new HVAC system; substantial upgrades to the plumbing system; and an entirely new electrical system. The biggest concern from their outreach was the loss of commercial office space. He said there is ample commercial office space in downtown Asheville; however, they went back to the drawing board and now their proposal has an entire floor of office space and they can still make the project work financially. They feel that this project will be better for preserving a core part of what the building has always been and that is commercial office space. They have already agreed to preserve retail space on the main level, which will be earmarked for local businesses. They hope that local businesses will occupy the commercial office space. At the end of this project, the building will be restored, safe, accessible and will be there for future generations at no cost to the City of Asheville. The City will still collect $2 per night per room, which present value of that over 20 years is over $500,000. The property tax revenue for the City is anticipated at 2.1 Million over 20 years. The building will employ more than 30 people and be a living wage certified business. They have already reached out to Green Opportunities and hope to use this as a training ground for employees to work their way up through the system. This will be a local owner, local architect and local contractors. He saw an article in the paper that says new information has been uncovered about one of the owners and his criminal background - Marshall Kanner. Evidently Mr. Kanner is a convicted felon and served time and he is now out of prison. He is a minority/passive owner of Midtown Development Associates, LLC. He is not a manager of that LLC and he is not a manager of the Flatiron Project. That fact is totally irrelevant to the issue before Council as to whether to approve a conditional zoning request. It is legally and factually irrelevant. If the conditional zoning is approved, Mr. Kanner will have no involvement in the project. The decision to approve this project is the right thing to do.

Upon inquiry of Vice-Mayor Wisler, City Attorney Branham said that any land use issue is a legislative one and one made by the Council based upon certain factors which are prescribed by state law. N.C. Gen. Stat. sec. 160A-383 provides the authority for Council to make these decisions and specifically prescribes the factors to be considered of whether or not the proposed plan is consistent with the approved area plans, whether or not the proposed use is reasonable and in the public interest. That is the limited factors that can be considered pursuant to state statute. Some relevant case law that could be considered as a limiting factor suggests that your decisions should be based on a regulation of the use of the property not of specific activity or ownership of the property. That encompasses primarily what is listed on both the state statutes and relevant case law with regard to your decision-making process. The word "reasonable" is not further defined in the statutes and that is left up to a certain amount of discretion of the legislative body.

Councilman Young said that at the May 14 meeting the applicant was asked how long he owned the building. Mr. Russell Thomas replied that it was about 33 years. He was then asked a question about deferred maintenance and before Mr. Thomas could answer, Mr. Stevens said that the project has not cashed flowed enough to perform maintenance and Mr. Thomas said it takes too much money to do the maintenance. He was curious as to once the ownership began and the property in 1985, what was the immediate maintenance schedule on the building shortly thereafter. Mr. Stevens responded that he represents the Flatiron Preservation Group (the prospective buyer) of the property. He did not represent Mr. Thomas or Midtown Development Group LLC (the seller). From the public records, a general partnership called Midtown Development Associates purchased the property in 1985 and there was some question raised in a newspaper article referring a Citizen-Times article from that timeframe questioning whether there was bond money. It was his understanding after talking with Mr. Thomas, that the Flatiron Building and Midtown received no dollars from the City, and no dollars from any governmental source. According to the deed of trust, they borrowed $600,000. He doesn't know if they borrowed anymore than that and he doesn't know what their specific maintenance schedule was. In talking with various people over the last 6 weeks, one of the things they learned was that building, according to the broker Chuck Tessier who was involved in the sale, it had 10%

occupancy rate in 1985. Mr. Thomas has told him it required a lot of work to get it into shape before he could even rent it again and open it backup to commercial tenants. He suspected that the money they borrowed went into acquisition and simply getting it back up to speed. When you look at the numbers since then, the building has enabled Mr. Thomas to make a living, but he works every day to keep that building together. Now in 2019 we can second-guess whether Mr. Thomas and his partners could have invested more into the building over the years, but that issue is behind us. Now you have a development group who is prepared to buy this building and put the necessary money in to fix it up in the way it needs to be fixed up.

Councilman Young said that what he has heard was part of the reason we should approve this is because of the deferred maintenance. On May 14 when the owner was asked about the deferred maintenance, no answer was given. The question of what was the maintenance schedule on the building in 1985 is not being answered. In light of the recent information that has come before Council, we have a newspaper article that says there possibly were some funds given. He read a quote from the City Attorney Bradham "While we have been unable to locate the original MOU between the City and Sunbelt, the Resolution authorizing that MOU as well as the third Amendment to the MOU (which we do have a copy of, and which is attached) suggest that the focus of the Wall Street redevelopment project was on the construction of the Wall Street parking deck, the repaving of Wall Street, and the performance of smaller-scale improvements to both the Anderson Building and the Flat-Iron building. Given that Sunbelt conveyed the Flat-Iron building to Midtown shortly before the start of the Wall Street redevelopment project, and given that there is no separate agreement between the City and Midtown, it seems likely that, if work was in fact performed on the Flat-Iron building, it was likely performed by Sunbelt pursuant to the MOU between the City and Sunbelt. Although we do not know what work on the Flat-Iron building was planned or if it was ever performed, we have confirmed through a title search that no deed or use restrictions were placed on the Flat-Iron building in relation to the Wall Street redevelopment project of the mid-80's." He said that tells him that there was some money somehow exchanged to do some sort of work on this building, whether the City was a pass through or not. Based on our conversations this afternoon, Mr. Stevens acknowledged that he hasn't yet reviewed the title to see if they borrowed any money on that building other than the $600,000 in the deed of trust in 1985. If there was money given to do maintenance on this building, he wanted to know what maintenance was done in 1985 and what was the maintenance schedule. In light of not knowing that and the newspaper article said that the City possibly gave almost $1 Million, he was not comfortable moving forward without getting definitive answers about if the City did put money into the project, if maintenance was done, and what their deferred maintenance schedule was.

Mr. Stevens said what he understands as a lawyer is that there is nothing in the chain of title, and nothing in the City archives to suggest that the City of Asheville or any governmental authority gave money to the entity that has owned this building for the last 33 years. No evidence. The Amendment, which he has not read, states that money went to a predecessor in title, which is legally different than going to the entity that Councilman Young is critical of for not maintaining the building in his view of the last 33 years. He thought that area needed a lot of help and there was money used to build the Wall Street Parking Deck, money used to improve Wall Street and he was not aware of any evidence to suggest that the Flatiron Building received any improvements during the period of time that Midtown Development Associates, a general partnership which included Russell Thomas, owned it. Mr. Thomas assured him that they received no such money. There is no evidence to suggest they did and he would say that even if there were, and there isn't, what relevance does that have to a rezoning decision in June of 2019? It is not legally or factually relevant.

Councilman Young moved, pursuant to Rule 19 (h) of the Asheville City Council Rules of Civil Procedure, to postpone consideration of a motion considering the conditional zoning request for the Flatiron Building from Central Business District to Central Business/Expansion

District/Conditional Zoning to the next regular meeting of the City Council on July 23, 2019, at 5:00 p.m. so that Council may have adequate time to consider all relevant information prior to a final vote. This motion was seconded by Councilwoman Smith.

Councilman Kapoor asked if potential City dollars being used (which they have found no evidence of that occurring) and the issue of deferred maintenance are relevant considerations to the use decision that Council must make. City Attorney Branham said that at this point the City Attorney's Office focus was to determine whether or not any land use restrictions or security interests from any previous potential donation, grant or bond money existed on this property such that it would be relevant to any consideration by Council. We have determined definitively that that is not the case. We cannot say specifically what arrangement did occur - the detailed documents simply do not exist that we are able to discover. We can say that there were arrangements with a predecessor of interest to do some work in the area. We cannot speak to exactly what that scope was at this point. Previous monies were expended likely were spent on a construction project per the memo involving the construction in the parking deck that is adjacent to the property and some additional infrastructure and streetscape improvements that may or may not have included some limited tie-in work to the buildings, including the Flatiron Building. At this point, he did not believe that there are any land use restrictions or security interests that would weigh on any decision Council would make. Regarding deferred maintenance, he said that as a legislative determination, there is a certain amount of subjectivity the Council should be able to consider. He would say from a legal standpoint that he has not seen anything in the search that his office has performed that he believed would rise to the level of a legal factor to be considered under the statute as read.

The motion made by Councilman Young and seconded by Councilwoman Smith failed on a 3-4 vote, with Mayor Manheimer, Vice-Mayor Wisler, Councilman Kapoor and Councilwoman Mayfield voting "no".

Vice-Mayor Wisler opened the public hearing at 6:26 p.m.

Four individuals spoke in support of the conditional zoning to the Flatiron Building, for many reasons, but the common theme was that there is now one floor dedicated to commercial office space and the Flatiron Building has served the purpose of a business incubator and it's time to let them repurpose the building.

Twenty-three individuals spoke in opposition of the conditional zoning to the Flatiron Building, for many reasons, but the common theme was that the downtown does not need any more hotels, local businesses will be displaced and increase traffic with no additional parking.

Vice-Mayor Wisler closed the public hearing at 7:34 p.m.

Councilman Kapoor appreciated everyone reaching out the Council. About a year ago someone reached out to him to tell him they were considering turning the Flatiron Building into a hotel. He thought there would be no way he could support that. What changed his mind was repeated meetings with the developers and asking hard questions to really understand what the project was and what the other options were. The facts are (1) there currently is no sprinkler system in the building; (2) they have elevators similar to City Hall and when they break down they have to have special made parts; (3) they need a new HVAC unit; and (4) they have to redo their electrical system. That costs an incredible amount of money; and to turn that into office space is $10.5 Million, on top of the purchase price. All of Council has had the ability to ask the developer to show them the numbers and ask questions for months. That is why he didn't see any reason to postpone the vote. He is incredibly sympathetic to the concerns about the small businesses, but long-term he does not see this building being able to continue in the way it is now. He is now

convinced that the proposal before Council is in the long-term best interest of preserving this building for the City of Asheville.

Vice-Mayor Wisler noted that she voted for less hotels than any other member of Council, other than Councilman Haynes. She strives to look at each zoning decision individually. She focuses on our plans, congestion, neighborhood compatibility, the project's potential enhancement to the City and preservation, along with other factors. This project, including the retention of one floor of office space and developing a solution for parking has improved since it was originally presented. She also has looked at the cost to renovate the building and the potential income from office tenants. She doesn't believe that office rents can support the cost of renovation, to have viable heating, cooling and health/safety infrastructure. People may say that the owner's should have been keeping the building up and we shouldn't be in this position of having significant costs facing them. But we are where we are. She wants to see the Flatiron Building remain. She doesn't want to look back 10 years from now watching the building get torn down because it wasn't kept up or that the results of it's poor health/safety infrastructure caused harm to tenants or our first responders. While she would love to see another use for this building, she didn't think the numbers work out. Losing the building doesn't seem the right answer.

Councilwoman Mayfield agrees that the goal that everyone shares about this project is the preservation of this historic and iconic building. She wishes that could happen with the building remaining in its current use as offices for local businesses. That would absolutely be the best outcome. At the last hearing, Council raised a number of concerns starting with the fundamental question of whether there were other options for the future of the building. The developer did meet our request and met with both opponents and mutual parties to determine if there were other viable options and none emerged. Nor have any emerged from any other source in the six weeks this has been part of the public dialogue. The developer also partially addressed our concern about displacement of local businesses by dedicating one floor for offices. Not as much as we might have wanted, but it is an improvement over the previous proposal. They have also met her concerns around parking and valet issues. With these requests having been met and concerns having been addressed and there being no clear path to a different future use for the Flatiron Building, she is now compelled to support this project. She is not happy about this decision but she cannot keep moving the goal-posts just to avoid a vote she doesn't like. She stands by her statement that we are sunk if the only way for property owners in downtown to be successful is to build a hotel. But this building is different for many reasons and she can understand how the only path forward for this building involves the high return that comes only with a hotel. She does not like it, but she understands it. Based on the information available to her, she is choosing a certain future of adaptive reuse and preservation of the Flatiron over an uncertain future that includes continued decline. She wanted to walk-back something she said at the May 14 meeting, that this building represents the sole of the City. Even though others have said the same, upon reflection, the sole of our City is not embodied in a building, even one as special as the Flatiron. Instead it is in the beautiful, messy, complex mix of our highly engaged people and businesses who disagree and fight but who also come together and work hard on a daily basis to make our City a better place. That is the sole of this City.

Councilman Young said that we have continued work to do as it pertains to the issues of tourism and hotels in Asheville and how we move forward on a case-by-case basis. He believed there is an aspect of public interest that has not been met. Someone made a statement about how many rooms is enough, what do we determine is a saturation in downtown, how do we make these specific stipulations on what we do and do not want in our downtown core, and how that shapes the way that Asheville fundamentally will look - not only in the next six months, but the next 60 years. The City Manager has challenged us to do so and we have not met that challenge. This is a good opportunity to go back to the drawing board and figure it out. The public should be a big part of that. How that moves forward he doesn't know but he does know this is not working for developers or people who have an interest that Asheville grows in a way

that they can remain here and their way of life is not greatly affected. As elected officials we are challenged to please everyone, but what we can do is keep the public's interest at heart and make sure that we shape our City moving forward with everyone having a seat at the table.

Vice-Mayor Wisler said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Kapoor moved to approve the conditional zoning request for the Flatiron Building from Central Business District (CBD) to Central Business Expansion District (CBD EXP CZ) for the renovation of the existing building for lodging and ancillary uses and find that the request is reasonable, is in the public interest and is consistent with the Asheville Living Comprehensive Plan because: (1) the Downtown Future Land Use category of the Living Asheville Comprehensive Plan allows for hotels; (2) rehabilitation and adaptive reuse of the iconic Flatiron Building will preserve this historic landmark and will be done under close and appropriate review; (3) the project provides much needed life safety upgrades; and (4) proposed streetscape enhancements will improve the public realm by activating the area and allowing for more flexibility of the use of Battery Park Avenue. This motion was seconded by Mayor Manheimer and carried on a 4-3 vote, with Councilman Haynes, Councilwoman Smith and Councilman Young voting "no".

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V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Reid Thompson, Ms. Brandee Boggs and Mr. Joe Minicozzi showed videos while expressing their concerns of commercial trucks on the residential Maxwell Street.

Ms. Sandy Aldridge urged Council to put domestic violence on the forefront again.

Ms. Sarah Benoit spoke about the election districts and the worksession on July 2, 2019.

Mr. Jonathan Wainscott spoke in support of election districts.

Mr. John Brigham spoke about the need for an independent School Board for the Asheville City School system.

VIII. ADJOURNMENT:

Vice-Mayor Wisler adjourned the meeting at 8:11 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – July 2, 2019 - 5:00 p.m.

Worksession to Discuss Legal Options regarding Election Districts

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Vice-Mayor Wisler moved to suspend the rules and allow public comment. This motion was seconded by Councilwoman Mayfield and carried unanimously.

City Attorney Branham informed the Council that this presentation is intended to provide information regarding the effect of Senate Bill 813 on our local election system and our legal options for addressing it. In preparation for the presentation, he reviewed the relevant law and consulted with legal and subject matter experts in the field. He is not personally an expert in election law, but does feel competent to address this issue. He will provide details about our legal and legislative options, but will not offer opinions or recommendations about legal strategy. This will allow for the protection of the necessary attorney-client privilege in the future.

City Attorney Branham explained in detail the following presentation, starting off with the following are powers of municipalities in North Carolina. Under the North Carolina Constitution, cities and counties are essentially creatures of the state. Article VII gives the General Assembly the power to "provide for the organization and government and fixing the boundaries of counties, cities and towns." Municipalities have no inherent powers; they have only such powers as are delegated to them by legislative enactment.

Where we were before Senate Bill 813: (1) All City Council Members elected at large; (2) Elections were nonpartisan with primaries; (3) City Council elections in odd numbered years; and (4) All terms were four years and staggered.

Where we are today: (1) City is divided into 5 Districts' (2) One Council Member shall be elected from each district, and one and the mayor from the city at-large; (3) Elections will be nonpartisan plurality method with no primary; (4) Elections will be in even numbered years; and (5) All terms remain four years, staggered

This means for City Council elections: (1) The next election for City Council Members will be held in 2020, and then again in 2022. No primaries will be held; (2) 5 Candidates will be elected from the District in which they reside by the voters in those respective Districts; (3) The Mayor and 1 at-large member will be elected from the City as a whole; and (4) No Effect on duration of terms, except for initial extension of 1 year. (* *Bill Ratified June 29th, 2018)*

Council's legal options include (1) Do Nothing; (2) Amend City's Charter; (3) File a Claim Challenging the Law; or (4) Combination of Options.

Council's legal options include; (1) do nothing; (2) amend City's Charter; (3) file a claim challenging the law; and (4) combination of options.

Option 1. Do Nothing. By taking no action, the City's Charter will remain changed by SB 318. This means:

- Next Council elections in 2020
- Plurality Method (No primaries)

- The five districts will remain in effect
- But the City maintains its right to amend its Charter in the future
- City also maintains its right to file a claim until June 2021

Option 2. Amend the Charter. The City may amend its Charter unilaterally (NCGS § 160A-102). By Amending, City may select its own form of government including the following options (NCGS § 160A-101):

- Election of ALL Council Members at large, or
- Elections based upon variety of district formats
- Partisan or nonpartisan
- With or without a primary

No option is provided for a City to opt for elections in odd-numbered years. **Statutory silence on this suggests that such action would like be legally invalid. UNC School of Government agrees that a local act would be needed.*

Two Primary Amendment Options

1. Reinstate all Council positions to at large elections using the Nonpartisan Primary and Election method. (NCGS § 163A-1618)
   - *This would provide nearest possible return to previous election process. Elections would remain in even years.*

2. Maintain Districts, but reinstate primaries. (NCGS § 163A-1618)
   - *Districts can also be modified to allow for candidates to be nominated in primaries and finally elected by voters within their districts, or from the City at-large.* (NCGS § 160A-101 (6),(7))

Important Considerations

- Any Charter amendment must remain in force for at least two years following the election of any Council Member under the new format. (NCGS § 160A-107)
- Any amendment must be adopted at least 90 days before the first election for any member of Council. (NCGS § 160A-109)
- Council may require the amendment to be subject to a public referendum, but shall be subject to a proper referendum petition. (NCGS § 160A-102)
- Any Charter amendment is subject to potential action by the General Assembly.

Pros

- City can act unilaterally
- Action can address as much or as little as desired
  - *Excluding a change to odd year elections*
- Avoids significant costs of litigation

Cons

- An amendment can be undone by the State

- May result in less goodwill and additional provocation from the Generally Assembly

Option 3 . File a Claim.

Comparing Asheville to other Municipalities that have filed claims against State action regarding local elections....

- City of Greensboro v. Guilford County BOE
  - Districts already existed, but were redrawn by State.
  - State also temporarily removed the right of Greensboro voters for a referendum to change the election format.
  - Court held that the removal of referendum was a violation of the 14th Amendment, because these citizens were stripped of a right which others had without a rational basis.
  - No defense from BOE or State; No ruling on the District issue.

Comparing Asheville to other Municipalities that have filed claims against State action regarding local elections....

- Raleigh Wake Citizens Association v. Wake County BOE
  - Districts also previously existed in this case.
  - State law altered County and School Board districts.
  - Court held this particular redrawing was a violation of the Equal Protection clause of the14th Amendment (One Person, One Vote doctrine).
  - Population deviations in the new Districts were based upon "illegitimate reapportionment factors."
  - Districts populations should be within 10% deviation.
  - No racial gerrymandering found.

Option 3 - 3 Primary Potential Claims for the City **All Claims arise from the 14 Amendment of the U.S. Constitution, and similar provisions in the North Carolina State Constitution.*

A. Equal Protection Claim (*ex. Greensboro)*

Equal Protection Claim ("General Discrimination")

- Legal Standard - City must prove that it has been treated differently from others similarly situated as a result of intentional or purposeful discrimination.
- If this is proved, State must show that it had a rational basis for the disparity. (The action is *rationally related to a legitimate government purpose*).
- Rational Basis test is a very low bar
- Higher standard (Strict Scrutiny) only applies if a fundamental right or a suspect class is affected.

Projected Legal Costs: $500,000

B. One Person, One Vote Claim (*ex. Wake Co.)*

One Person, One Vote Claim ("Diluting the Votes")

- Legal Standard - Districts with less than **10% population deviation** are presumed valid. If our Districts are within 10%,City must prove that improper or illegitimate considerations predominate the reasons for the new Law.
- This is judged on a preponderance of the evidence standard (More probable than not).
- Courts have said that "attacks on deviations under 10% will succeed only rarely, in unusual cases."
- Population counts were based on the 2010 Census. Updated figures won't be available until 2021.

Projected Legal Costs: $100,000 - $500,000

C. Racial Gerrymandering/Voting Rights Act Claim

Gerrymandering/Voting Rights Act Claim ("Racial Discrim.")

- City must show that race was the predominant factor motivating the Districts' shape and/or demographics.
- In addition, City must prove that the legislature subordinated traditional race-neutral districting principles to racial considerations.
- Once this burden is met, Court will apply Strict Scrutiny.
    - (Law must be narrowly tailored to advance a compelling State interest.)
- Even partisan advantage and political motivation can defeat an allegation of racial gerrymandering.
- The test under the Voting Rights Act (Art. 2) requires that the minority group is sufficiently large and geographically compact to constitute a majority. (Difficult to do Asheville)
- In addition, legal damages under the Voting Rights Act are typical based on results of elections.
- This would be very difficult to prove in advance of an election under the new system
- These cases require very specialized experts to provide necessary evidence.

Projected Legal Costs: $500,000 - $2,000,000

Pros

- City can challenge all aspects of the law, including change to even years under a constitutional challenge
- If successful, some changes by the State could be barred from future action. (*Ex. Referendum in Greensboro*)

Cons

- Likely Remedy for all claims is limited to redrawn districts
    - Unless City can determine a constitutional flaw in the legislation itself (not just the districts' specifics)
- Substantial Legal Cost/No guaranteed outcome
- Election format still subject to future State changes

Option 4. Combination of Options.

- Amending our Charter does not preclude our ability to file a lawsuit.
    - However, it may eliminate most or all of any legal damages rendering a lawsuit

unnecessary.

- Any additional or subsequent action by the legislature would revest the City with the same legal options to react.
    - Unless the legislature removed our ability to amend the City's Charter. (*This is what occured in Greensboro.*)
    - Such action was ruled invalid by Federal Court.
- Filing a lawsuit will not preclude later Charter amendments.

Timing Concerns:

- Amending the Charter requires at least three Council Meetings.
    - Must be completed 90 days prior to election.
    - Amendment is subject to referendum petition
    - Petition requires 10% of registered voters of 5,000 signatures, whichever is less, within 30 days of publication of ordinance adoption.
- There is a 3 year Statute of Limitations for these types of lawsuits (tolls in June 2021), but there may also be a Laches issue. A final decision on any claim could take a very long time, and a stay of the current law is very uncertain.

Final legal considerations:

- The law affecting Asheville is very different from those in Greensboro and Wake County.
- In a lawsuit, the likely remedy in our situation would not be to restore at-large elections, but only to redraw the Districts.
- The City can potentially accomplish more by amending its Charter, with less cost. However, this remains subject to future State action.
- The one element where almost no recourse lies is elections being held in even years.

Throughout the presentation, City Attorney Branham responded to various questions of Council.

Index cards were handed out to members of the audience in order for them to write their questions down regarding the presentation. Communication & Public Information Director Dawa Hitch said that the City of Asheville will create a project page and have this presentation posted, along with all questions written down. City Attorney Branham said that his office will research the questions before the answers are posted on-line, noting that he will not be able to go into strategies. He then responded to several requestions raised.

At 7:22 p.m., Mayor Manheimer asked for public comment.

Approximately 14 people urged Council to file a claim against the state because the referendum showed 75% of the residents were opposed to redistricting. They asked Council to reinstate the primary, and begin a Charter amendment.

Approximately five people supported districts and didn't want Council to spend taxpayer dollars on filing a claim against the state.

At 8:36 p.m., Mayor Manheimer closed public comments.

Mayor Manheimer said that City Council will review with the City Attorney future strategic analysis surrounding this issue in an upcoming closed session. Any decision of Council will be voted on in open session with opportunity for public comment.

Councilman Young asked for responses to Council and public questions prior to the next formal meeting on July 23, 2019.

Mayor Manheimer also noted that she spoke with some non-profit groups who take on litigation claims in redistricting cases; however, none were willing to take on Asheville's case.

At 8:39 p.m., Mayor Manheimer adjourned the meeting

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – July 23, 2019 - 5:00 p.m.

Regular Meeting

Present: Vice-Mayor Gwen C. Wisler, Presiding; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: Mayor Esther E. Manheimer

PLEDGE OF ALLEGIANCE

Vice-Mayor Wisler led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING ASHEVILLE AS A BREASTFEEDING FAMILY FRIENDLY COMMUNITY

Vice-Vice-Mayor Wisler read the proclamation proclaiming Asheville as a "Breastfeeding Family Friendly Community." She presented the proclamation to Jan Shepard, Buncombe County Health Director.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 25, 2019; AND THE WORKSESSION HELD ON JULY 2, 2019

B. RESOLUTION NO. 19-170 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH WTAPS OF ASHEVILLE FOR THE RICHMOND HILL PARK RESTROOM FACILITY AND PICNIC SHELTER

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a construction contract with WTAPS of Asheville in the amount of $305,662 and to further authorize change orders up to the contingency amount of $30,566 (10%) for Richmond Hill Park restroom facility and picnic shelter.

Background:

- Richmond Hill Park is a heavily utilized park for dog walkers, bicyclists and disc golfers.
- The park lacks supporting amenities such as restroom facilities and picnic shelters.
- Quotes were initially requested on January 23, 2019. Two quotes were received and reviewed on February 20, 2019 at 4 p.m. Both quotes exceeded the available budget.
- Project was rebid on May 22, 2019, and three quotes were received and reviewed on June 17, at 3 p.m. The high quote exceeded the available funds and the remaining two quotes were deemed non-responsive due to one being submitted late and one not completing the required Minority Business forms.
- The project was rebid on June 24, 2019. Quotes were received and reviewed on July 2nd at 3 p.m. There were three bidders for the project.
    - Dosan Corp, Charlotte, $347,000 base quote plus add alternate $12,300 - $359,300
    - The Construction and Maintenance Company LLC, Mills River, $374,526 base quote plus add alternate $21,935 - $396,461

- WTAPS, Asheville, $299,878 base quote plus add alternate $5,875 - $305,662
- WTAPS submitted the lowest responsive responsible bid for the project.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned business through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. WTAPS (Asheville, NC) and their 2 subcontractors, CJE Contracting (Arden, NC) and JHS Contracting (Weaverville, NC) are all local minority business enterprises.

Council Goal(s):

- A Clean and Healthy Environment & a Well-Planned and Livable Community.

Committee(s):

- January 14th meeting - Parks Advisory Board Parks & Recreation - project status update

Pro(s):

- Permanent restroom facilities will expand the park user base to include families with small children.
- Improvements will improve the park experience for Asheville residents.
- These amenities respond to citizen input in regards to desired park improvements.
- Supports the Parks, Recreation, Cultural Arts Master Plan (2009).

Con(s):

- None

Fiscal Impact:

- Funding for this contract exists within the approved GO Bond Capital Budget.

Motion:

- Authorize the City Manager to enter into a construction contract with WTAPS of Asheville in the amount of $305,662 and to further authorize change orders up to the contingency amount of $30,566 (10%) for Richmond Hill Park restroom facility and picnic shelter.

RESOLUTION BOOK NO. 41 - PAGE 26

C. RESOLUTION NO. 19-171 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH CAROLINA SPECIALITIES CONSTRUCTION LLC, FOR THE ART STATION FACILITY RENOVATION PROJECT

ORDINANCE NO. 4753 - BUDGET AMENDMENT FOR THE ART STATION FACILITY RENOVATION PROJECT

Action Requested: Adoption of a resolution: 1) authorizing the City Manager to execute a contract with Carolina Specialties Construction, LLC in the amount of $678,299.95 and further authorize the City Manager to execute any change orders that may arise during the project up to the contingency amount of $101,745 (15%); and 2) adoption of a budget amendment in the amount of $1,080,045 from Federal Transit Administration grant funds and General Fund Assigned Fund Balance to fully fund the contract and the contingency and all other costs associated with completing the ART Transit Facility Renovation Project.

Background:

- This project was identified in the 2009 Transit Master Plan, which recommended updating the facility every 10 years. The original facility was constructed in 1996, which included only the ticketing and dispatch office, and passenger restrooms. The passenger waiting area was added around 2001.
- The project will renovate the ticketing and waiting areas to improve transit operations, and safety conditions, update finishes and lighting, and improve accessibility on the loading platform and at the intersections at Coxe and Ashland Avenue.
- Renovation will require the temporary closure of the passenger loading area, and the ticketing and dispatch office. Temporary offices and restroom facilities will be provided on an adjacent lot. When the passenger loading area is being renovated, passenger loading will occur on Ashland Avenue.
- Bids were initially advertised on May 16, 2019. Only one bid was received at the bid opening deadline on May 6, 2019. The City could not open due to city policy and general statues.
- Bids were readvertised on June 11, 2019, and the City received and opened bids on June 26, 2019. Three bids were submitted, their names and bid amounts are listed below:
    - Carolina Cornerstone, Inc., Asheville, NC $ 710,700.00
    - Carolina Specialties Construction, LLC, Hendersonville, NC $ 678,299.95
    - H&M Constructors, Inc., Asheville, NC $ 760,750.00
- The budget amendment for this project will fund both construction, and non-construction items required to outfit the facility. Non-construction items include "furniture, fixtures, and equipment", such as new static/wayfinding signs, digital signage, passenger seating, public WiFi, etc.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned business through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Disadvantaged Business Enterprises (DBE) service providers for subcontracted services. Carolina Specialties will include two subcontractors - Carolina Flooring Contractors (Forest City, NC) and EZ Striping (Naples, NC), which are qualified local disadvantaged business enterprises.

Council Goal(s):

- Transportation and accessibility
- Financially Resilient City

Pro(s):

- The renovation project will improve the passenger experience, safety in the waiting area, transit operations spaces, and accessibility for passengers and pedestrians.
- The contract leverages federal grant funds.
- The contract will include participation by Disadvantaged Business Enterprises.

Con(s):

- Renovation will require temporary accommodations for passenger loading and transit operations staff.

Fiscal Impact:

- As noted above, the total amount of the budget amendment is $1,080,045. $213,911 will come from a Federal Transit Administration grant, and $866,134 will come from the $1.1

million Infrastructure Reserve that was set aside in the General Fund Assigned Fund Balance in fiscal 2016. The amendment will have no impact on the City's unassigned (available) fund balance. The remaining funds in the Infrastructure Reserve ($233,866) will likely be used later in fiscal 2020 for other facility maintenance projects.

Motion:

- Adoption of a resolution: 1) authorizing the City Manager to execute a contract with Carolina Specialties Construction, LLC in the amount of $678,299.95 and further authorize the City Manager to execute any change orders that may arise during the project up to the contingency amount of $101,745 (15%); and 2) adoption of a budget amendment in the amount of $1,080,045 from Federal Transit Administration grant funds and General Fund Assigned Fund Balance to fully fund the contract and the contingency and all other costs associated with completing the ART Transit Facility Renovation Project.

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D. RESOLUTION NO. 19-172 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE A MUNICIPAL AGREEMENT WITH BETTERMENTS WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE CITY TO ACCEPT MAINTENANCE RESPONSIBILITY FOR A NEW SIDEWALK THAT WILL BE CONSTRUCTED AS PART OF AN I-26 WIDENING PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into and execute a municipal agreement with betterments with the N.C. Dept. of Transportation (NCDOT) for the City to accept maintenance responsibility for a new sidewalk that will be constructed as a part of an I-26 widening project and to reimburse the NCDOT 40% of the actual cost which is estimated to be $12,000.

Background:

- The NCDOT has plans to widen I-26 from NC 280 (Airport Road) to I-40.
- The City has requested that a new sidewalk be constructed along the south side of Long Shoals Road from the I-26 Eastbound on-ramp to the I-26 Westbound off-ramp.
- The NCDOT has agreed to the subject request in accordance with their Pedestrian Policy Guidelines.
- The project is anticipated to go to the construction phase during Fiscal Year 2019-20 and this section of the project should be completed during Fiscal Year 2022-23 or Fiscal Year 2023-24.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- A new section of sidewalk will be constructed that will provide an important pedestrian connection along the south side of NC 146 (Long Shoals Road).
- The City only pays 40% of the concrete line item for the new sidewalk.

Con(s):

- The City is responsible for maintaining the new sidewalk when the project is completed.

Fiscal Impact:

- The financial impact is estimated to be $12,000 and the NCDOT will invoice the City when the project is completed. Although the funds are not needed at this time, they are available in the balance of the sidewalk fee-in-lieu-of project (Project K1001).

Motion:

- Motion to authorize the City Manager to enter into and execute a municipal agreement with betterments with the NCDOT for the City to accept maintenance responsibility for a new sidewalk that will be constructed as part of an I-26 widening project and to reimburse the NCDOT 40% of the actual cost which is estimated to be $12,000.

RESOLUTION BOOK NO. 41 - PAGE 28

E. RESOLUTION NO. 19-173 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE A TRAFFIC - REVIEW AND INSPECTION AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR THE NCDOT TO PERFORM DESIGN REVIEW AND INSPECTION OF THE ADDITION OF PEDESTRIAN PHASING AT THREE SIGNALIZED INTERSECTIONS ALONG AIRPORT ROAD

Action Requested: Adoption of a resolution authorizing the City Manager to enter into and execute a review and inspection agreement with the N.C. Dept. of Transportation (NCDOT) for the NCDOT to perform design review and inspection of the addition of pedestrian phasing at three signalized intersections along NC 280 (Airport Road) and to submit payment in the amount of $15,000 upon partial execution of the agreement by the City.

Background:

- The City has plans to construct a new sidewalk along NC 280 (Airport Road) from US 25 (Hendersonville Road) to the western end of Wal-Mart through the bond program.
- This sidewalk will tie into an existing sidewalk recently constructed by the NCDOT.
- The project includes pedestrian phasing and crosswalks at three signalized intersections.
- The City has prepared the appropriate designs to add pedestrian phasing and will be furnishing and installing the equipment and crosswalks.
- The NCDOT will review and approve the designs and inspect the work during the construction phase which is currently scheduled to begin during Summer 2020.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- A new section of sidewalk will be constructed that will provide an important pedestrian connection between Hendersonville Road and the airport.

- The pedestrian experience will be enhanced and made safer through signalized intersections with pedestrian phasing and crosswalks.
- The NCDOT will own and control the traffic signal (and associated equipment) and maintenance will be accomplished according to their current policies and procedures.

Con(s):
- None

Fiscal Impact:
- The financial impact is estimated to be $15,000 and the City must submit payment upon partial execution of the agreement by the City. The funds are included in the bond program.

Motion:
- Motion to authorize the City Manager to enter into and execute a traffic - review and inspection agreement with the NCDOT for the NCDOT to perform design review and inspection of the addition of pedestrian phasing at three signalized intersections along NC 280 (Airport Road) and to submit payment in the amount of $15,000 upon partial execution of the agreement by the City.

RESOLUTION BOOK NO. 41 - PAGE 29

F. RESOLUTION NO. 19-174 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND AN EXISTING CONTRACT AND EXECUTE A ONE-YEAR EXTENSION WITH S&S MANAGEMENT GROUP LLC FOR SECURITY COVERAGE IN THE PARKING GARAGES

Action Requested: Adoption of a resolution authorizing the City Manager to amend an existing contract with S&S Management Group, LLC for an amount not to exceed $108,000 for Fiscal Year 2018-19 and authorizing the City Manager to execute a one-year extension with S&S Management Group for an amount not to exceed $160,000 for Fiscal Year 2019-20 for security coverage in the parking garages.

Background:
- Contract # 91900235 was approved for a maximum amount of $88,000 for a six-month period from January 1, 2019. through June 30, 2019 and the amendment is needed to cover outstanding invoices.
- The purpose of the contract extension, which is currently on hold since the contract ended on June 30, 2019, is to supplement existing in-house security (2 FTEs) in order to provide 24/7 security in the parking garages including the public restrooms at 29 Haywood Street to accommodate late night hours, weekend hours, and city-approved holidays.

Vendor Outreach Efforts:
- A request for proposals (RFP) was issued on September 14, 2018, on the City's website for purchasing opportunities.
- The deadline for proposals was October 12, 2018, and six vendors submitted proposals.
- No MWBE firms submitted proposals.
- A team of five staff members reviewed the proposals and determined that S&S Management Group, LLC submitted the lowest responsible proposal.
- S&S Management Group, LLC is not sub-contracting any of the work.

Council Goal(s):

- Transportation and Accessibility

Committee(s):
- Finance & Human Resources Committee - June 25, 2019 - unanimously approved

Pro(s):
- Improves the parking customer's experience.
- Provides coverage during late night hours, weekend hours, and city-approved holidays.
- Provides coverage when existing in-house security is on vacation or out sick.

Con(s):
- A contract cannot require that a living wage be paid.

Fiscal Impact:
- The financial impact of an additional $20,000 for Fiscal Year 2018-19 and $160,000 for Fiscal Year 2019-20 are included in the respective parking services operating budgets.

Motion:
- Motion to authorize the City Manager to amend an existing contract with S&S Management Group, LLC for an amount not to exceed $108,000 for Fiscal Year 2018-19 and authorizing the City Manager to execute a one-year extension with S&S Management Group for an amount not to exceed $160,000 for Fiscal Year 2019-20 for security coverage in the parking garages.

RESOLUTION BOOK NO. 41 - PAGE 30

G. RESOLUTION NO. 19-175 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT STREETS AND RIGHTS-OF-WAY THAT HAVE BEEN DEDICATED TO THE CITY, AND RECOMMENDING FOR ACCEPTANCE BY THE DIRECTORS OF THE CITY'S TRANSPORTATION AND PUBLIC WORKS DEPARTMENTS, BY EXECUTING A MEMORANDUM OF ACCEPTANCE FOR EACH STREET SO ACCEPTED

Action Requested: Adoption of a resolution authorizing the City Manager to accept streets and rights of way that have been dedicated to the City, and recommended for acceptance by the Directors of the City's Transportation and Public Works departments, by executing a formal Memorandum of Acceptance for each street so accepted.

Background:
- Developers and other land owners regularly dedicate streets to the City, which the City then has the option of accepting.
- There is no formal street-acceptance process specified under state statutes, which can create ambiguity as to whether a dedicated street has been formally accepted by the City.
- The Transportation and Public Works departments are the primary departments that analyze whether a dedicated street meets City standards and should be accepted.
- The Transportation and Public Works departments recommend that the City adopts a practice of executing a Memorandum of Acceptance for each dedicated street that is accepted by the City in the future, so as to better clarify which streets are owned and maintained by the City, as opposed to private entities.

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- Multimodal Transportation Committee - June 26, 2019 - unanimously approved

Pro(s):
- Allows the City to more accurately document the streets it maintains and owns.
- Allows the City to define the terms of its acceptance of streets through the use of a formal Memorandum of Acceptance.

Con(s):
- None

Fiscal Impact:
- This action has no fiscal impact since it is a procedural change that will not impact the number of streets accepted and maintained by the City. It simply formalizes and streamlines the acceptance process.

Motion:
- Motion to authorize the City Manager to accept streets and rights of way that have been dedicated to the City and recommended for acceptance by the Directors of the City's Transportation and Public Works departments, by executing a formal Memorandum of Acceptance for each street so accepted.

RESOLUTION BOOK NO. 41 - PAGE 31

H. RESOLUTION NO. 19-176 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH OWEN JOSEPH LLC FOR THE CITY HALL GARAGE STRUCTURE IMPROVEMENT PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Owen Joseph, LLC in the amount of $159,693.00, for the City Hall Garage Structure Improvement Project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $15,969.00 (10%).

Background:
- Investigation of moisture in the City Hall parking garage ceiling in May 2019 showed deterioration of the steel structure above the ceiling.
- Shoring was installed to temporarily supplement the structure.
- Improvements include installation of permanent supplemental steel structure, a new fire rated ceiling and sealant of the joints between the marble slabs of the floor of the City Hall Entry Loggia above.
- Request for Bids was initially advertised on June 10, 2019. Only one bid was received at the bid opening on June 27, 2019. Request for Bids was re-advertised on July 1, 2019. The following Bids were received on July 16, 2019:
  - Owen Joseph, LLC — Asheville, NC — $ 159,693.00
  - Lesco Restorations, Inc — Spartanburg, SC — $ 218,816.91
- Owen Joseph, LLC was the lowest responsive, responsible bidder.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned business through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. No MWBE firms submitted bids with this prime contractor.

Council Goal(s):
- A Clean and Healthy Environment & A Financially Resilient City

Committee(s):
- None.

Pro(s):
- Garage Structure Improvements will be completed in Fall 2019
- Rented shoring will be removed
- Parking will be available in the garage for identified staff and City Council members

Con(s):
- None

Fiscal Impact:
- Funding for this contract is already included in the adopted Capital Improvement Program (CIP).

Motion:
- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Owen Joseph, LLC in the amount of $159,693.00, for the City Hall Garage Structure Improvement Project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $15,969.00 (10%).

RESOLUTION BOOK NO. 41 - PAGE 32

I. RESOLUTION NO. 19-177 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A UTILITY CONSTRUCTION AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR WATERLINE RELOCATION COST REIMBURSEMENTS ASSOCIATED WITH IMPROVEMENTS TO FANNING BRIDGE ROAD AT THE I-26 CROSSING

Action Requested: Adoption of a resolution authorizing the City Manager to execute a Utility Construction Agreement with the N.C. Dept. of Transportation (NCDOT) for the estimated amount of $279,508.10 plus a 10% contingency for a total budget of $307,458.91 for the I-4400C Project.

Background:
- I-4400C is one project phase of the NCDOT I-26 widening effort. A portion of the I-4400C project involves the reconstruction of the Fanning Bridge Road crossing over I-26.
- The City of Asheville owns and maintains municipal water lines within the right-of-way of the project area.
- As a condition of the installation, operation and maintenance of the waterlines within the NCDOT right-of-way, the City of Asheville Water Resources Department is responsible for 100% of the cost associated with adjustment or relocation of said waterlines should the need arise.
- The City of Asheville Water Resources Department wishes to enter into this Utility Construction Agreement with NCDOT, which allows the waterline utility work to be performed as part of the NCDOT's construction contract.

- NCDOT has estimated that the cost of the relocation and adjustment of municipally owned water lines for this project will be $279,508.10.

Vendor Outreach Efforts:
- Not Applicable

Council Goal(s):
- A Financially Resilient City

Committee(s):
- None

Pro(s):
- Execution of the agreement allows the City of Asheville Water Resources Department to meet its obligations to NCDOT for the adjustment or relocation of municipal water lines within the NCDOT right-of-way.
- Execution of the agreement allows the required adjustment or relocation of municipal water lines to be performed under the NCDOT construction contract, which will provide construction efficiencies producing cost savings and allow construction schedules to be met.
- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects, in order to provide safe and reliable service.

Con(s):
- None

Fiscal Impact:
- The funding needed for this agreement is currently allocated within the NCDOT Project in the Water Resources Capital Improvement Projects Fund.

Motion:
- Move to adopt a resolution authorizing the resolution authorizing the City Manager to execute a Utility Construction Agreement with the NCDOT for the estimated amount of $279,508.10 plus a 10% contingency for a total budget of $307,458.91 for the I-4400C Project.

RESOLUTION BOOK NO. 41 - PAGE 33

J. **RESOLUTION NO. 19-178 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE HIWIRE 6TH ANNIVERSARY PARTY**

RESOLUTION NO. 19-179 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE FARM TO VILLAGE DINNER

RESOLUTION NO. 19-180 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE BLUE RIDGE PRIDE FESTIVAL

Action Requested: Adoption of resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at the HiWire 6th Anniversary Party, Farm to Village Dinner, and Blue Ridge Pride Festival.

Background:

- The following organizations have requested that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at the events:
    - WNC Soccer Foundation for the HiWire 6th Anniversary Party, to occur at Huntsman Place on July 27, 2019, from 3:00 p.m. - 11:59 p.m.
    - Manna Food Bank for the Farm to Village Dinner to occur at Boston Way on September 5, 2019, from 6:00 p.m. - 9:00 p.m.
    - Blue Ridge Pride Center for the Blue Ridge Pride Festival, to occur at Pack Square Park on September 28, 2019, from 11:00 a.m. - 7:00 p.m.
- Alcohol boundaries are defined for each request as per the accompanying event site maps.

Council Goal(s):

- These actions have no direct connection with the City Council 2036 Vision.

Committee(s):

- None

Pro(s):

- Allows fundraising opportunities for the sponsoring nonprofit organizations

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Motion to permit the possession and consumption of malt beverages and/or unfortified wine at the HiWire 6th Anniversary Party, Farm to Village Dinner, and Blue Ridge Pride Festival.

RESOLUTION NO. 19-178 - RESOLUTION BOOK NO. 41 - PAGE 34
RESOLUTION NO. 19-179 - RESOLUTION BOOK NO. 41 - PAGE 37
RESOLUTION NO. 19-180 - RESOLUTION BOOK NO. 41 - PAGE 40

K. RESOLUTION NO. 19-181 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH HAZEN AND SAWYER TO INCREASE THE WATER SYSTEM MASTER PLAN UPDATE

Action Requested: Adoption of a resolution authorizing the City Manager to execute a change order with Hazen and Sawyer in the amount of $99,900 to increase the Water System Master Plan Update Professional Services Contract from a total of $570,360 to $670,260.

Background:

- On February 14, 2017, a resolution was adopted to authorize the City Manager to execute a professional services contract with Hazen and Sawyer for an update to the Water System Master Plan.

- The original total contract was for an amount not to exceed $570,360. The project work included: a hydraulic model update, field tests, model calibration, evaluation of the existing system, population and demand projections, evaluation of the future system, master plan report and training, project administration, and other optional services as needed.
- Throughout the course of the project it was determined that some areas of the system were operating in a critical state that would require additional detailed analysis to determine solutions.
- In April and May of 2019 a chain of events occurred including major line breaks and inoperable valves resulting in several days of issues with discolored water in the system.
- Water Resources staff determined that the expertise needed to find solutions to these issues was closely related to the modeling and analysis work being performed under the ongoing System Master Plan Update. The consultant, Hazen and Sawyer has expertise in these areas.
- In an effort to quickly and efficiently address these recent issues, staff requested that the consultant provide an amended scope of work with additional tasks.

Vendor Outreach Efforts:
- Not applicable, change to an existing contract

Council Goal(s):
- A Financially Resilient City

Committee(s):
- None.

Pro(s):
- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects.

Con(s):
- None

Fiscal Impact:
- The funding needed for the professional services agreement is currently allocated within the Water Resources Capital Improvements Project Fund in the Water Model & Master Plan Update Project.

Motion:
- Move to adopt a resolution authorizing the City Manager to execute a change order with Hazen and Sawyer in the amount of $99,900 to increase the Water System Master Plan Update Professional Services Contract from a total in the amount of $570,360 to $670,260.

RESOLUTION BOOK NO. 41 - PAGE 43

L. RESOLUTION NO. 19-182- RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH APPALACHIAN PAVING AND CONCRETE INC. FOR THE WOOD AVENUE NEIGHBORHOOD SIDEWALK PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Appalachian Paving and Concrete, Inc. in the amount of $498,740 for the Wood Ave.

Neighborhood Sidewalk project and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $74,811 (15%).

Background:

- Bids were advertised on May 23, 2019, but the City did not receive the required number of bids for a formal bid opening. The project was re-advertised on June 24, 2019.
- Bids were opened on July 8, 2019. Two (2) firms submitted bids, and the firms' names and bid amounts are included below:
  - Appalachian Paving & Concrete, Inc., Asheville, NC $498,704.00
  - Patton Construction Group Inc., Asheville, NC $710,420.00
- Appalachian Paving & Concrete, Inc. was the lowest responsive, responsible bidder.

Vendor Outreach Efforts:

- For the construction phase of the project, staff performed outreach to minority and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to MWBE service providers for subcontracted services. Appalachian Paving & Concrete, Inc. of Asheville will be utilizing the services of BAG Hauling of Asheville, a MWBE service provider, for the project.

Council Goal(s):

- Transportation and accessibility

Committee(s):

- None

Pro(s):

- Improved connectivity and accessibility for the neighborhoods southeast of the Asheville Mall area.

Con(s):

- None

Fiscal Impact:

- Funding is coming from the Neighborhood Sidewalk Program. The total maximum cost of this contract, including contingency, is $573,515.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with Appalachian Paving & Concrete Inc. in the amount of $498,704.00 plus a contingency of $74,811 (15%), for a total of $573,515.

RESOLUTION BOOK NO. 41 - PAGE 44

M. RESOLUTION NO. 19-183 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A RENEGOTIATED LEASE AGREEMENT WITH THE ASHEVILLE-BUNCOMBE YOUTH SOCCER ASSOCIATION FOR THE LEASE OF FOUR SOCCER FIELDS, THE CONCESSIONS AND MEETING ROOM AT THE JOHN B. LEWIS SOCCER COMPLEX

Action Requested: Authorize the City Manager to sign a renegotiated lease agreement for the John B. Lewis Soccer Fields to the Asheville Buncombe Soccer Association

Background:

- On March 26, 2019 the City Council authorized the City Manager to enter into a lease with ABYSA for the use of the soccer fields located at 439 Azalea Road known as the John B. Lewis Soccer Complex.
- The lease was executed allowing for the fields to be repaired due to flooding events. The cost of the original contract was $1,075,000. Per the lease, the City agreed to pay $875,000 and ABYSA agreed to pay $200,000.
- Prior to the work being completed, another significant rain event occurred damaging the fields on April 19, 2019.
- Of the $1,075,000 contract amount, only $925,000 was paid to the contractor leaving a remaining balance of $150,000. This balance was a result of the changed conditions in cleaning the fields due to the new flood damage on April 19, 2019.
- The following significant elements have changed from the March 26, 2019 lease agreement:
    - The fields will be accepted by ABYSA "as is". The March 26, 2019 agreement stated that the fields would be completely restored prior to ABYSA accepting the fields;
    - ABYSA will be responsible for paying $50,000 of the original clean up as opposed to $200,000 because the City did not expend the full amount of the funds in the original clean up;
    - The City will contribute $50,000, as stated in the original lease, in FY 2020 for the clean up of fields 1 and 4; and,
    - The agreement will be for ten years instead of twelve years.

Council Goal(s):

- A Financially Resilient City
- A Connected and Engaged Community

Pro(s):

- The terms allow ABYSA to utilize the fields sooner.
- The City's repair costs for future potential flooding is capped annually.
- The terms of the lease agreement creates a capital contribution supported by ABYSA and the City for the long-term replacement of the fields.

Con(s):

- None

Fiscal Impact:

- The City of Asheville will pay a maximum of $50,000 a year for the repair of fields due to flood events or acts of God. Additionally, the City will place $15,000 per year into a capital project to be utilized for the replacement of the soccer fields for a total of $150,000 over a ten year period. The total operating budget impact is $65,000 per year for the ten-year duration of the lease.

Motion:

- Motion to authorize the City Manager to negotiate and sign a new lease agreement with ABYSA for the lease of four soccer fields, the concessions and meeting room at the John B. Lewis Soccer Complex.

RESOLUTION BOOK NO. 41 – PAGE 45

N. RESOLUTION NO. 19-184 - RESOLUTION AMENDING RESOLUTION NO. 19-142 TO REPLACE THE PROGRAM NAME OF "CWA EARLY LEARNING PROGRAM" WITH "BLACK CULTURE ENRICHMENT AND COLLEGE TOUR" FOR THE 2019-20 STRATEGIC PARTNERSHIP FUND GRANT

Action Requested: Adoption of amended resolution to replace program name of "CWA Early Learning Program" with "Black Culture Enrichment and College Tour"

Background:

- On June 11, 2019, City Council approved Strategic Partnership Funding for the 2019-2020 fiscal year, based on funding recommendations made by the Housing & Community Development Committee on March 29, 2019 .
- An administrative error was made in Resolution 19-142, listing the incorrect program name for The Christine Avery Learning Center's Strategic Partnership Fund program. The correct program name is "Black Culture Enrichment and College Tour". No programmatic or funding changes are being requested.
- This correction is necessary to move forward with contracting the grant and making the funds available to the agency.

Council Goal(s):

- Thriving Local Economy

Committee(s):

- None

Pro(s):

- This will correct an administrative error made in the original resolution.
- This correction will allow the City to move forward with a contract for the Strategic Partnership Fund grant allocated to the CWA learning center.

Con(s):

- None

Fiscal Impact:

- No fiscal impact is associated with this administrative correction.

Motion:

- Motion to correct an administrative error on Resolution No. 19-142 which replaces the program name of "CWA Early Learning Program " with "Black Culture Enrichment and College Tour" for The Christine W. Avery Learning Center's Strategic Partnership award.

RESOLUTION BOOK NO. 41 - PAGE 46

O. RESOLUTION NO. 19-185 - RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE NON-HEALTH-BENEFIT-RELATED INSURANCE POLICIES AND TO ISSUE PROPERTY CLAIM-RELATED PAYMENTS

Action Requested: Adoption of a resolution authorizing the City Manager to purchase non-health-benefit-related insurance policies; and to issue property claim-related payments.

Background:

- Annually, the City of Asheville (City) renews policies to provide coverage against risk exposures, including but not limited to: excess workers' compensation and liability (general liability, public officials, employee practices, and law enforcement), dam liability, property (structures/vehicles/equipment), crime, cyber, flood, and builder's risk, when necessary.
- All policies are quoted via the City's Insurance Broker of Record (Broker) to ensure appropriate coverages are obtained from the commercial insurance market.

- Annually, Asheville City Council approves policy premium costs budgeted within the City's Workers' Compensation and Property & Liability Funds.
- Staff is seeking authorization for the City Manager to (1) purchase policies (up to $500,000 per policy); and (2) pay City property claim-related expenses.

Council Goal(s):
- A Financially Resilient City

Committee(s):
- June 25, 2019, Finance and Human Resources Committee recommended for Council approval.

Pro(s):
- Ensures no policy lapse that may financially expose City employees and assets.
- Timely insurance policy renewals and good standing with City insurance carriers.
- Ensures timely property claim-related payments to expedite City asset repair/replacement.

Con(s):
- None.

Fiscal Impact:
- No additional funds being requested. In Fiscal Year 2020, projected City insurance policy premiums totalling approximately $1,250,000 are included in the annual budget approved by City Council. Property claim payments utilize funds received from City insurance carriers to repair/replace damaged City assets, less related deductibles.

Motion:
- Recommend Asheville City Council move to adopt a resolution authorizing the City Manager to (1) issue payments for non-health-benefit-related insurance premiums up to $500,000 per policy and; (2) make City property insurance claim-related payments.

RESOLUTION BOOK NO. 41 - PAGE 47

Vice-Mayor Wisler asked for public comments on any item on the Consent Agenda, but received none.

Vice-Mayor Wisler said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Mayfield moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Kapoor and carried unanimously.

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED ON 2360 SWEETEN CREEK ROAD FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE FOR THE CONSTRUCTION OF THREE MULTI-FAMILY STRUCTURES TOTALING 81 RESIDENTIAL UNITS

ORDINANCE NO. 4754 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED ON 2360 SWEETEN CREEK ROAD FROM RM-16 RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT TO RESIDENTIAL EXPANSION/CONDITIONAL ZONE FOR THE CONSTRUCTION OF THREE MULTI-FAMILY STRUCTURES TOTALING 81 RESIDENTIAL UNITS

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to conditionally zone property located on 2360 Sweeten Creek Road from RM-16 Residential Multi-Family High Density District to Residential Expansion/Conditional Zoning for the construction of three multi-family structures totalling 81 residential units. This public hearing was advertised on July 12 and 19, 2019.

Action Requested: Adoption of a conditional zoning petition for property located at 2360 Sweeten Creek Road (Givens Estate Friendship Park) currently zoned Residential Multi-Family High Density District (RM16) seeking to be rezoned to Residential Expansion District Conditional Zone (RES EXP CZ).

Project Location and Contacts:

- The project site consists of 4.3 acres located at 2360 Sweeten Creek Road (PIN 9655-47-7393) owned by the Givens Estate, LLC.
- Petitioner: G. Thomas Jones, III on behalf of John C. Cowan, Jr, Executive Director of the Givens Estates

Background:

- The Givens Estates is a 215-acre property of 411 independent living units located near their Gerber Park project of 262 affordable apartment units (Tax credit apartments serve people at 60% of the area median income and below. Of those, 78 apartments are HUD subsidized and serve those with extremely low incomes. The rent in HUD apartments is adjusted to be less than 30% of area median income) that together help people of different means to age in place.
- The project proposes to demolish 86 outdated housing units in 11 structures to replace them with 80 units in two buildings.
- Proposed structures measure between two and four stories in height, and approximately 20,000 square feet each.
- The proposed density of 19 units per acre is below the maximum permitted 20 units per acre.
- 98 parking spaces will be provided for cars, including four that are handicapped accessible.

Comprehensive Plan Consistency:

- The project is most-closely aligned with the following goals from the Living Asheville Comprehensive Plan: Goal #1: Encourage Responsible Growth, as it will replace outdated housing units with newer buildings that will provide better, safer and more energy efficient housing for seniors; and, Goal #13: Increase and Diversify the Housing Supply in that new buildings will allow seniors to age in place.
- The Future Land Use category, Residential Neighborhood, also aligns with the proposed development.

Compatibility Analysis:

- The proposed use is compatible with the neighborhood and the type of development typical within the Givens Estates. The project will lead to a reduction in the number of living units (from 86 to 80) so it will reduce the overall impact on the community.

Council Goal:

- Encourage Responsible Growth

Committee(s):

- Planning & Zoning Commission - May 1, 2019 - Unanimous approval

Ms. Tuch said that an additional condition has been added, which reads "A 5-9' wide sidewalk/greenway and associated retaining wall and storm drainage will be provided, as shown on the landscape map as incorporated herein by reference, resulting in a net reduction of impervious surface located within the required 30' wide protected aquatic buffer." The applicant has agreed to this condition.

Mr. John Cowan, Executive Director of Givens Estates, said they are replacing 86 existing residences in 11 buildings and there are no residents in those 11 structures, so no one will be displaced.

Mr. Tom Jones, civil engineer, spoke about the site development and their neighborhood meeting. He said Givens Estate does good things for seniors and builds quality projects.

Vice-Mayor Wisler opened the public hearing at 5:17 p.m.

When Mr. Timothy Sadler asked if public art is part of this new development, Vice-Mayor Wisler replied no.

Vice-Mayor Wisler closed the public hearing at 5:18 p.m.

Vice-Mayor Wisler said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Kapoor moved to approve of the conditional zoning request for the Givens Estates Friendship Park located at 2360 Sweeten Creek Road from Residential Multi-Family High Density District (RM16) to Residential Expansion District Conditional Zone (RES EXP CZ) for the demolition of 11 buildings (86 housing units) to be replaced with the construction of two buildings comprising 80 housing units (with the inclusion of the additional condition referred to above) and find that the request is reasonable, is in the public interest and is consistent with the city's comprehensive plan in that (1) the Future Land Use category allows for multifamily structures and is consistent with the proposed Residential Expansion zoning district; and (2) the project will improve the quality and safety of housing units within a senior living community. This motion was seconded by Councilwoman Mayfield and carried unanimously.

ORDINANCE BOOK NO. 32 - PAGE 401

B. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 1 SOUTH TUNNEL ROAD FROM REGIONAL BUSINESS DISTRICT TO MIXED USE EXPANSION/CONDITIONAL ZONE TO ALLOW A MIXED-USE DEVELOPMENT THAT INCLUDES RESIDENTIAL, RETAIL, SERVICE AND ENTERTAINMENT USES

At the request of the applicant's attorney, Councilman Young moved to continue this public hearing until August 27, 2019. This motion was seconded by Councilman Haynes and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 19-186 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A HOUSING TRUST FUND LOAN AGREEMENT WITH HOMEWARD BOUND TO ACQUIRE AND REHABILITATE 296 SHORT MICHIGAN AVENUE

Community Development Program Director Paul D'Angelo said that this is the consideration of a resolution to approve a request by Homeward Bound for a Housing Trust Fund loan to acquire and rehabilitate a multifamily property located at 296 Short Michigan Avenue.

Background::

- The multifamily property located at 296 Short Michigan Avenue is on a 0.97 acre site with 5 buildings containing 11 (8 one bedroom and 3 two bedroom) separate apartment units.
- The current owner partners with Homeward Bound and the Asheville Housing Authority to accept Permanent Supportive Housing (PSH) and Housing Choice vouchers.
- At the present time, 6 of the 11 units are occupied by voucher holders. The remaining 5 units are unoccupied and require rehabilitation to be brought up to HUD habitability standards.
- The owner has informed Homeward Bound of his intention to sell, putting the property's long-term affordability in jeopardy. In order to prevent this, Homeward Bound has negotiated a contract to purchase the property for the sum of $545,000.
- Homeward Bound has intentions to increase their capacity as a developer and operator of supportive housing in the Asheville area. This project is a reflection of that strategy, and will allow them to offer more direct and efficient service to their clients.

Proposal:

- The Agreement for Purchase and Sale is valid until October 31, 2019. Homeward Bound requires that financing be in place before executing that purchase.
- They have presented a $910,000 project budget to Community Development staff, which includes a $530,000 loan request from the City's Housing Trust Fund (HTF). The HTF funds would be first into the project, and primarily used for the acquisition of the property. The remainder of the project budget will be drawn from a pending commercial loan and federal HOME funding.
    - The project received a HOME commitment of $89,153 from the Asheville Regional Housing Consortium this spring. Homeward Bound intends to pursue additional funding in the fall which could be used to supplement the project and perhaps construct more units on site.
    - The applicant is in advanced negotiations with several commercial banks to acquire approximately $280,000 in additional funding.
    - The City's funding is contingent on Homeward Bound securing these additional funds needed for the project.
    - The remainder of the project budget not applied to acquisition will be used to rehabilitate all 5 structures to a condition that meets HUD habitability standards.
- Homeward Bound has committed to a 99-year term of affordability for the project enforced by a deed restriction. Units will be made available to clients who generally have significant case management needs and require voucher support.
    - Due to the extremely low income levels served by these units, the project will not possess adequate cash flow needed to make recurring loan payments. Homeward Bound has requested that the $530,000 HTF loan be deferred for a 30-year term with 0% interest.
    - The applicant's commitment to accept vouchers and serve a population at or below 30% of Area Median Income (AMI) would qualify the loan for Special Terms under HTF policy. Special Terms conditions would make both the deferment of the loan principal and the 0% interest rate allowable.

- The property contains 2 additional building sites, and is adjacent to 2 properties that could be acquired for expansion in the future.
- The proposal does not fully comply with HTF Policy, particularly the condition that the purchase and rehabilitation of existing multifamily housing units are only eligible if the units do not meet the City's minimum housing code. Due to the potential for displacement of existing residents and the vulnerability of the population served, Community Development staff support this exception to the policy.

Council Goal(s):
- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):
- Housing & Committee Development - June 18, 2019

Pro(s):
- The project impacts a population that has traditionally been very hard to serve through the Community Development division's affordable housing tools. Completion of this project would ensure that 11 units serving deep levels of affordability are available in perpetuity.
- Homeward Bound can monitor clients closely and better manage housing conditions when serving as property owners. Ideally this would allow them to internalize some costs, and utilize their overall funding in a manner that allows for a greater impact on the area's supportive housing population.
- The project develops capacity at Homeward Bound by providing construction and development experience, and familiarizes them with new funding sources.

Con(s):
- The deep level of affordability provided by Homeward Bound would diminish the project's cash flow, and therefore their ability to make loan payments should the Special Terms conditions not be approved.

Fiscal Impact:
- An amount of $530,000 will be drawn from the City's Housing Trust Fund. The cost per unit for the project is $48,182 based on our funding.
- The loan's proposed terms of a deferred principal and 0% interest will prevent the receipt of any program income.
- The City's funding is contingent on Homeward Bound securing these additional funds needed for the project.

Vice-Mayor Wisler said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Mr. D'Angelo responded to Councilwoman Mayfield question when she asked if more HOME funding becomes available for this project, would it reduce the City's obligation.

Ms. Meredith Switzer, Executive Director of Homeward Bound, and a board member on Homeward Bound, thanked Council for their support.

Councilwoman Mayfield was pleased to announce that this is an excellent example of an organization purchasing existing housing to keep it permanently affordable.

Councilman Young also spoke in support of this project and hoped Homeward Bound will continue to do projects on this caliber.

When Vice-Mayor Wisler asked for public comment, no one spoke.

Councilwoman Mayfield moved to approve the request by Homeward Bound to borrow funds from the Housing Trust Fund in the amount of $530,000. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 41 - PAGE 48

B. RESOLUTION NO. 19-187 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A HOUSING TRUST FUND LOAN MODIFICATION WITH SWANNANOA BEND LLC, FOR THE SIMPSON STREET PROPERTY

Community Development Program Director Paul D'Angelo said that this is the consideration of a resolution to approve a Housing Trust Fund loan modification for an increased award of funds to Swannanoa Bend, LLC for the Simpson Street project.

Background:

- Kirk Booth (d/b/a, Beaucatcher Commons, LLC, now Swannanoa Bend, LLC) received a $650,000 Housing Trust Fund (HTF) loan awarded through two requests for the purpose of constructing and operating 70 affordable housing apartments dedicated to households at or below 60% of Area Median Income (AMI).
- The project was initially awarded $300,000 in February 2016 for a 60-unit, fully affordable development located at 43 Simpson Street between Tunnel Road and Biltmore Village near the Swannanoa River.
- A request was brought forward in January 2017 expanding the number of affordable units to 70 as well as increasing the HTF request by $350,000.
- The project also possesses a commitment of $262,000 from Buncombe County and a loan from HomeTrust Bank in the amount of $3,502,979.
- Per a promissory note executed with the City of Asheville on October 6, 2017, Mr. Booth was to complete the construction of 70 affordable apartments and rent them to households at or below 60% AMI for a period of 20 years. A principal balance of $650,000 was to be paid over a term of 20 years and accrue interest at a rate of 2% annually. Contingent on starting work was a Conditional Use Permit from the Asheville City Council, which was achieved on September 27, 2016.
- The project also received an award through the City's Land Use Incentive Policy with an estimated total value of $248,710 paid out in annual increments over a period of 11 years and an approximated $70,000 fee rebate.
- The developer began construction in 2017, but in order to comply with code, needed to install a more extensive dry sprinkler system. The system was installed, as well as much of the site development required to finish work, per the site plans submitted with the Conditional Use Permit approval. Pilings and infrastructure have been installed for all of the seven (7) intended buildings. Four (4) buildings have received a Certificate of Occupancy and are currently leased to qualified low-income tenants.
- The additional work related to the sprinkler system and rising construction costs throughout the duration of the project thus far have caused the developer to exhaust his committed funds. Staff reviewed all costs associated with the project to this point, as well as conferred with the City's Development Services department about the overruns.
- Staff has concluded that a large portion of the increase is related to the installation of the dry sprinkler (approximately $140,000) along with retrofit, with the remainder resulting from the rising costs in construction materials nation-wide and local construction labor during the past 24 months.These cost increases have resulted in the need and request for an additional $650,000 in Housing Trust Fund monies.

- Staff worked with the developer to explore opportunities to complete the project without the investment of additional HTF funding, including seeking commitments from other sources, but were unsuccessful.

Revised Proposal:

- The developer has ordered the 5th building from the Clayton Homes factory, and is anticipating completion and installation in the near future. To finish the remaining site work (namely an on-site stormwater retention area) and accomplish the installation of the remaining buildings, the developer requests an additional $650,000 from the City's Housing Trust Fund.
- The developer intends to honor the terms of the previous commitment, specifically to rent to households at or below 60% AMI and accept voucher payments.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- Housing and Community Development - January 19, 2016
- Asheville City Council HTF Approval - February 23, 2016
- Asheville City Council Conditional Use Permit - September 26, 2017
- Housing and Community Development - January 17, 2017
- Asheville City Council HTF Approval - February 14, 2017
- Housing and Community Development- June 18, 2017

Pro(s):

- Awarding the increased funding will allow the developer to complete the project and bring an additional 30 affordable housing units (70 total) to market.

Con(s):

- The increased investment will use resources that could be invested in other affordable housing projects.

Fiscal Impact:

- An additional amount of $650,000 will be allocated from the City's Housing Trust Fund. This will add to the existing principal balance for a total investment of $1,300,000 to be paid back over a period of 20 years at 2% interest. The cost per unit from the HTF will rise to $18,571 ($23,124 if the value of the LUIG and fee rebate are included).

Mr. Kirk Booth said he was pleased with this project and hoped Council would assist him with a more money.

Councilman Young commended Mr. Booth on this project which will be for households at 60% below the AMI and accepting Housing Choice vouchers.

Councilwoman Mayfield noted that Mr. Kirk is a private developer and hoped other private developers will come forward as Mr. Kirk has to provide affordable housing.

When Mr. Timothy Sadler asked if public art will be required for this new development, Councilwoman Mayfield explained that when the City builds new projects, they set aside 1% for public art.

Vice-Mayor Wisler said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Young moved to approve the request by Swannanoa Bend, LLC to borrow an additional $650,000 from the Housing Trust Fund, for a total loan amount of $1,300,000, due to cost increases for the Simpson Street project. This motion was seconded by Councilwoman Smith and carried unanimously.

RESOLUTION BOOK NO. 41 - PAGE 49

C. RESOLUTION NO. 19-188 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A HOUSING TRUST FUND LOAN MODIFICATION WITH WORKFORCE HOMESTEAD INC. FOR THE AMARANTH APARTMENTS PROJECT

Community Development Program Director Paul D'Angelo said that this is the consideration of a resolution to approve a Housing Trust Fund loan modification with Workforce Homestead Inc. for an increase in funds for the Amaranth Apartments Project.

Background:

- Workforce Homestead, Inc., an affordable housing developer located in Chapel Hill, NC, applied for and received a low-income housing tax credit award from the North Carolina Housing Finance Agency (NCHFA) for the purpose of developing a 70-unit affordable housing property at 1 Brookside Circle in Candler, NC (located directly adjacent to the Smokey Park Highway and within the city limits of Asheville).
- The project as proposed will contain fourteen (14) 1br, thirty-five (35) 2br, and twenty-one (21) 3br apartments all set aside for households making at or below 60% of Area Median Income (AMI). This includes eighteen (18) apartments specifically set aside for households at or below 30% AMI.
- The tax credits will provide $7,645,942 to the project, applied as equity, and have no repayment conditions as long as affordability terms are met. Additional commitments were made from Churchill Stateside Group (CSG) for $2,030,000 and the North Carolina Housing Finance Agency (NCHFA) for $250,000, both in the form of loans.
- The Asheville Regional Housing Consortium has extended a $341,100 HOME loan.
- To fulfill the remaining gap of the initial estimated $10,917,024 total development cost, the City of Asheville committed $600,000 from its Housing Trust Fund on April 10, 2018 per Resolution No. 18-88, to be paid back at 2% annual interest adjusted amortization to meet a 1.15 debt-coverage ratio with principal deferred over a period of 20 years. A closing in late summer 2019 was anticipated, with construction to begin shortly thereafter.
- The developer received final bids from his contractor in June 2019 and found that costs had increased substantially from the initial estimate in 2017. The total increase is valued at $1,375,090, of which $843,435 is related to unique site issues and the engineering required to mitigate them.
- The developer will continue to work with his contractor to explore value engineering, and feels that they can reduce approximately $450,000 from the current costs. Additionally, the developer will defer a portion of his developer fee and seek increased loan funding from other project partners.
- The City's funding is contingent on Workforce Homestead, Inc. securing these additional funds needed for the project.
- Despite those measures, a gap of approximately $600,000 remains if the project is to be completed. Community Development staff worked with the developer to explore other sources of funding from local and regional entities, but found none that were available in the time frame necessary to complete the project.

Proposal:

- To have adequate funds available to complete the project, Workforce Homestead, Inc. requests an additional $600,000 from the City's Housing Trust Fund. The funds would be added to the existing loan amount and paid back according to the same terms.
- The developer also has plans to submit a Land Use Incentive Grant (LUIG) application when the policy is updated and passed by City Council.

Council Goal(s):
- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):
- Housing and Community Development - March 23, 2018
- Asheville City Council HTF Approval - April 10, 2018
- Asheville City Council HOME Approval - January 8, 2019
- Housing and Community Development - July 16, 2019

Pro(s):
- Awarding the increased funding will allow the developer to complete the project and bring an additional 70 affordable housing units to Asheville.

Con(s):
- None

Fiscal Impact:
- An additional amount of $600,000 will be drawn from the City's Housing Trust Fund. This will add to the current principal balance for a total investment of $1,200,000 to be paid back at 2.0% interest amortization for a term of twenty (20) years with principal deferred to the date of maturity.
- The City's funding is contingent on Workforce Homestead, Inc. securing these additional funds needed for the project.

Mr. D'Angelo responded to Councilwoman Mayfield when she asked how much money the City will have left in the Housing Trust Fund after these projects, including the $5 Million bond money. She pointed out that we need more money dedicated to this Fund, and suggested we look at including affordable housing as part of a General Obligation bond process.

Councilman Young was also pleased that there will be 18 apartments set aside for individuals and families at or below 20% AMI.

When Vice-Mayor Wisler asked for public comment, no one spoke.

Vice-Mayor Wisler said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Smith moved to approve the request by Workforce Homestead, Inc. to borrow an additional $600,000 from the Housing Trust Fund, for a total loan amount of $1,200,000. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 41 - PAGE 50

D. BOARDS & COMMISSIONS

Regarding the Multimodal Transportation Commission, the following individuals applied for the vacancy: Ritchie Rozzelle, Pat Katz, Dennis Wencel, Michael Stratton, Kenneth

Armstrong, Sandy Aldridge, Lisabeth Medlock, Shannon Watkins and Amy Jones. At the request of the Multimodal Transportation Commission, it was the consensus of Council to postpone making appointments until their August 27, 2019, meeting.

RESOLUTION NO. 19-189 - RESOLUTION APPOINTING A MEMBER AND CHAIR TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

Councilman Haynes, member of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Alcoholic Beverage Control (ABC) Board.

Due to the passing of Lewis Isaac, Chair and member of the ABC Board, there currently exists an unexpired term until November 1, 2020.

The following individuals applied for the vacancy: Robin Cape, Timothy W. Collins, Arthur Michael Edwards and Ander Schreiner.

It was the consensus of the Boards & Commissions Committee to appoint Robin Cape as member of the ABC Board and Jan Davis as Chairman.

Councilman Haynes moved to (1) appoint Robin Cape to serve the unexpired term of Mr. Lewis, term to expire November 13, 2020, or until her successor has been appointed; and (2) appoint Jan Davis as Chair of the ABC Board to serve at the pleasure of City Council. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 41 - PAGE 51

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Drew Crawford spoke to Council about the need for tiny houses on wheels, campground zoning changes; and text amendments.

Mr. Steven Foster, representing the Coalition of Independent Business Owners, was concerned about the City's handling of core infrastructure components - transit, water, streets and safety. He urged Council to focus resources on core infrastructure needs.

Ms. Nina Tovish, Ms. Gaby Romero and Ms. Melissa Bliss urged Council to move forward with opposing districts.

Ms. Velvet Hawthorne spoke about storm runoff drain behind Whole Foods on Merrimon Avenue.

Mr. Timothy Sadler urged Council to move forward with allowing tiny homes; and advocated for more public art.

Mr. Jonathan Wainscott spoke in support of redistricting.

Councilwoman Mayfield said that City Council will be holding a worksession on September 6, 2019, regarding affordable housing and she has asked staff to help Council understand the regulatory framework around tiny houses. In addition, she has proposed a hotel moratorium until City Council has the opportunity for a conversation around hotels. That conversation will begin at the City Council Planning & Economic Development meeting at the end of August, 2019.

Closed Session

At 6:21 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(e). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, an administrative procedure and a potential lawsuit regarding City Council election districts. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3). This motion was seconded by Councilman Haynes and carried unanimously.

At 9:08 p.m., Councilman Kapoor moved to come out of closed session. This motion was seconded by Councilwoman Mayfield and carried unanimously.

VIII. ADJOURNMENT:

Vice-Mayor Wisler adjourned the meeting at 9:08 p.m.

Magdalen Burleson
CITY CLERK

Edward G. Mark
MAYOR

Tuesday – August 27, 2019 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION IN RECOGNITION OF THE SERVICE OF THE WESTERN NORTH CAROLINA CHAPTER OF PHYSICIANS FOR SOCIAL RESPONSIBILITY

Councilwoman Mayfield read the proclamation in recognition of the Service of the Western North Carolina Chapter of Physicians for Social Responsibility. She presented the proclamation to Terry Clark, and others, who briefed City Council on the proclamation.

B. PROCLAMATION IN SUPPORT OF THE MEDICARE FOR ALL ACT OF 2019

Councilwoman Smith read the proclamation in support of the Medicare for All Act of 2019. She presented the proclamation to Dr. Ellen Kaczmarek, a retired Geriatric Medical Doctor, and others, who briefed City Council on the proclamation.

C. PROCLAMATION PROCLAIMING AUGUST 11, 2019, AS "KIWANIS CLUB OF ASHEVILLE DAY"

Mayor Manheimer read the proclamation proclaiming August 11, 2019, as Kiwanis Club of Asheville Day". She presented the proclamation to Windell Camanse, President, Kiwanis Club of Asheville, and others, who briefed City Council on some activities taking place through the month.

D. PROCLAMATION PROCLAIMING SEPTEMBER 2-8, 2019, AS "ASHEVILLE ENTREPRENEURSHIP WEEK"

Vice-Mayor Wisler read the proclamation proclaiming September 2-8, 2019, as "Asheville Entrepreneurship Week " in the City of Asheville. She presented the proclamation to Jeffrey Kaplan, Director of Entrepreneurship, Venture Asheville, and others, who briefed City Council on some activities taking place through the week.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JULY 23, 2019

B. RESOLUTION NO. 19-190 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW AN EXISTING WORKERS' COMPENSATION CLAIMS

SERVICES AGREEMENT WITH PMA MANAGEMENT CORPORATION FOR A PERIOD OF ONE YEAR AND AUTHORIZE PROVIDING THE SERVICES FOR THREE ADDITIONAL CONSECUTIVE YEARS

Action Requested: Adoption of a resolution authorizing the City Manager to renew an existing workers' compensation claims services agreement with PMA Management Corporation (PMA) for a period of one year and authorize providing the services for three additional consecutive years.

Background:

- The City of Asheville (City) Risk Management Division (Risk) administers the City workers' compensation program and contracts with PMA for workers' compensation claims handling services (Services), including: claims adjusting, record keeping and check issuance.
- Since 2012, PMA has provided Services to support the City workers' compensation program.
- In 2018, Services were sought via a Request for Proposals and PMA was the best proposer.
- In 2018, a contract was entered into with PMA to provide Services for three years, with the option for the City to renew two additional years.
- Historically, services total approximately $36,000 annually but the contract is encumbered for $70,000 annually. Charges are incurred per claim handling service, which varies annually.
- As a result of multiple years of PMA Service provision, the aggregate value of PMA's Service contract will exceed $90,000 in Fiscal Year 2020, necessitating City Council authorization for Services to continue in Fiscal Year 2020 and subsequent years.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Ensures Service continuity to support the City workers' compensation program.

Con(s):

- None.

Fiscal Impact:

- Contract expenses for Services are budgeted within the Workers' Compensation Fund and adopted with the Fiscal Year 2020 budget. The contract is contingent on budget appropriations in future fiscal years.

Motion:

- Motion to adopt a resolution authorizing the City Manager to renew an existing workers' compensation claims services agreement with PMA for one year and authorize PMA to provide the services for three additional consecutive years.

RESOLUTION BOOK NO. 41 - PAGE 52

C. REQUEST TO NAME TENNIS COURT 1 AT THE ASTON PARK TENNIS CENTER IN MEMORY OF LEWIS ISAAC

Action Requested: Request for City Council to adopt a resolution naming Court 1 at Aston Park Tennis Center located at 336 Hilliard Ave. in memory of Lewis Isaac.

Background:

- Pursuant to the City's public property naming policy, Parks & Recreation staff requests the naming of a tennis court 1 at Aston Park Tennis Center in memory of Lewis Isaac.
- Lewis Isaac was a retired City of Asheville employee in the Human Resources Dept. (7 years) and the Parks & Recreation Department (3 years).
- Lewis Isaac served on the Recreation Advisory Board.
- Lewis Isaac was an avid tennis player and supporter of Aston Park Tennis Center
- Lewis lived a life of service to his community in both his professional life and personal life. He served on numerous boards and commissions.
- Supported by Asheville Tennis Association

Council Goal(s):

- Well-Planned and Livable Community
- Diverse Community

Committee(s):

- Recreation Advisory Board - 7/8/19

Pro(s):

- Recognize a dedicated public servant.
- Honor a volunteer and tennis player at a location that he dedicated time, energy and resources.

Con(s):

- None

Fiscal Impact:

- It is estimated that the plaque and installation may cost up to $2,000. These funds are available in the Parks & Recreation operating budget.

Motion:

- Move to request naming Court 1 at Aston Park Tennis Center located at 336 Hilliard Ave. in memory of Lewis Isaac.

D. RESOLUTION NO. 19-191 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE EXISTING TRANSIT AND OPERATIONS AND MAINTENANCE CONTRACT WITH ASHEVILLE TRANSIT MANAGEMENT, LLC (RATPDev USA)

Action Requested: Adopt a resolution authorizing the City Manager to execute an amendment to the existing Transit Operations and Maintenance Contract between the City of Asheville and Asheville Transit Management, LLC (RATPDev USA).

Background:

- The City of Asheville contracts out the operations and maintenance of the Asheville Redefines Transit (ART) fixed-route transit system.
- In 2017, the City of Asheville issued a request for proposals (RFP) for the operations and maintenance of ART and RATPDev USA was selected to be the contractor.
- The current contract is a four year contract with two optional two-year extensions. The third year of the current contract began July 1, 2019.

- In July 2018, the City of Asheville adopted the Transit Master Plan (TMP), which recommends a series of improvements over the next 10 years, including route changes, additional services, and extended hours of operations, as well as improvements to facilities.
- In the adopted FY 2020 budget, the City Council allocated an additional $1.2 million in transit funds to support implementation of the TMP. Approximately $1.0 million of this funding is intended to focus on improvements to on-time performance, customer service, and fleet maintenance, including 20,400 new service hours (to start in January 2020), representing a 25% increase in service.
- The existing contract with RATPDev USA requires that a service increase over 20% trigger a renegotiation of the contract. Staff and transit consultant, Carolyn Flowers, worked with RATPDev to renegotiate the contract to include the additional 20,400 service hours, as well as additional RATPDev staffing resources dedicated to improving customer service, maintenance and cleanliness of facilities, and additional dispatch operators and supervisors to improve operational performance.
- Additional and more stringent performance measures were also agreed to in order to reflect higher levels of accountability.
- Amendment 1 reflects the agreed-upon contract changes regarding additional service hours, staffing, and performance measures.

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- Transit Committee, August 20, 2019; Finance/Human Resources Committee, August 27, 2019.

Pro(s):
- This action will support implementation of the 2018 Transit Master Plan (a portion of Year 1).
- This action will provide improved customer service, maintenance, and on-time performance of the transit system.

Con(s):
- This action will result in increased transit operational costs, but is currently budgeted in the FY 2020 budget.

Fiscal Impact:
- Amendment 1 includes increases to both the monthly fixed-fee, from $268,377 to $356,676, and the revenue hour rate, from $41.89 to $42.69. These increases will go into effect when the additional transit service and staffing increases are implemented in January 2020.
- In FY 2020, this increase is expected to total approximately $1,003,000, which is included in the FY 2020 City budget and accounts for half a year of increases.
- Staff is committed to reviewing and assessing implementation of the scheduled enhancements and will report back to Council on our progress and proposed budgetary changes, if any, that may be needed to accelerate implementation of extension of hours that was discussed during the budget process.
- To maintain the same level of service in FY 2021, it will be necessary to allocate a minimum of $2,006,000 for the full year. Additional service improvements will require additional funding.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute an amendment to the existing contract Transit Operations and Maintenance Contract between the City of Asheville and RATPDev USA.

RESOLUTION BOOK NO. 41 - PAGE 53

E. RESOLUTION NO. 19-192 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A REIMBURSEMENT AGREEMENT WITH DUKE ENERGY FOR ELECTRIC BUS CHARGING INFRASTRUCTURE FOR THE PROTERRA ELECTRIC BUSES

ORDINANCE NO. 4755 - BUDGET AMENDMENT FROM DUKE ENERGY TO PURCHASE AUTOMATIC PASSENGER COUNTERS FOR THE ELECTRIC BUSES

Action Requested: Adopt a resolution authorizing the City Manager to execute a Reimbursement Agreement between the City of Asheville and Duke Energy to reimburse the City of Asheville $200,000 for Electric Bus Charging Infrastructure for the Proterra electric buses; and approve a budget amendment in the amount of $23,620 to utilize a portion of the reimbursement funds to purchase automatic passenger counters for the electric buses.

Background:

- Duke Energy is required to spend $3,000,000 to implement environmental mitigation projects in the State of North Carolina to reduce air emissions, either by reducing vehicle emissions or by reducing fossil-fueled electricity generation.
- This Electric Bus Charging Infrastructure Reimbursement Project is designed to enable Duke Energy to provide support to transit agencies that wish to acquire electric buses and require assistance funding the associated charging infrastructure necessary to support operations of such electric charging infrastructure.
- The City of Asheville purchased five electric charging units as part of the procurement of electric buses and requested that Duke Energy reimburse the City for the costs to procure, construct and install the electric charging infrastructure.
- Duke Energy has agreed to reimburse the City for the costs associated with procuring, constructing, and installing the electric charging infrastructure for the amount of $200,000.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- Finance and Human Resources Committee, July 23, 2019, unanimous approval.

Pro(s):

- Reimburses the City for $200,000 in expenses related to the electric bus project.

Con(s):

- None

Fiscal Impact:

- Reimburses the City for $200,000 in expenses related to the electric bus project. Staff will utilize a portion of the Duke reimbursement to purchase automatic passenger counters

for the electric buses, and the remainder will go towards reducing the City's match for the Proterra bus purchases and the charging units.

Motion:

- Motion to authorize the City Manager to execute a Reimbursement Agreement between the City of Asheville and Duke Energy to reimburse the City of Asheville $200,000 for Electric Bus Charging Infrastructure for the Proterra electric buses; and motion to approve a budget amendment in the amount of $23,620 to utilize a portion of the reimbursement funds to purchase automatic passenger counters for the electric buses.

RESOLUTION BOOK NO. 41 - PAGE 54
ORDINANCE BOOK NO. 32 - PAGE 408

F. ORDINANCE NO. 4756 - BUDGET AMENDMENT TO MOVE THE FISCAL YEAR 2019-20 ELECTRIC BUS BATTERY ANNUAL LEASE PAYMENT FROM THE TRANSIT OPERATING FUND TO THE TRANSIT CAPITAL FUND

Action Requested: Adoption of a technical budget amendment in the amount of $100,000 to move the Fiscal Year (FY) 2019-20 electric bus battery annual lease payment from the Transit Operating Fund to the Transit Capital Fund.

Background:

- In FY 2018-19 the City purchased five Proterra electric buses and entered into a sole source lease agreement with Proterra for the bus batteries.
- The battery lease agreement included an upfront prepayment of $118,000 per battery and annual payments of $20,000 per battery.
- The bus procurement and the battery lease agreement are funded with a mix of federal, state, and City matching dollars.
- The initial pre-payment was made in FY 2018-19 from the Transit Capital Fund, and the FY 2019-20 annual payment of $100,000 was budgeted in the Transit Operating Fund.
- Staff has determined that in order to better align expenses with grant revenues and City matching dollars, the annual lease payments should be budgeted in the Transit Capital Fund instead of the Transit Operating Fund.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Improves accounting and reporting by aligning expenses in the same fund as the grant revenue and the City grant match.

Con(s):

- None.

Fiscal Impact:

- There is no net fiscal impact with this technical budget amendment; budget is simply being moved from one fund to another.

Motion:

- Motion to adopt a budget amendment in the amount of $100,000 to move the FY 2019-20 electric bus battery annual lease payment from the Transit Operating Fund to the Transit Capital Fund.

ORDINANCE BOOK NO. 32 - PAGE 409

G. ORDINANCE NO. 4757 - BUDGET AMENDMENT FROM TWO GRANTS TO ADVANCE EQUITY AND INCLUSION THROUGH PROGRAMMING

Action Requested: Budget Amendment, in the amount of $33,500, from two Government Alliance on Race and Equity (GARE)/Race Forward grants to advance equity and inclusion through programming.

Background:

- Received GARE/Race Forward NC Implementation & Innovation Grants to address structural racism through centering those most impacted by structural racism.
- NC Implementation & Innovation Grant #1 - In partnership with Artists Design EVOLution - The ade' Project add capacity and create entrepreneurship pathways to Racial Equity Facilitators.
- NC Implementation & Innovation Grant #2 - Asheville Healing will use a Truth, Healing & Transformation framework to engage communities most impacted by historic and contemporary traumas of structural racism in developing an Equity Vision for Asheville

Council Goal(s):

- An Equitable & Diverse City

Committee(s):

- None

Pro(s):

- Increases ability to engage traditionally underrepresented community members in building trust and improving relationships with city government.

Con(s):

- None

Fiscal Impact:

- The grants increase the Office of Equity & Inclusion's Contracting budget.

Motion:

- Motion to approve a budget amendment to increase the Office of Equity & Inclusion's budget in the amount of $33,500.

Jonathan Wainscott spoke in support of the budget amendment and hoped that some of the money funding the Office of Equity & Inclusion will be used for data analysis of the voter registration.

ORDINANCE BOOK NO. 32 - PAGE 410

H. RESOLUTION NO. 19-193 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE PURCHASE ORDERS FOR THE PURCHASE OF SEVEN TRANSIT BUSES

Action Requested: Adoption of a resolution authorizing the City Manager to purchase a total of seven (7) new buses for the Asheville Redefines Transit System totaling $3,798,538. This includes authorization to:

1. Execute purchase orders in the amount of $2,107,458 for three (3) 30-foot diesel electric hybrid Gillig buses utilizing the existing Rocky Mount, North Carolina Consortium Contract No. CRM 76164 in which the City of Asheville is a part; and

2. Waive the bidding requirements per NCGS 143-129(g) allowing the City of Asheville to utilize the existing City of Oxford, Mississippi Contract No. 500350 with Alliance Bus Group, Inc. to purchase four (4) Grande West Vicinity diesel buses, assigned by Mississippi State University to the City of Asheville; and

3. Execute a purchase order in the amount of $1,451,956 to purchase four (4) Grande West Vicinity diesel buses at the base bid price in the City of Oxford, Mississippi Contract No. 500350; and

4. Execute a change order, not to exceed $239,208, to the four (4) Grande West Vicinity buses in order to outfit them with the equipment necessary for the Asheville Redefines Transit System.

5. Execute a lease agreement with Alliance bus Group, Inc. for the lease of up to five (5) Grande West Vicinity diesel buses between January 2020 and the arrival of the new buses.

Background:

- The City of Asheville strives to maintain a healthy transit fleet in order to provide reliable transit service to the community.
- In 2018, The City received $5.7 million in federal grant funds from the French Broad River Metropolitan Planning Organization for the purpose of procuring new transit buses. The City match for the grant funds was $1.4 million, providing a total budget of $7.1 million for bus procurement.
- The City plans to utilize these funds over the next 3 years to purchase a number of buses consistent with the City's rolling stock replacement schedule, which considers the life cycle of each bus and when it will likely need to be replaced, the appropriate number of spare vehicles necessary, and upcoming and anticipated service expansions as outlined in the 2018 Transit Master Plan.
- The City wishes to purchase a total of 7 buses at this time, including four (4) 30-ft. Grande West Vicinity diesel buses and three (3) 30-ft. Gillig diesel electric hybrid buses.
- The City of Asheville is currently a part of a consortium (consolidated purchasing) contract with Rocky Mount, NC (Contract No. CRM 76164) for the purchase of buses from Gillig. The city expects to receive these buses in 12-18 months.
- The City of Asheville plans to purchase four 30-foot diesel Vicinity buses from Contract No. 500350 between the City of Oxford, Mississippi and Alliance Bus Group. It is expected that the City will receive these buses in Spring 2020. Alliance bus group has agreed to let the City lease for $1, up to five Vicinity buses between January 2020 and the arrival of the new buses. This will provide the necessary vehicles for the increase in service in January 2020.
- The City of Oxford, Mississippi has approved the assignment of four Vicinity buses from the fifteen buses awarded to Mississippi State University on October 1, 2018 via Contract No. 500350 between the City of Oxford and Alliance Bus Group.

Vendor Outreach Efforts:

- Staff researched and evaluated a number of existing transit bus contracts from different jurisdictions to determine the most appropriate fleet additions, meeting existing financial, operational, and time constraints.

Council Goal(s):

- Transportation and Accessibility

Committee(s):
- Finance and Human Resources Committee, August 27, 2019

Pro(s):
- This action will enable staff to purchase additional buses needed to meet the schedule for timely implementation of the Transit Master Plan.
- The purchase of additional hybrids and diesel vehicles will provide the needed fleet flexibility to meet system and on-time-performance needs. Staff continues to evaluate the electric buses currently in service and to monitor the electric bus market for future fleet purchases.
- This action ensures compliance with the Federal Transit Administration and the City of Asheville's procurement policy.

Con(s):
- Approximately $759,708 in City capital funds will be used to provide the required 20% match.

Fiscal Impact:
- As noted above, the purchases will be made using a portion of the $5.7 million in grant funds awarded in 2018 by the French Broad River Metropolitan Planning Organization. The City will provide the required 20% matching funds. The grant and the City match are already budgeted in the approved Capital Improvement Program (CIP) and the City's match is included in the cash flow for the CIP/debt model.

Motion:
- Move to adopt a resolution authorizing the City Manager to purchase a total of seven (7) new buses for the Asheville Redefines Transit System totaling $3,798,538. This includes authorization to:

1. Execute purchase orders in the amount of $2,107,374 for three (3) 30-foot diesel electric hybrid Gillig buses utilizing the existing Rocky Mount, North Carolina Consortium Contract No. CRM 76164 in which the City of Asheville is a part; and

2. Waive the bidding requirements per NCGS 143-129(g) allowing the City of Asheville to utilize the existing City of Oxford, Mississippi Contract No. 500350 with Alliance Bus Group, Inc. to purchase four (4) Grande West Vicinity clean diesel buses, assigned by Mississippi State University to the City of Asheville; and

3. Execute a purchase order in the amount of $1,451,956 to purchase four (4) Grande West Vicinity diesel buses at the base bid price in the City of Oxford, Mississippi Contract No. 500350; and

4. Execute a change order, not to exceed $239,208, to the four (4) Grande West Vicinity buses in order to outfit them with the equipment necessary for the Asheville Redefines Transit System; and

5. Execute a lease agreement with Alliance bus Group, Inc. for the lease of up to five (5) Grande West Vicinity diesel buses between January 2020 and the arrival of the new buses.

RESOLUTION BOOK NO. 41 - PAGE 55

I. **ORDINANCE NO. 4758 - BUDGET AMENDMENT TO ALLOCATE INSURANCE RECOVERY FUNDS FOR A TOTALLED CITY BUS**

Action Requested: Adoption of a budget amendment in both the Transit Capital Projects Fund and the Property and Liability Fund in the amount of $359,706 from insurance funds received in consideration for a totalled City of Asheville (City) bus to apply towards the purchase of a new bus.

Background:
- On October 28, 2018, a 2006 Orion City bus was totalled as a result of an engine fire.
- The City filed an insurance claim with the City's property insurance carrier seeking compensation for the totalled bus and received $359,706 in consideration for the claim.
- The City seeks to allocate the insurance proceeds to the Transportation Department to apply towards the purchase of a new bus.

Council Goal(s):
- A Financially Resilient City

Committee(s):
- None

Pro(s):
- Allocate property insurance proceeds received for the Transportation Department to utilize.

Con(s):
- None

Fiscal Impact:
- The revenue will be received in the Property & Liability Fund and transferred to the Transit Capital Projects Fund, which necessitates a budget amendment in both funds.

Motion:
- Move to adopt a budget amendment in both the Transit Capital Projects Fund and the Property and Liability Fund in the amount of $359,706 from property insurance proceeds to apply towards the purchase of a new bus.

ORDINANCE BOOK NO. 32 - PAGE 411

J. **RESOLUTION NO. 19-194 - RESOLUTION AMENDING THE 2019 CITY COUNCIL MEETING SCHEDULE TO (1) ADD AN AFFORDABLE HOUSING WORKSHOP ON SEPTEMBER 6, 2019, AT 8:15 A.M. IN THE BANQUET HALL OF THE U.S. CELLULAR CENTER; AND (2) CANCEL THE CITY COUNCIL REGULAR MEETING ON OCTOBER 8, 2019**

RESOLUTION BOOK NO. 41 - PAGE 57

K. **RESOLUTION NO. 19-195 - RESOLUTION AMENDING RESOLUTION NO. 19-142 TO REPLACE THE PROGRAM NAME OF "SERVICE COORDINATOR FOR THE CITY OF ASHEVILLE" WITH "BENEFITS ASSISTANCE PROGRAM" FOR THE 2019-20 STRATEGIC PARTNERSHIP FUND GRANT**

Action Requested: Adoption of amended resolution to replace program name of "Service Coordinator for the City of Asheville" with "Benefits Assistance"

Background:

- On June 11, 2019, City Council approved Strategic Partnership Funding for the 2019-2020 Fiscal Year, based on funding recommendations made by the Housing & Community Development Committee on March 29, 2019 .
- An administrative error was made in Resolution 19-142, listing the incorrect program name for The Council on Aging of Buncombe County's Strategic Partnership Fund program as "Council on Aging Buncombe County-Service Coordinator for the City of Asheville". The correct program name is "Council on Aging Buncombe County-Benefits Assistance". No programmatic or funding changes are being requested.
- This correction is necessary to move forward with contracting the grant and making the funds available to the agency.

Council Goal(s):

- Thriving Local Economy

Committee(s):

- None

Pro(s):

- This will correct an administrative error made in the original resolution.
- This correction will allow the City to move forward with a contract for the Strategic Partnership Fund grant allocated to The Council on Aging of Buncombe County

Con(s):

- None

Fiscal Impact:

- No fiscal impact is associated with this administrative correction.

Motion:

- Motion to correct an administrative error on resolution 19-142 which replaces the program name of "Service Coordinator for the City of Asheville " with "Benefits Assistance" for The Council on Aging of Buncombe County's Strategic Partnership award.

RESOLUTION BOOK NO. 41 - PAGE 58

L. RESOLUTION NO. 19-196 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW AN EXISTING LIABILITY CLAIMS SERVICES AGREEMENT WITH PMA MANAGEMENT CORPORATION FOR A PERIOD OF ONE YEAR AND AUTHORIZE PROVIDING THE SERVICES FOR THREE ADDITIONAL CONSECUTIVE YEARS

Action Requested: Adoption of a resolution authorizing the City Manager to renew an existing liability claims services agreement with PMA Management Corporation (PMA) for a period of one year and authorize providing the services for three additional consecutive years.

Background:

- The City of Asheville (City) Risk Management Division (Risk) administers the City liability program and contracts with PMA for liability claims handling services (Services), including: claims record keeping and check issuance.
- Since 2010, PMA has provided Services to support the City liability program.
- In 2018, Services were sought via a Request for Proposals and PMA was the best proposer.

- In 2018, a contract was entered into with PMA to provide Services for three years, with the option for the City to renew two additional years.
- Historically, services total approximately $25,000 annually but the contract is encumbered for $70,000 annually. Charges are incurred per claim handling service, which varies annually.
- As a result of multiple years of PMA Service provision, the aggregate value of PMA's Service contract will exceed $90,000 in Fiscal Year 2020, necessitating City Council authorization for Services to continue in Fiscal Year 2020 and subsequent years.

Council Goal(s):
- A Financially Resilient City

Committee(s):
- None

Pro(s):
- Ensures Service continuity to support the City liability program.

Con(s):
- None.

Fiscal Impact:
- Contract expenses for Services are budgeted within the Property & Liability Fund and adopted with the Fiscal Year 2020 budget. The contract is contingent on budget appropriations in future fiscal years.

Motion:
- Motion to adopt a resolution authorizing the City Manager to renew an existing liability claims services agreement with PMA for one year and authorize PMA to provide the services for three additional consecutive years.

RESOLUTION BOOK NO. 41 - PAGE 59

M. RESOLUTION NO. 19-197 - RESOLUTION RATIFYING THE RENEWAL OF AN EXISTING SECURITY CONTRACT WITH ALLIED UNIVERSAL SECURITY FOR SERVICES PROVIDED AT PARKS AND RECREATION FACILITIES

Action Requested: Ratification of contract renewal and close out of contract with Allied Universal Security for security services at Parks and Recreation properties.

Background:
- In May, 2016, the City entered into a renewable contract with Allied Universal Security Company (previously US Securities) for the provision of security at parks and recreation properties, including but not limited to closing and securing properties.
- The contract was renewed on April 17, 2017, for Fiscal Year (FY) 2017-18.
- During the transition from US Securities to Allied Universal, the vendor did not bill the City for services rendered in FY 2018-19.
- Ratification of the contract allows the department to pay the outstanding balance and close-out the contract effective July 31, 2019.
- As of August 1, 2019, the Parks and Recreation department in-sourced the service.
- In-sourcing the service saves the City approximately $35,000 annually.

Council Goal(s):

- H.1 Invest needed financial and staff resources to address maintenance, new construction and operational needs.
- F.3 Identify opportunities to in-source existing contractual services.

Committee(s):
- None

Pro(s):
- Completion and close-out of existing contract and in-sourcing of labor at living wage.

Con(s):
- None

Fiscal Impact:
- Total cost of $70,000, funding split across FY 2018-19 ($65,000) and FY 2019-20 ($5,000).

Motion:
- Motion to adopt resolution ratifying the renewal, payment and close-out of the contract with Allied Universal Security for parks facilities security.

RESOLUTION BOOK NO. 41 - PAGE 60

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Kapoor and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT

City Manager Campbell was pleased to introduce the City's new Assistant City Manager Richard White. She also was happy welcome Police Chief Chris Bailey, who was unable to attend this meeting.

Development Services Department Process & Permitting Initiatives

Development Services Director (DSD) Ben Woody provided Council with an overview of the DSD process and permitting initiatives (1) digital residential permitting; (2) development notification tool; and (3) expedited review process update.

"Big Picture" external changes include (1) No longer accept ***incomplete residential applications***; (2) DSD will convert applications and revisions into ***digital format***, no matter how they come in; (3) ***Formal communications*** to customers will go through Accela Citizen Access (ACA); (4) ***Electronic document retention*** in Accela is sufficient; there is no need to hold onto paper documents; and (5) Improved **customer resources.**

Internal changes include: (1) Develop a new ***workflow process*** for residential Electronic Document Review (EDR) that can scale up to other permit types; (2) Coordinate with ***partner***

organizations on going digital - Tax office, MSD, NCDEQ, NCDOT, Water; (3) Create a ***residential team*** and develop standard operating procedures; and (4) Coordinate with IT on ***technology implementation*** - Residential development portal, Accela improvements, electronic document review software.

Digital permitting conclusions are (1) The residential digital process has improved review accuracy and turn-around times; (2) The internal review procedure and technology improvements are replicable for other permit types; (3) The digital process provides a highly desirable service, but does not exclude customers from traditional paper submittals; (4) There is still a learning curve for one-time or infrequent applicants; and (5) Additional staff depth is needed.

Development notification tool (1) Part of the Technical Review Committee Process Improvement; (2) Provide timely information and clarity to residents regarding development; (3) Educate residents and promote a more effective communication process; and (4) **Desired outcome**: better development, better communication, less frustration on both sides,

Regarding the major development public survey, over 200 survey responses were received: (1) Who is building what? Residents are not sure who is responsible for building a project. (2) Where do regulations and rules come from? Some residents think rules are made up on the fly. (3) Who to talk to and when to talk to them. Residents are frustrated because they don't know this.

Top requested features are notifications, livestream, and granularity control (by route, whole city, specific neighborhoods, etc.) You can opt-in; choose your notifications; email delivery; digital access to application information; and/or process education.

Notification tool conclusions include (1) The beta tool is a work in progress. Additional usability testing and feedback is needed (waterfall model); (2) The beta tool is soft-launched. The project team is working with CAPE for additional outreach to potential users; (3) The project team plans to continue adding educational resources and more granular notification types to the tool; (4) The notification tool is replicable for other permit types; and (5) To opt-in please visit: https://notifications.ashevillenc.gov/.

He updated Council on the expedited review process: (1) Establish an expedited review process that aligns with Council priorities; (2) Provide a higher level of service to qualifying projects; (3) Concept is being piloted with affordable housing developments and bond funded capital projects; and (4) **Desired outcome**: reduce overall review process time; plans are approved with no more than one revision cycle.

Downtown Public Safety and Street Outreach

Assistant City Manager Cathy Ball reviewed with Council the current initiatives and investments in Downtown.

She provided Council with an overview (1) Addressing needs & responding to recent concerns; and (2) Update on current resources, initiatives and investments (a) Central Police District; (b) Street Outreach Program; (c) Harm Reduction Task Force with Buncombe County; (d) Asheville Fire Department; (e) Downtown Liaison; (f) Downtown Cleaning; (g) Haywood/Page; and (h) Communications.

Central Police District - (1) City Council approved funding for a new central police district; (2) Anticipated date of implementation January 2020; (3) The new district will support: (a) Improved response times; (b) Increased community policing; and (c) Improved relationships with area stakeholders.

Community Goal is to end homelessness by making it: Rare, Brief and Non-recurring.

Regarding the street outreach program, (1) City Council allocated $150,000 for homeless street outreach; (2) The City will contract with Homeward Bound to provide street outreach services to persons experiencing chronic homelessness; (3) Will work collaboratively with APD and AFD; (4) Objectives will be to reduce the number of people experiencing homelessness and increase housing placements; and (5) Program will launch by late fall.

Regarding the City/County Harm Reduction Task Force, (1) The City and Buncombe County are collaborating on tools and strategies for improving the health and wellbeing of individuals in need; (2) Working to find ways to mitigate public health and safety issues that correlate with a growing number of people experiencing homelessness and Substance Use Disorders (SUDs); and (3) In-progress to rollout syringe disposal units in high need locations as a pilot program.

The Fire Department has 14 firefighters on duty 24 hours a day at the downtown station. All firefighters are trained EMTs, carry medication to reverse overdoses, and carry resource cards to distribute to those in need.

Dana Frankel is the City's dedicated staff person who serves as a liaison for downtown. Role includes coordination to prioritize and address issues, collaborate on solutions.

Regarding Downtown cleaning services, (1) The City's PW Department oversees a cleaning contract for downtown that includes litter pick-up, pressure washing, weed control, and cleaning of the trash/recycling bins. New contract increases frequency in the core; (2) PW staff removes graffiti, collects litter, waters the hanging baskets regularly; and (3) Street cleaning takes place 5 nights/week.

Regarding 68 Haywood Street, (1) Community recommendations being implemented; (2) Hours of the property are 7 am - 10 pm; (3) Beginning in January 2020, use of 68 Haywood Street will transition to support construction and communication for the Haywood Streetscape Improvement project; and (4) Next steps for long-term use are in-progress (for consideration later on agenda).

Communications/Information - Staff will develop communications and information leaflets to be distributed at downtown businesses and other key locations to help direct (and address) concerns as well as to provide information and resources to those in need.

Next steps include (1) This presentation includes some current programs the City and partners are implementing - progress updates will be provided; (2) City continues to meet regularly with downtown groups and organizations (Asheville Downtown Association, Downtown Asheville Residential Neighbors, South Slope Neighborhood Association, homeless service providers) and seeks opportunities for coordinated efforts; and (3) Prioritization and guidance will continue to come from City and County, and community advisory groups.

Community call to action includes (1) Public safety and homelessness are **BIG** issues to address and require community partnerships and a multi-faceted approach; (2) We ask and encourage community members and organizations to consider their roles and resources - the City and existing partners cannot do this alone; and (3) In addition to partnering with Buncombe County and local service providers, we welcome input, ideas and collaboration on tools for addressing these complex challenges.

In response to Councilman Kapoor regarding concerns expressed about harassment in the downtown area, Ms. Ball said that the City is continuing to work on that issue.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 1 SOUTH TUNNEL ROAD FROM REGIONAL BUSINESS DISTRICT TO MIXED USE EXPANSION/CONDITIONAL ZONE TO ALLOW A MIXED-USE DEVELOPMENT THAT INCLUDES RESIDENTIAL, RETAIL, SERVICE AND ENTERTAINMENT USES

On August 27, 2019, Mr. Robert W. Oast Jr., the applicant's attorney requested this public hearing be continued to October 22, 2019. Therefore, Councilwoman Mayfield moved to continue this public hearing until October 22, 2019. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

B. PUBLIC HEARING TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE RELATED TO THE DEFINITION OF KITCHEN AND HOMESTAY STANDARDS

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to amend the Unified Development Ordinance related to the definition of kitchen and homestay standards. . This public hearing was advertised on August 16 and 23, 2019.

Background:

- At two separate meetings in the summer of 2018, the Planning and Economic Development (PED) Committee heard from members of the Homestay Network (a community based organization of homestay permit holders) and city staff regarding regulation and enforcement of homestay standards. The city's new definition of "kitchen", adopted January 2018, was at the center of the discussions.
- City staff met with representatives from the Homestay Network several more times to review potential changes to homestay standards that included the kitchen definition and other changes meant to clarify the standards and assist with current enforcement practices.
- On June 10, 2019, the Planning and Economic Development Committee provided policy direction to staff to move forward with a change to the "kitchen" definition, and to clarify in the Unified Development Ordinance (UDO) the minimum homestay host age and proof of residency requirements.
- A homestay is not allowed to have a "kitchen" and the new definition of "kitchen" included a space that had any one of the following: a stove, a full-sized refrigerator, or a kitchen sink.
- The outcome of the PED Committee meeting was direction to amend the recently adopted definition of "kitchen" to be more consistent with a former staff interpretation that only included a stove.
- The kitchen definition and and other changes agreed to by the Homestay Network are included in the draft ordinance. Other changes designed to clarify homestay standards and support more effective enforcement were suspended to provide an opportunity to explore other alternatives, including direct outreach to the major on-line rental platforms. This effort, however, did not prove effective.
- To date, no further direction regarding the other changes designed to support enforcement proposed by staff has been provided.
- The Planning & Zoning Commission reviewed the proposed changes at their August 7, 2019, regular meeting and recommended approval (7:0).

Comprehensive Plan Consistency:

- This proposal best aligns with the *Living Asheville Comprehensive Plan* theme of a Resilient Economy by tackling the city's, "*housing affordability challenges from a number of different angles, which include . . . creating more economic opportunities for wage growth and upward mobility*". Also, under strategies to increase and diversify the housing supply, the *Plan* also describes the need to, "*Develop a comprehensive study of all lodging types and their impact on the community in order to evaluate policy options related to these different uses. In the interim, continue enforcement of illegal short-term vacation rentals*".

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Planning and Economic Development Committee (July 23, 2018, August 13, 2018 and June 10, 2019)

Pro(s):

- The change in the definition of "kitchen" will allow for living spaces to move between long-term and short-term more easily, while clarifying language that has been communicated to staff to be confusing.
- Allows for homestay and other lodging units to have more full-service amenities for out of town guests.
- Simplifies the application process by not requiring documents establishing proof of residency, while still requiring affirmation of residency.
- Clarifies that a homestay operator must be a minimum of 18 years of age, which is consistent with the on-line rental companies' policies.

Con(s):

- The change in the definition of "kitchen" will allow Accessory Dwelling Units and other separate living spaces, to be used for short-term lodging by simply removing a stove.
- Identifying noncompliance by the re-installation of a stove is very difficult and there is potential for abuse.
- Falsifying residency on homestay applications continues to be one of the more significant enforcement challenges.

Fiscal Impact:

- Homestay and Short-term Vacation Rental enforcement remains the single largest focus area within zoning enforcement and includes contracting with a third party software vendor to adequately monitor rental activity.
- No additional resources are being requested so no additional fiscal impact is anticipated; however, keeping up with the regulation of home-based lodging activities continues to evolve and can be unpredictable.

Ms. Tuch further explained that in January 2018, the Asheville City Council adopted Ordinance No. 4637. This ordinance fell in the middle of an ongoing community discussion about lodging and how best to regulate it. Prior to 2018 several lodging types were lumped together under one general category of "Lodging Facilities". So, among other things, the Ordinance sought to establish several new definitions distinguishing between the different forms of lodging, and this, in turn, allowed for more individualized regulation of those different forms of lodging. One of the new definitions adopted was a definition for "kitchen" which had become an increasingly important and necessary term to define because it was one of the key features used to distinguish between different forms of loding.

The definition of kitchen that was adopted in 2018 basically said that a kitchen was an area in a structure for the preparation and cooking of food, and which included any one of the following: a stove, a sink, a full-sized Refrigerator. If you have the sink, refrigerator and cabinetry, that by itself doesn't constitute a kitchen. It's the stove that becomes that defining element - the cooking appliance that requires a 240 volt outlet or gas connection. The new definition in the proposed ordinance reads "Kitchen means an area within a structure that is used for the preparation and cooking of food and that contains one or more cooking appliances requiring a 240 volt outlet or gas connection."

In the months following the adoption of the new ordinance and kitchen definition, folks who had an interest in homestays (either because they already had a homestay permit or were looking to acquire one) expressed concern over the limits of the new definition (particularly the inability to have a sink) and asked Council to reconsider.

The Planning & Economic Development (PED) Committee heard from the community and staff at two separate meetings in the summer of 2018 and after some consideration and exploration of other related matters, directed staff to redraft the definition to be more consistent with an earlier interpretation that a "kitchen" need only include a stove.

That is the main element of this amendment. There have been some questions raised about whether this allows both a homestay and an Accessory Dwelling Unit (ADU) on a single property, or allows rooms to be rented in separate structures, or allows multiple accessory structures. But, all of these things are already allowed and this amendment doesn't change any of that. It also doesn't change the rule that prohibits an ADU from being used as a Homestay but this has been a source of some confusion. Fundamentally, this amendment does two things:

1) It relaxes the definition of kitchen to allow more kitchen related amenities (full sized refrigerator, a sink, plug-in cooking appliances like a microwave, toaster oven, hot plate) not previously allowed in a Homestay, and
2) Because a stove is now the defining feature of a kitchen, it makes it easier to move between housing and lodging by simply adding or removing a stove. If you have an ADU and you remove a stove, you no longer have a kitchen - if you don't have a kitchen - you don't have a Dwelling Unit . So, if you start with an ADU, and you remove the stove, then the ADU is not longer an ADU and it becomes accessory living space, which is then eligible to be used as a Homestay.

Also included in the current text amendment are a couple relatively minor changes to the special standards for Homestays including: (1) Adding that the resident/manager be a minimum of 18 years old; and (2) The elimination of the need to supply proof of residency documents where, instead, staff is proposing to require an affirmation of residency and the need to submit documents, only if deemed necessary (probably, most commonly, when we have an enforcement case).

Mayor Manheimer opened the public hearing at 6:14 p.m.

Casey Campfield felt that enforcement of short term rentals has been insufficient and fines imposed are far too low to act as a deterrent. He was concerned that the City will not require documents establishing residency but only require affirmation of residency. He urged Council to fight the expansion of short-term rentals. He asked Council to not vote to relax restrictions on short-term rentals.

Bob Michel, homestay host, said they have been diligently working on this since January of 2018, and in the last six months they have come up with a better kitchen definition. He urged Council to support this amendment.

Jackson Tierney, with the Asheville Homestay Network, said some issues affecting cities include affordable housing, neighborhood integrity and property rights. In his opinion, the sweet spot is homestays. Homestays allow people to participate in the tourist economy, to make things more affordable for them or a renter, and it also requires that hosts spend every night in the home that they host guests. The move in January to remove by-right whole house rentals, was a good move to staunch the flow of investors and buying up properties. There are between 150-300 illegal short-term rentals in the City. They felt that fining the platforms $500/per day for each illegal listing is a step in the right direction. They also look forward to working with the City on the current violations across the City by using their business skills and their knowledge to improve it. He asked that Council support the ordinance amendment.

Mayor Manheimer asked for clarity in the con "The change in the definition of 'kitchen' will allow Accessory Dwelling Units and other separate living spaces, to be used for short-term lodging by simply removing a stove." In 2018, a detached structure could not be used as a homestay. She assumed with this definition of "kitchen", an ADU, whether detached ADU or an attached ADU, you can convert it to a homestay by removing the stove, with this change. Ms. Tuch said that is correct. Ms. Tuch clarified that happens today - people are converting detached and attached ADUs into homestays. What this proposed change does is makes it easier - that is the flexibility going back and forth between long-term and short-term.

Vice-Mayor Wisler said that about three years ago Council loosened up the rules for allowing people to have detached dwelling units. Council allowed people to build closer to the sidewalks, etc., but as part of that we said that this was to build living units, not homestays or short-term rentals.

Mayor Manheimer said Council loosened up the regulations around the construction of ADUs to make infill dwelling units easier to build in the City. The concern here is that we have this problem already, but this change may further exacerbate the issue of allowing more ADUs to be used as short-term rentals or homestays under this definition.

Mayor Manheimer said that under the State Building Code, when you build an ADU, the City will inspect and permit it. It assumes you have a kitchen and the issue here is that people will build these, or already have there, and in order to convert them into a homestay, they will just pull out the stove. Whereas, the current definition we have now is pretty convoluted, but if we really want to honor the intent that Council was headed when we start this with the crafting of the ADU ordinance, we would really only allow some kind of convenience kitchen - like in a hotel room (small sink, maybe a microwave and a dorm-size refrigerator). But we haven't gone in that direction. It's important to understand and have clarity around which track we are taking.

Vice-Mayor Wisler said that she was opposed to allowing detached ADUs to more easily be converted to homestays. She always felt that detached ADUs should be dwelling units - no matter what.

Councilwoman Mayfield said the policy track that we have been used with ADUs is that they should be used for long-term renters. She felt that is still the right strategy. What we are seeing; however, is that people were not actually building ADUs - they were just building accessory structures that didn't have the kitchen. That means that those structures can't ever be long-term.

Devinceo Priester urged Council to invest money into public housing projects.

Eliva Diaz spoke for the need to take care of renters by making sure landlords keep the structure safe.

Mayor Manheimer closed the public hearing at 6:43 p.m.

Vice-Mayor Wisler understood the idea of making the definition of kitchen easier and that a stove is the way to define a kitchen, but she suggested an amendment to include a standard that prohibits a detached structure from becoming a homestay. She felt that when we loosened up the rules for detached dwelling units, that the whole point of it was to create long-term rentals. If this allows short-term rentals, then she felt we have let the neighborhoods down and she would not support the amendment.

Mayor Manheimer said that Vice-Mayor Wisler's amendment may be significant enough to have to go back to the Planning & Zoning Commission.

Councilwoman Mayfield said that in October there were 11 recommendations that staff brought forward and this was one of them, which was to clearly state that ADUs could not be used as homestays. That did not represent a change in the law. It represented a clear statement of the staff's interpretation of existing law. That is still the law. It was always true you could build an ADU meant for long-term rental, take out the stove, and get a homestay permit. That has always been the case. If Council wants to explore that, she suggested sending this back to PED because there are more homestay regulations and issues that need to be addressed, including how we hold the platforms accountable for listing illegal short-term rentals, etc.

Councilman Kapoor said the goal is that we do want more long-term rentals. He felt that being able to have a detached structure that has the ability to move back and forth from short-term to long-term would encourage that. He feels that if we have people doing this illegally, then we need to come down on them hard. He was supportive of the proposed amendment. When we first did this in January 2018, he thought we would be voting on simply prohibiting whole house short-term rentals in the downtown. If Council wants to go back and revisit the question of what we do with detached structures, he felt we could send that through PED.

Mayor Manheimer said she has never been supportive of these changes. She doesn't favor the direction we are moving in. She would rather see an amendment not to allow any kind of homestay in any ADU and for that matter, not make it easy to simply modify a kitchen by pulling out the stove. She'd like to see us go back to the purity of the homestay definition - which is in your home, whether you are a long-term renter or a homeowner, you can rent up to 2 bedrooms in your home. If people want to put in a convenience kitchen that has a small sink, a microwave and a small refrigerator to accommodate their temporary guests, she felt we should move the ordinance in that direction. She was alarmed by what we are seeing in Asheville with the number of AirBnB units in Asheville - that is no small impact on rental housing available to people. We are hearing more and more rumors in Raleigh that there is a push from the Air BnB industry to pre-empt all cities in North Carolina from regulating Air BnB's at all. We have been dealing with this threat all summer. There is not a bill now, but there are committee substitute bills that have been drafted and floating around the legislature. She understands that the risk is that the real estate people who have lobbied the legislature, coupled with the AirBnB lobbyists, will try to make an end run around us. She doesn't want that. We have worked really hard for a really long time to come up with a compromise that works for our community and she is concerned this will move us in a direction that is not healthy for our community and not healthy for the people that live in our community. She appreciated Asheville Homestay Network taking it upon themselves to do all this work and engage with staff and come up with all these points, but she does not endorse it. She thinks it is the wrong direction to be going in.

City Attorney Branham said that Council can move to defer consideration of this item. Council has the authority under the rules to defer consideration for up to 100 days. That can be revived by separate motion within that period at a later meeting.

Councilwoman Mayfield moved to defer consideration to a later time period and that we send this issue, and the others that have been raised here tonight, back to PED for consideration. This motion was seconded by Vice-Mayor Wisler and carried on a 5-2 vote, with Councilman Kapoor and Councilman Young voting "no."

V. UNFINISHED BUSINESS:

A. RESOLUTION NO. 19-198 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH NELSON BYRD WOLTZ TO CREATE A CONCEPT PLAN FOR THE REDEVELOPMENT OF CITY OWNED PROPERTIES AT HAYWOOD STREET AND PAGE AVENUE

Director of Planning & Urban Design Todd Okolichany said that this is the consideration of a resolution to authorize the City Manager to execute a contract for the amount of 292,000 with Nelson Byrd Woltz to create a concept plan for the redevelopment of City owned properties at Haywood Street and Page Avenue.

Background:

- Council hired the Asheville Design Center to engage the community in a visioning process for the use of the City-owned Haywood and Page properties in late 2016. The Haywood Street Visioning Project report, which focused on building community consensus on uses for the site but not a design, was delivered to Council in 2017.
- In the fall of 2017, Council authorized staff to seek a team that could create a redevelopment concept, design, and other plan implementation materials that would build on and implement the community's vision for the site.
- Nelson Byrd Woltz led the the top-ranked team in that competitive request for qualifications (RFQ) process. The original proposed fee was $324,000.
- Negotiations were put on hold when it was determined by the City that funding was not available for the project in fiscal year (FY) 18-19. Staff maintained communications with the Nelson Byrd Woltz team during the next year. Informal conversations about re-negotiating the scope and fee began in January 2019, after the Planning and Economic Development (PED) Committee of Council made a motion to recommend to the full City Council that this project be funded as part of the upcoming budget year.
- Funding for the project was approved as part of the FY 19-20 budget process. The new proposed fee is $292,000.
- The scope of work includes: preliminary site due diligence; regular meetings with the client team and the community; technical planning and design activities; an analysis of social, environmental and economic returns possible; cost estimates; and the preparation and delivery of project reports and public presentations to City Council and their committees.
- The primary deliverable to the City will be a concept/master plan for the site and up to three draft concepts based on recommendations in the Vision Report (from 2017); followed by, a preferred and refined concept design with up to two plan alternatives (based on the same general concept plan).

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses including posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.

Council Goal(s):

- Develop a plan for Haywood Street land use and implement as appropriate.

Committee(s):

- PED committee recommendation on funding in December 2018
- Regular project updates provided to Downtown Commission

Pro(s):

- Use of contracted services allows the City to deliver on a Council Strategic Goal while allowing staff to provide essential services and continue work on existing projects.
- City will be one step closer towards implementing the community's long term vision for the site.

Con(s):

- None

Fiscal Impact:

- The total impact to the general fund is $292,000. Funding for this contract was included as part of the adoption of the FY 2019-2020 budget.

In response to Councilwoman Mayfield, Mr. Okolichany said that he has reached out to the original Vision Implementation Committee to ask for their assistance.

Elvia Diaz urged Council to make sure that any work goes to local people.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved to adopt a resolution to authorize the City Manager to enter into a contract with Nelson Byrd Woltz in an amount not to exceed $292,000 and endorse the Vision Implementation Committee which includes original Vision Committee members as the stakeholder group for the process. This motion was seconded by Councilman and carried unanimously.

RESOLUTION BOOK NO. 41 - PAGE 61

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

Regarding the Buncombe County Tourism Development Authority, the following individuals applied for the vacancy: Pratik Bhakta and James Poole. It was the consensus of Council to interview Mr. Bhakta and Mr. Poole.

RESOLUTION NO. 19-199 - RESOLUTION APPOINTING MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Affordable Housing Advisory Committee.

The terms of Barber Melton, Andy Barnett, Sage Turner and Joe Ikelheimer expire on September 1, 2019. And, pursuant to Resolution No. 19-63, two additional seats were added to the Affordable Housing Advisory Committee, one of which is a banker/lender with loan and/or commercial experience.

The following individuals applied for these vacancies: Grace Barron-Martinez, JV Farr, Margie Bukowski, Amber Banks, Paul Holstein, Brian Methvin, Shannon Watkins, Paul Heathman, Michael Figura, T. Cory Lewis, Tyson Bowman, Thomas Christ and Drew Crawford.

The Boards & Commissions Committee recommended (at the suggestion of the Affordable Housing Advisory Committee) reappointing Andy Barnett, Sage Turner and Joe Ikelheimer; and appoint Paul Heathman, Amber Banks and Margie Bukowski.

Vice-Mayor Wisler moved to reappoint (1) Andy Barnett, Sage Turner and Joe Ikelheimer to each serve an additional three-year term, terms to expire September 1, 2022, or until their successors have been appointed; (2) appoint Paul Heathman (banker/lender with loan and/or commercial experience) to serve a three-year term, term to expire September 1, 2022, or until his successor has been appointed; and (3) appoint Amber Banks and Margie Bukowski to each serve a three-year term respectively, terms to expire September 1, 2022, or until their successors have been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 41 – PAGE 62

RESOLUTION NO. 19-200 - RESOLUTION APPOINTING A MEMBER TO THE CITIZENS-POLICE ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Citizens-Police Advisory Committee..

Gretchen Gudites has resigned from the Citizen-Police Advisory Committee, thus leaving an unexpired term until June 30, 2022.

The following individuals applied for these vacancies: Robert Woolley, Tracey DeBruhl, Jacob Haug, Shannon Watkins, Cathy Banks and Jeremy Spielman.

The Boards & Commissions Committee recommended appointing Jeremy Spielman.

Vice-Mayor Wisler moved to appoint Jeremy Spielman to the Citizens-Police Advisory Committee, to serve the unexpired term of Ms. Gudites, term to expire June 30, 2022, or until his has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 41 – PAGE 63

RESOLUTION NO. 19-201 - RESOLUTION APPOINTING MEMBERS TO THE I-26 CONNECTOR PROJECT AESTHETICS COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the I-26 Connector Project Aesthetics Committee.

Joe Minicozzi and Tai Djani have resigned from the I-26 Connector Project Aesthetics Committee.

The following individuals applied for these vacancies: Larry McDevitt, Forster de la Houssaye and Lynn Raker.

The Boards & Commissions Committee recommended (at the recommendation of the I-26 Connector Project Aesthetics Committee) appointing Forster de la Houssaye and Lynn Raker.

The following individuals applied for these vacancies: Larry McDevitt, Forster de la Houssaye and Lynn Raker.

The Boards & Commissions Committee recommended (at the recommendation of the I-26 Connector Project Aesthetics Committee) appointing Forster de la Houssaye and Lynn Raker.

Vice-Mayor Wisler moved to appoint Forster de la Houssaye and Lynn Raker to each serve approximately one year or until their tasks are complete before the Environmental Impact Statement is released. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 41 – PAGE 64

RESOLUTION NO. 19-202 - RESOLUTION APPOINTING MEMBERS TO THE MULTIMODAL TRANSPORTATION COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Multimodal Transportation Commission.

The terms of Bruce Emory (representing transit interests), David Nutter (representing greenway interests), and Terry March (representing bike and pedestrian interests) will expire on July 1, 2019. In addition, Rachelle Cox (representing bike/ped interests) and Mary Weber (representing greenway interests) resigned thus leaving two unexpired terms until July 1, 2021.

The following individuals applied for the vacancy: Ritchie Rozzelle, Pat Katz, Dennis Wencel, Michael Stratton, Kenneth Armstrong, Sandy Aldridge, Lisabeth Medlock, Shannon Watkins and Amy Jones.

It was the consensus of the Boards & Commissions Committee (at the recommendation from the Multimodal Transportation Commission) to reappoint David Nutter (representing greenway interests), appoint Lisabeth Medlock (representing transit interests), Randy Warren (representing bike/ped interests, PatKatz (at-large representative), Michael Stratton (representing bid/ped interests) and Kenneth Armstrong (representing greenway interests).

Vice-Mayor Wisler moved to (1) reappoint David Nutter (representing greenway interests) to serve an additional three-year term, term to expire July 1, 2022; (2) appoint Lisabeth Medlock (representing transit interests); (3) appoint Randy Warren (who is currently serving as an at-large representative) to now represent bike and pedestrian interests, to serve a three-year term , term to expire July 1, 2022; (4) appoint Pat Katz (at-large representative) to serve the unexpired at-large term of Mr. Warren, term to expire July 1, 2010; (5) appoint Michael Stratton (representing bike/ped interests) to fill the unexpired term of Rachelle Cox, term to expire July 1, 2021; and (6) appoint Kenneth Armstrong (representing greenway interests) to fill the unexpired term of Mary Weber, term to expire July 1, 2021. All appointments are until their successors have been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 41 - PAGE 65

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Brynn Estelle spoke to Council about various issues, including opposition to redistricting.

Sarah Benoit urged Council to oppose redistricting.

Nina Tovish urged City Council to move forward with action to fight redistricting, and to not allow any more hotels.

Mayor Manheimer said that at the September 10, 2019, City Council meeting, City Council will set a public hearing on a hotel moratorium. At the September 24, 2019, public hearing, the City Manager will talk about what to expect during the moratorium period. Also, the Planning & Economic Development Committee will be meeting on Thursday, August 28, 2019, at 4:00 p.m. regarding a moratorium. In addition, City Council will be holding an affordable housing workshop on Friday, September 6, 2019, at 8:45 a.m. in the U.S. Cellular Center Banquet Hall.

Diane Alllen urged Council to enforce and/or enact laws that prohibit weapons on buses, noting that service animals on buses are a concern as all animals should have rabies vaccination tags.

Joe Minicozzi provided Council with his experience on the I-26 Connector Aesthetics Committee and why he resigned. He felt the City should not do anything until a final Environmental Impact Statement is received. Councilwoman Mayfield said that the final Environmental Impact Statement is due out next month, and thought the full report will come to City Council by the end of the year.

Peter Landis spoke about redistricting and urged Council to consider Councilman Kapoor's suggestion of 9 Council seats, which would give all voters the opportunity to vote for five candidates.

Scott Owen urged Council to fight redistricting; and also to keep the costs of the Haywood/Page site down.

Michelle Myers and Kim Roney provided comments to Council about the draft 100% Renewable Energy Initiative.

Closed Session

At 7:53 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(e). The statutory authorization is contained in N.C.G.S. 143-318.11(a)(1); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, an administrative procedure and a potential lawsuit concerning City Council election districts, as well as potential settlements of claims including, but not limited to the following: City of Asheville v. Charles Soderquist and Stephanie B. Soderquist 18-CVS3772. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3).This motion was seconded by Councilman Kapoor and carried unanimously.

At 8:36 p.m., Vice-Mayor Wisler moved to come out of closed session. This motion was seconded by Councilman Haynes and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:36 p.m.

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Magdalen Burleson
CITY CLERK

MAYOR

Friday – September 6, 2019 - 9:00 a.m.
U.S. Cellular Center - Banquet Hall

Affordable Housing Workshop

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Mayor Manheimer welcomed everyone to the City Council affordable housing workshop.

Mayor Manheimer convened the workshop and thanked Dionne Nelson, President and CEO of Lauren Street, a for-profit developer of affordable housing, for leading the development of affordable housing portion of this workshop. Mayor Manheimer said the goal of the session is to review the realities of local affordable housing needs, barriers to building affordable housing and the role of the City as a partner.

Mayor Manheimer said that staff and Ms. Nelson will present information on how we move forward together as a community to address this important challenge affecting many residents.

Community Development Director Paul D'Angelo said that affordable housing is defined as households, both rental & homeownership, should spend no more than 30% of their gross income on housing costs. For a renter - this includes rent and utilities. For a homeowner - this includes mortgage, insurance and taxes. The more money we spend on housing, the less we have to spend on life's other necessities and to support the local economy. He said the Bowen Report 2019 for Buncombe County shows that 46.1% of renters are cost burdened, 21:3% of owners are cost burdened, 19.4% of renters are severely burdened, and 7.9% of owners are severely burdened.

Regarding housing affordability, it's not just in Asheville. Nowhere in the United States can a worker earning minimum wage, full-time, afford a two-bedroom home at fair market rent. In only 28 counties nationwide can a full-time minimum wage worker afford a one-bedroom rental home at fair market rent. US housing construction is not keeping the pace with demand. Middle incomes are now impacted by housing cost burdens. In Buncombe County, a minimum wage worker would need to work 85 hours per week to afford a modest one-bedroom apartment. He then reviewed the Fiscal Year 2019 area median incomes from a one-person to a six-person household size.

An an average annual salary of $19.14 hour, a person or household would have $995 to spend per money on housing. This salary could be supporting a family of 1, 2, 3, 4 +. He reviewed a chart of housing wage, housing costs and the gap. At a salary of approximately $40,000 per year, supporting an individual or family, this community member could afford a home priced at $135,000 (0% down) or $170,000 (20% down).

Real Estate Manager Nikki Reid showed a chart of the median home sale price in the City of Asheville and Buncombe County from 2003 into the first quarter of 2019. In 2003, the median home price was $148,000 and now in 2018, the median home price is $310,000.

Regarding the Buncombe County housing market, in 2014, there were 863 homes available under $300,000 vs. 280 today. In the Asheville city limits, only 48 homes are listed under $275,000.

She showed a nationwide graph from 1967 to 2017, showing that in 2018, the housing costs are five times greater than the median income. In 2017, Asheville's Area Median Income (AMI)l for a family of four is $61,300.

In summary, (1) gap in wages vs. housing costs - City has limited influence on the income side; (2) supply vs. demand (a) not enough units are being added to the market; and (b) strong demand puts pressure on pricing; and (3) lowest income earners are the most cost burdened (a) needs cut across all income levels below 80% AMI; (b) the lower the AMI level, the higher the subside; and (c) our moderate and low income households are being priced out of homeownership in Asheville.

Ms. Reid said the problem is the gap. Most wages, salaries and incomes we produce in our area don't support the average housing costs in Asheville, both rental and home ownership. Our vision for housing includes an equitable inclusive mixed-income community with a variety of housing types at a variety of price points, both homeownership and rental, for the variety of incomes and wages we produce in Asheville.

Mr. D'Angelo explained the challenges for delivering affordable housing. The gap depends on percentage of AMI, length of affordability, number of units, location of build, and style of build.

Ms. Reid explained the challenges of delivering affordable housing (from the 2019 Urban Land Institute report) (1) cost of capital - financing cost; (2) lack of building efficiencies; (3) availability of buyer financing; (4) cost of materials; (5) lack of industry leadership; (6) lack of density; (7) NIMBYism; (8) local government regulation and fees; and (9) land prices/availability. For Asheville's development community the challenges are (1) land prices/availability; (2) cost of materials; (3) local government regulation and fees; and (4) cost of capital - financing costs.

Ms. Reid said the City's role in affordable housing is funding; city-owned land, regulatory, and collaborator/convenor.

In summary, (1) development constraints are knowns - land/availability; cost of capital; and government regulations; (2) the lower the AMI level, the higher the subsidy; and (3) once we fully understand how affordable housing is developed, we can design policies to make an impact and build community.

Ms. Nelson said that Laurel Street develops high quality, mixed income communities for working families and seniors that are affordable to households of a variety of incomes. She then explained their development portfolio.

The role of the developer is (1) create "places" that we live, work or play; (2) provide project management of a development from concept to profitable operations; (3) assume or manage the risk of each stage of execution; and (4) get paid appropriately for the risk assumed and successful execution.

A developer's focus is on (1) affordable/mixed income housing (a) make a reasonable return as allowed by partners and investors - mainly fee based; (b) minimize risk as limited upside provides limited room to absorb losses; and (c) community impact; and (2) market rate (a) make a return in excess of investor requirements - mainly tied to upside not fee; (b) increased complexity which increases risk - two to three times that of an affordable/mixed income development; and (c) compensation for increased risk - substantially greater than affordable development.

The risk assumed for mixed income development includes (1) developer overhead and operating costs of team and operations - $l500,000 per project per year; (2) pursuit costs to

identify possible projects - up to $100,000 per project concept; (3) predevelopment costs to complete due diligence and close financing - up to $650,000 per project closing; (4) guaranty of construction completion and payoff of construction financing - up to $15 Million per project; and (5) guaranty of successful operations - up to $500,000 per project.

Ms. Nelson said the goal of affordable/mixed income housing is to develop and preserve market rate quality housing and make it affordable to households at a rate that is affordable.

She then showed a chart of incomes and occupations by AMI, along with a chart of affordable rents. Asheville residents need to earn nearly 120% AMI to afford market rents.

She explained why market rents are so high (1) supply and demand - most markets have under built housing for growing populations so constant demand drives up rents; (2) increased construction/development costs - rents must increase to justify investment in the construction of a new unit; (3) investor return expectations - market rate real estate investors expect returns in the 17%-20% range (3-5 year IRR); and (4) developers seek returns that exceed investor targets since their compensation is tied to upside above investor hurdles.

She explained the different financing structures; (1) affordable/mixed income housing (a) private (long term or social investor) or tax credit equity; (b) conventional debt and/or tax-exempt debt; and (c) subsidy financing (often more than one source; and (2) market rate (a) private equity; and (b) conventional debt.

Ms. Nelson showed several examples of projects in Charlotte, N.C. they developed, with AMIs.

She explained that a project with (1) total development costs of $165,000; (2) 30% equity investment; (3) no structured parking; (4) no subsidy; and (5) market rents - $1,200 for 1-bedroom; $1,600 for 2-bedroom. The total investor return is 20%.

The impact of affordability for a project with (1) same development program; (2) no subsidy; (3) market rents - $1,200 for 1-bedroom; $1,600 for 2-bedroom; (4) 20% of units at 60% AMI; and (5) increased equity of $1.2 Million to offset reduced debt capacity will equal a total investor return of 8%.

Subsidies to support affordability include low interest loans or grants, free/low cost land, property tax grants, social investor equity, waived fees or requirements, expedited approvals, and rent subsidies.

Ms. Nelson stressed that you can't realistically buy your way to affordability with City resources alone. Other partners must participate - County, School system, nonprofits, corporations and investors.

Mr. D'Angelo explained the City's role in affordable housing for funding. He said that the investment on the front end ... dollars incentivize the developer or invest on the back end ... dollars subsidize the renter or homeowner. He then reiterated the subsidy needed, noting that the gap depends on the percentage of AMI, length of affordability, number of units, location of build, and style of build.

He explained the City of Asheville's current funding (1) City as lender: funding streams include (a) Bond: $25 Million - $15 Million hi-impact sites (three); $5 Million Housing Trust Fund; $3 Million land banking; $1 Million Down Payment Assistance; and $1 Million Community Land Trust; (b) annual Housing Trust Fund - $500,000; (c) annual Capital Improvement Program - $2

Million; and (d) annual allocation of federal funds (HOME, Community Development Block Grant and Continuum of Care) - $3 .2 Million; and (2) City as taxing authority - land use incentive grant.

Partner funding includes (1) low income housing tax credit/4%s, 9%s; (2) other tax credits/historia and mills; (3) rent subsidies - Housing Choice vouchers; (4) bank financing - Community Development Financial Institutions; Federal Home Loan Bank, and Community Reinvestment Act; (5) developer fee deferral; (6) grants; and (7) philanthropic.

Putting our limited funding to work includes (1) all in with our funding, $30.7 Million, we could expect to produce 307 units of affordable housing; (2) utilizing other funding sources, our incentives, other partners ... if half the subsidy could be shared, we could produce 614 units; and (3) the more tools and partners we have at the table, the more units we can produce.

City Manager Campbell reiterated the goal of this discussion is hard, complicated and expensive, but needed. We have to be extremely strategic in how we invest, who we invest with and our expectation of results.

As a result of the analysis, City Manager Campbell asked for policy discussion on staff's recommendation of establishing a goal of 200 units per year, direct and indirect; (2) for needs served, staff recommends focus efforts 80% AMI and below, with emphasis/preference on 60% AMI and acceptance of Housing Choice vouchers; (3) prioritize leveraged investments (i.e. matching with County investment, etc.); and (4) prioritize geographic areas/land-banking for access to jobs, services and community amenities.

After discussion, it was the consensus of Council to move forward with staff's recommendation except that they establish a goal of 200 units per year by 2020, direct and indirect and then come back and look at issues and concerns and adjust the goal from there.

Ms. Reid said that regarding the City's role in affordable housing about City-owned land, the City land for Request for Qualifications this year include - 319 Biltmore (309 total units); 91 Riverside - 60+ total units; Cedar Hill - 239 total units; S. Charlotte Street (future); and Asheland Avenue (future).

The Disposition Policy guidelines: (1) Procedure 1 - the City decides when properties are available for redevelopment; (2) Procedure 2 - the City obtains appraisals and due diligence of property it seeks to redevelop; and (3) Procedure 3 - the City selects developers through an open and competitive process (RFQ, RFP or RFQ/P), unless otherwise directed by the Asheville City Council or City Manager.

Draft policy goals include (1) Affordable Housing Goal 1 - when developing City property, it is the City's goal to obtain a minimum of 20% of units at 60% AMI; (2) Affordable Housing Goal 2 - affordability period of at least 20 years, with a strong preference towards an affordability period of 30 years or longer; (3) Affordability Housing Goal 1 - when developing City property, it is the City's goal to obtain a minimum of 40% of total units as affordable - 20% of units at 80% AMI; 20% of units at 50% AMI; and (4) Affordable Housing Goal 2 - affordability period of at least 20 years, with a strong preference towards an affordability period of 30 years or longer.

Ms. Reid said explained that an analysis of policy for 319 Biltmore includes (1) 319 Biltmore site, when combined with Lee Walker Heights (a) under 40% affordability policy: 521 units/336 affordable - 64.5% affordable; (b) under 20% affordability policy: 521 units/273 affordable - 52% affordable; (2) other amenities and services - traffic signal, parking deck, supportive & community services; and community's desire for grocery, daycare, etc.; (3) perception/concentration of low income; (4) 20% affordable at 60% AMI - 61 units (a) requires potential subsidy of up to $6.1 Million; and (b) land alone may suffice as subsidy. For 40%

affordable (60 and 80% AMI) - 124 units (a) requires potential subsidy of up to $11 Million - land of $0 plus additional City funding; (b) limits the pool of development partners; and (c) limits the ability to invest in other sites.

City Manager Campbell asked for, and received, policy discussion on staff's recommendation on the overall disposition policy on all city-owned land of (1) establish baseline at 20% of the units being affordable to 60% AMI and accept Housing Choice vouchers, with 20 year affordability period; (2) establish scoring criteria in the RFQ/P to incent greater affordability, where appropriate, and other community benefits; (3) cast a wide net to attract more development partners; (4) recognize that each site has context; and (5) promote vision of affordable, mixed income communities.

There was discussion on staff's recommendation on the overall disposition policy on all city-owned land, with directions to explore items brought forward at this meeting.

Ms. 'Reid said that regarding the City's role in affordable housing - regulatory, includes existing incentives (1) fee grant program; and (2) expedited review.

Housing solutions to meet demand is an equitable inclusive mixed-income community with a variety of housing types at a variety of price points, both homeownership and rental, for the variety of incomes and wages we produce in Asheville.

Land use regulations (1) 57% of residentially zoned land is zoned Single-Family residential; (2) single family zones do not allow duplexes, triplexes, or quadruplexes; (3) no quadruplexes or triplexes were built in the past year; and (4) 11 duplexes in the past year (22 units). Historic neighborhoods provide greater variety in housing types and variety of housing affordability.

Increased density on single family lots include Accessory Dwelling Units/Tiny Homes; duplex development; and cottage court concept.

City Manager Campbell asked for, and received, policy discussion on staff's recommendation to study reviewing residential zoning districts to address barriers/impediments to development of affordable housing: example - changes to single family zoning ordinance to allow a variety of housing types as a use by right (example - duplex in single family zoning).

There was discussion on staff's recommendation regarding reviewing residential zoning districts to address barriers/impediments to development of affordable housing,with directions to explore items brought forward at this meeting.

Mr. D'Angelo said that the City's role in affordable housing - convenor and collaborator. He explained (1) <30% AMI - homeless agencies - Housing First (example - Homeward Bound); (2) 30%-60% of AMI - public housing - Housing Authority of the City of Asheville (example - Lee Walker Heights); and Housing Choice voucher - Housing Authority of the City of Asheville/Homeward Bound; and (3) 60%-80% of AMI - local nonprofit developers/for-profit developers (example - Mountain Housing Opportunities, Asheville Habitat for Humanity; ABCLT/Kassinger).

To build community, you need policy, community and capacity to make change. And, a holistic comprehensive approach to build affordable mixed-income communities - social issue, equity issue, education issue, health issue, economic issue, racial issue, community issue, and political issue.

City Manager Campbell asked for policy discussion on staff's recommendation to pursue the development of a social equity fund to provide additional resources to produce, preserve and protect affordable housing. She stressed that to address affordable housing, we cannot do this by ourselves.

There was discussion on staff's recommendation to pursue the development of a social equity fund to provide additional resources to produce, preserve and protect affordable housing, with directions to explore items brought forward at this meeting.

Mr. D'Angelo said that the takeaways of this workshop include (1) support the partners already doing the hardest work, the under 60% AMI individuals and families; (2) identify the gaps in the partnerships, funding, programs, incentives, regulations and fill them so municipal resources can go farther for 60% - 80% - 100% AMI; (3) call on for-profit developers and lenders to be a part of the solution; and (4) build community coalition and bring more partners to the table

Throughout the presentations, Ms. Nelson, along with City staff, responded to various questions/comments from Council, with discussion focusing on the complexities around this issue; with the goal of identifying the most effective tools the community can use to address the affordable housing issue.

City Manager Campbell said that City Council will be considering the disposition policy on September 24, 2019. All of the other kinds of initiatives discussed today will be reviewed by the appropriate City Council Committees, along with the applicable boards and commissions.

At 1:04 p.m., Mayor Manheimer adjourned the meeting.

Magdalen Bleiker
City Clerk

Esther E. Manheimer
Mayor

Tuesday – September 10, 2019 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

Mayor Manheimer invited the public to the City of Asheville 911 Remembrance Ceremony at 8:30 a.m. on September 11, 2019, in front of the Municipal Building. This ceremony will pay solemn tribute to those who heroically sacrificed their own lives to save thousands of others and to remember those who helped in the rescue/recovery efforts that followed at ground zero.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING SEPTEMBER 8-14, 2019, AS "2019 NATIONAL SUCIIDE PREVENTION WEEK"

Mayor Manheimer read the proclamation proclaiming September 8-14, 2019, as "2019 National Suicide Prevention Week " in the City of Asheville. She presented the proclamation to Nicole Rikard, who briefed City Council on some activities taking place during the week.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON AUGUST 27, 2019

B. RESOLUTION NO. 19-203- RESOLUTION TO NAME TENNIS COURT 1 AT THE ASTON PARK TENNIS CENTER IN MEMORY OF LEWIS ISAAC

Action Requested: Adoption of a resolution naming Court 1 at Aston Park Tennis Center located at 336 Hilliard Ave. in memory of Lewis Isaac.

Background:

- Pursuant to the City's public property naming policy, Parks & Recreation staff requests the naming of a tennis court 1 at Aston Park Tennis Center in memory of Lewis Isaac.
- Mr. Lewis Isaac was a retired City of Asheville employee in the Human Resources Dept. (7 years) and the Parks & Recreation Department (3 years).
- Mr. Lewis Isaac served on the Recreation Advisory Board.
- Mr. Lewis Isaac was an avid tennis player and supporter of Aston Park Tennis Center.
- Mr. Lewis lived a life of service to his community in both his professional life and personal life. He served on numerous boards and commissions.
- This action is supported by Asheville Tennis Association and many other people and organizations.

Council Goal(s):

- Well-Planned and Livable Community

- Diverse Community

Committee(s):
- Recreation Advisory Board - July 8, 2019 - unanimous support

Pro(s):
- Recognize a dedicated public servant.
- Honor a volunteer and tennis player at a location that he dedicated time, energy and resources.

Con(s):
- None

Fiscal Impact:
- It is estimated that the plaque and installation may cost up to $2,000. These funds are available in the Parks & Recreation operating budget.

Motion:
- Move to adopt a resolution to name Court 1 at Aston Park Tennis Center located at 336 Hilliard Avenue in memory of former Parks & Recreation employee Lewis Isaac.

At the request of Councilwoman Mayfield, City Clerk Burleson said that she would advise City Council when the ceremony honoring Mr. Isaac was set.

RESOLUTION BOOK NO. 41 - PAGE 66

C. ORDINANCE NO. 4759 - BUDGET AMENDMENT FROM THE FEDERAL TRANSIT ADMINISTRATION FOR SECTION 5310 FUNDS

Action Requested: Adoption of Budget Amendment in the amount of $329,294 from Federal Transit Administration Section 5310 Funds (NC-2019-017).

Background:
- At its March 12, 2019, meeting, City Council approved a resolution authorizing the City Manager to apply to the French Broad River Metropolitan Planning Organization for Section 5310 Funds, and to accept the grants and sign all the appropriate agreements with the French Broad River Metropolitan Planning Organization, Federal, and/or State agencies.
- The purpose of the Section 5310 funding program is to improve mobility for seniors and individuals with disabilities by removing barriers to transportation services and expand transportation mobility options.
- These are Federal Transit Administration (FTA) funds under Award # NC-2019-017 for the Enhanced Mobility of Seniors and Individuals with Disabilities program that the City is the designated recipient for the region. The funds will be distributed to each of the applicants via an application process through the Metropolitan Planning Organization.
- The City is responsible for overseeing and disbursing the funds to the applicants. The chart below outlines the amount funded for each recipient.
- The budget amendment will provide expenditure authorization for the $329,294 in grant funds.

Subrecipient	Project	Amount	Local Match
City of Asheville	ADA Paratransit	$135,000	$33,750

Buncombe County	SEDTAP	$46,575	$11,644
Council on Aging	Call-A-Ride and SWS	$16,311	$16,311
Land of Sky Regional Council	Senior Companion Program	$33,426	$33,426
Buncombe County	RIDE Vouchers Program	$60,053	$60,053
Madison County	Senior Center/Meal Sites Transportation	$5,000	$5,000
City of Asheville	Program Administration	$32,929	N/A

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- None

Pro(s):
- Project funding is provided by the FTA, 50% of operating projects and 80% of capital projects. The sub-recipients are responsible for their local match.
- The City is provided $32,929 for administration purposes, which does not require a local match.

Con(s):
- None

Fiscal Impact:
- The total grant award for the projects is $329,294 and will be funded with Federal Funds.
- As noted above, $32,929 will be reimbursed to the city for administrative costs, and Asheville's local match for the provision of the Americans with Disabilities Act paratransit services totals $33,750.
- The City's local match in the amount of $33,750, is already budgeted in the Adopted Transit Services Fund Fiscal Year 2019-20 budget.

Motion:
- Motion to adopt a budget amendment in the amount of $329,294 from Federal Transit Administration Section 5310 Funds (NC-2019-017).

ORDINANCE BOOK NO. 32 - PAGE 412

D. RESOLUTION NO. 19-204 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO ISSUE A JOINT REQUEST FOR PROPOSALS IN THE DEVELOPMENT SERVICES FOR DUKE ENERGY'S GREEN SOURCE ADVANTAGE PROGRAM

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an interlocal agreement with Buncombe County to issue a joint Request for Proposal (RFP) in the development services for Duke Energy's Green Source Advantage Program.

Background:

- The City of Asheville will enter into an interlocal agreement with Buncombe County to give authority to issue a joint Request for Proposal (RFP) for development services for Duke Energy's Green Source Advantage Program.
- Duke Energy's Green Source Advantage Program provides the opportunity to support renewable energy development in North Carolina for military installations, University of North Carolina institutions, and large business customers.
- This program was established by the Competitive Energy Solutions Law (HB 589) and was approved by the Utilities Commission on February 1, 2019. Applications will be accepted by Duke Energy starting on October 1, 2019. It is available on a first come, first serve basis.
- The intention of the RFP is to secure a purchased power agreement and renewable energy credits from a private supplier of solar energy in the Duke Energy Progress territory.
- Buncombe County staff will administer the RFP. The City will have a role in the selection of and negotiations with the responsive bidder.

Council Goal(s):

- A Clean and Healthy Environment
- A Connected and Engaged Community

Committee(s):

- Planning and Economic Development Committee - August 29, unanimous approval

Pro(s):

- Supports Resolution 18-279 to transition municipal operations to 100% renewable energy by 2030
- An interlocal agreement with Buncombe County will increase the requested demand (megawatts) which will attract larger solar developers.

Con(s):

- None

Fiscal Impact:

- None at this time. If staff determines that responsive bidders provide a fiscally viable option, a contract will be executed between the City, responsive bidder, and Duke Energy and will be funded through the Green Revolving program subject to further approval by the City.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into an interlocal agreement with Buncombe County to issue a joint RFP in the development services for Duke Energy's Green Source Advantage Program.

RESOLUTION BOOK NO. 41 - PAGE 67

E. RESOLUTION NO. 19-205 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT OKTOBERFEST

RESOLUTION NO. 19-206 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE WICKED HALLOWEEN 5K & FUN RUN

RESOLUTION NO. 19-212 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE GOOMBAY FESTIVAL

Action Requested: Adoption of resolutions to permit the possession and consumption of malt beverages and/or unfortified wine at Asheville Oktoberfest, the Wicked Halloween 5K & Fun Run, and the Goombay Festival.

Background:

- The following organizations have requested that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at the events:
  - Asheville Downtown Association for Asheville Oktoberfest, to occur at Pack Square Park on October 5, 2019, from 1:00 p.m. - 6:00 p.m.
  - Charity Water for the Wicked Halloween 5K & Fun Run, to occur Carrier Park on October 19, 2019, from 8:00 a.m. - 2:00 p.m.
  - YMI for Goombay Festival, to occur September 20, 21, 22, 2019, at an approved event site map location along Eagle/Market Street area, alcohol sales not to exceed 5 p.m. - 10 p.m. on September 20, and 10 a.m. - 10 p.m. on September 21.
- Alcohol boundaries are defined for each request as per the accompanying event site maps.

Council Goal(s):

- These actions have no direct connection with the City Council 2036 Vision.

Committee(s):

- None

Pro(s):

- Allows fundraising opportunities for the sponsoring nonprofit organizations

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Motion to permit the possession and consumption of malt beverages and/or unfortified wine at Asheville Oktoberfest, the Wicked Halloween 5K & Fun Run, and the Goombay Festival.

RESOLUTION NO. 19-205 - RESOLUTION BOOK NO. 41 - PAGE 68
RESOLUTION NO. 19-206 - RESOLUTION BOOK NO. 41 - PAGE 71
RESOLUTION NO. 19-212 - RESOLUTION BOO KNO. 41 - PAGE 79

F. **RESOLUTION NO. 19-207 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AMENDMENT WITH CROWN CASTLE (D/B/A PINNACLE TOWERS LLC) TO CONTINUE THE CITY'S PRESENCE ON THE TELECOMMUNICATIONS TOWER LOCATED AT 1599 SPIVEY MOUNTAIN**

Action Requested: Adoption of a resolution authorizing the City Manager to renew the telecommunications lease between the City of Asheville and Crown Castle (DBA Pinnacle Towers) at Spivey Mountain.

Background:

- The City of Asheville leases space on a telecom tower located on Spivey Mountain for public safety communications. The original lease between Crown Castle and the City of Asheville was signed in May of 2001.
- This lease has been amended several times and is set to expire in 2021. The current rental amount is $3,775.08 per month with a 4% annual escalation rate. The monthly rate will increase to $3,926 in 2020 and then to $4,083 in 2021. The City has the right to terminate the lease at 90 days notice.
- The original term was 60 months (5 years) with three automatic renewals of five years each. Because of its importance to the City's public safety communications, new terms have been negotiated well in advance of the scheduled termination.
- Crown Castle has agreed to lower the escalation rate to 3% and the rental amount will continue at $4,083 as the existing lease ends in 2021. The proposed new term is an extension of 10 years, plus one renewal of five years. City staff recommends acceptance of these terms.

Council Goal(s):
- Financially Resilient City.

Committee(s):
- None

Pro(s):
- The City's presence on this tower will be stabilized with a 10 year term, plus a five year renewal.
- The current escalation rate will be reduced to 3%.

Con(s):
- None

Fiscal Impact:
- The current and future rental payments are budgeted in the Information Technology Department's Operational budget. Once the new lease takes effect in 2021, the rental payments will commence at $4,083 per month and escalate by 3% each year.

Motion:
- Move to adopt a resolution authorizing the City Manager to sign a lease amendment with Crown Castle to continue the City's presence on the tower.

RESOLUTION BOOK NO. 41 - PAGE 74

G. **RESOLUTION NO. 19-208 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH MISSION HOSPITAL ACCEPTING A DONATION TO BE USED FOR THE CONSTRUCTION OF A BUS SHELTER IN THE VICINITY OF LIVINGSTON STREET**

ORDINANCE NO. 4760 - BUDGET AMENDMENT FOR THE CONSTRUCTION OF THE BUS SHELTER IN THE VICINITY OF LIVINGSTON STREET

Action Requested: Authorize the City Manager to adopt (1) a resolution to execute an agreement with Mission Hospital accepting a donation of up to $30,000 to be used for the construction of a bus shelter in the vicinity of Livingston Street; and (2) a budget amendment in the amount of $30,000 in the Transit Capital Projects Fund for the construction of the shelter.

Background:

- Mission Hospital received a Conditional Use Permit during October 2015 for the construction of the North Tower, which is nearing completion.
- One of the B-1 conditions required Mission Hospital to provide $30,000 to the City for the construction of a bus shelter.
- The shelter was to be constructed as part of the City's larger Livingston Street improvement project; however, that project is currently on hold and no shelter has been constructed.
- In order to receive the certificate of occupancy and meet the B-1 condition in the Conditional Use Permit, Mission Hospital and the City propose to execute an agreement whereby Mission Hospital would provide the City with $30,000, which would be allocated to the Transit Capital Fund, and the City would construct the shelter either when it moves forward with the Livingston Street project or as a separate project.
- The Agreement does not include a deadline for construction of the shelter by the City.
- The City would provide Mission Hospital with a refund of any remaining funds after the shelter is constructed.
- The Agreement would enable Mission Hospital to receive their certificate of occupancy (assuming all other requirements of the project have been met).

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Provides funding for the City to install a transit shelter that will serve the S4 route within the vicinity of Mission Hospital on Livingston Street.
- Enables Mission Hospital to receive the certificate of occupancy when the project is completed.

Con(s):

- None

Fiscal Impact:

- Since the funds will be provided by Mission Hospital, no City funds are impacted in the Transit Capital projects budget.

Motion:

- Move to authorize the City Manager to adopt (1) a resolution authorizing the City Manager to 1. Execute an agreement with Mission Hospital accepting a donation of up to

$30,000 to be used for the construction of a bus shelter in the vicinity of Livingston Street; and (2) a budget amendment in the amount of $30,000 in the Transit Capital Projects Fund for the construction of the shelter.

RESOLUTION BOOK NO. 41 - PAGE 75
ORDINANCE BOOK NO. 32 - PAGE 413

H. RESOLUTION NO. 19-209 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HARRISON CONSTRUCTION, DIVISION OF APAC-ATLANTIC, FOR THE CHARLOTTE STREET ROAD DIET PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Harrison Const., Division of APAC-Atlantic, Inc. in the amount of $973,556.10 for the construction of the Charlotte Street Road Diet project and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $64,694 (6.7%).

Background:

- In April 2018, City Council via Resolution 18-93 directed staff to implement a road diet and make spot safety improvements as part of the Charlotte Street Improvements project.
- In November 2018, Council authorized the City Manager to execute a design contract for these improvements.
- Design, engineering, and public engagement continued through the Spring of 2019.
- Construction bids were advertised on July 15, 2019 with the original bid opening scheduled for August 15th. Because only two bids were received, the project was re-advertised and bids were opened on August 22, 2019. No additional bids were submitted. Contractor names and bid amounts are listed below:
    - Harrison Construction, Division of APAC-Atlantic, Inc. (Candler, NC) $973,556.10
    - Bryant's Land Development Industries, Inc. (Burnsville, NC) $1,364,546.10
- Harrison Construction was the lowest responsive, responsible bidder.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned business through solicitation processes which included posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- 14.48% of the total dollar amount of this contract will be performed through a certified MWBE. New Dimensions in Pavement Markings from Fletcher, NC and Hamilton Hauling from Candler, NC are the certified MWBE subcontractors on this project.

Council Goal(s):

- Transportation and Accessibility
- A Well Planned and Livable Community

Committee(s):

- Multimodal Commission - May 22, 2019 - Informational only; no vote requested

Pro(s):

- Currently listed in the adopted Capital Budget and is consistent with City Council's direction related to the Charlotte Street Road Diet and safety improvement recommendations provided in April 2018.

- Implements multi-modal principles.
- Enhances travel safety for multiple modes of transportation.

Con(s):

- Possible reduced levels of service for automobiles and increased queue lengths during peak hours with a maximum projected delay of 18.8 seconds.

Fiscal Impact:

- The Charlotte Street Improvements project has been listed in the Capital Improvement Program document since Fiscal Year (FY) 2014-15. The adopted budget for the project is $1,250,000.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Harrison Construction Division of APAC-Atlantic, Inc. in the amount of $973,556.10 for the construction of the Charlotte Street Road Diet project and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $64,694 (6.7%).

At the request of Councilwoman Smith, Director of Transportation Ken Putnam, along with Capital Projects Director Jade Dundas, responded to questions related to this project related to emergency access and stormwater infrastructure issues.

Mr. Sidney Bach urged City Council to suspend this major City road project pending completion of a professional Traffic Impact Analysis (TIA) by a firm acceptable to the City, especially since the City will not have to contribute to the costs of this TIA and the contractor can't start on the project until February 2020. He provided Council with an excerpt from the August 2013 Charlotte Street Corridor Traffic Study Report that reads in part "... it is difficult to identify tangible benefits justifying moving forward with the project as currently defined."

Mr. Jonathan Wainscott also supported suspending the project, noting that there are many other more immediate infrastructure needs.

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Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Mayfield moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Young and carried unanimously.

III. PRESENTATIONS & REPORTS: None

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER REZONING TWO LOTS LOCATED AT 120 EMMA ROAD AND 99999 EMMA ROAD FROM RS-2 RESIDENTIAL SINGLE-FAMILY LOW DENSITY DISTRICT TO RIVER ARTS DISTRICT - OPEN SPACE

ORDINANCE NO. 4761 - ORDINANCE TO REZONE TWO LOTS LOCATED AT 120 EMMA ROAD AND 99999 EMMA ROAD FROM RS-2 RESIDENTIAL SINGLE-FAMILY LOW DENSITY DISTRICT TO RIVER ARTS DISTRICT - OPEN SPACE

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to rezone two lots located at 120 Emma Road and 99999 Emma Road from RS-2 Residential Single-Family Low Density District to River Arts District - Open Space. This public hearing was advertised on August 30 and September 6, 2019.

Action Requested: Rezone portions of two properties located at 120 and 99999 Emma Road (PINs 9639-70-7269 & 5433) from RS-2 to RAD-OSP and amend the City's future land use map for the purpose of supporting recreational activities and other uses compatible with the limitations of the existing flood hazard areas.

Background:

- The subject properties are 1.10 and 1.20 acres respectively, and are both zoned RS-2.
- The properties are located along Emma Road in the River Arts District area, very close to the French Broad River.
- The rezoning petition requests to rezone only the eastern half of each parcel.
- The properties are bi-sected by Emma Road with most of the eastern half of each parcel largely falling within the regulated floodway of the French Broad River.
- The western half of 120 Emma Road is developed with a single family home; the western half of 99999 Emma Road remains undeveloped.
- The properties are bordered by RS-2 zoning to the west and north, RAD-RIV to the east across the river, and RAD-OSP to the south.
- The purpose of the RS-2 zoning district is to establish a low density for single-family dwellings and other compatible uses in recognition of environmental constraints such as, but not limited to, steep slopes, impervious soils, high water tables, and flooding. The RS-2 zoning designation does not allow for business uses.
- The purpose of the RAD-OSP is intended to provide for public park and recreational facilities, natural areas, trails, wetlands, and similar types of open space owned/leased and managed by a local government.
- The portions of the properties that are proposed to be rezoned are identified as *Residential Neighborhood* on the Future Land Use map which describes what are typically lower density, single family homes that are part of a larger community masterplan. These properties may require some separation of heavier industrial uses from more sensitive uses but can generally be appropriate neighbors to other commercial or mixed-use areas (p. 346).
- The rezoning proposal, if approved, will necessitate a change to the Future Land Use map to *Parks / Open Space* which is reserved for active and passive open space, and is an important component of a sustainable community.

Council Goal(s):

- A Clean and Healthy Environment
- A Thriving Local Economy

Committee(s):

- This request was reviewed by the Planning & Zoning Commission at their July 18, 2019, meeting where it was recommended for approval, 7:0.

Pro(s):

- Assigns a classification that is consistent with the existing environmental constraints (floodway).

- Allows opportunity for active recreational uses.
- Preserves the existing single-family use which will remain conforming.

Con(s):
- Requires two different zoning categories for the same parcel (split-zone).

Fiscal Impact:
- None

Staff Recommendation:
- Staff finds that the natural limitations of the property will prevent further development under the existing zoning designation and a rezoning would allow for other, compatible open space uses of land that would not preclude the use of property for single-family use. Staff is supportive of the request.

Mayor Manheimer opened the public hearing at 5:34 p.m., and when no one spoke, she closed the public hearing at 5:34 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the rezoning request from Residential Single-family, Low Density (RS-2) to River Arts District - Open Space (RAD-OSP), and find that the request and resulting Future Land Use Map amendment from Residential Neighborhood to Parks/Open Space, is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans and meets the development needs of the community in the following ways: the rezoning will, 1) be consistent with existing environmental constraints of the properties; 2) will allow opportunities for active recreation, and 3) preserves the existing single-family use. This motion was seconded by Councilwoman Smith and carried unanimously.

ORDINANCE BOOK NO. 32 – PAGE 414

B. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF THREE PARCELS FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS DISTRICT EXPANSION/ CONDITIONAL ZONING FOR THE CONSTRUCTION OF A MIXED-USE BUILDING AT 71 BROADWAY AND 61 AND 67 NORTH MARKET STREET

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to conditionally zone three parcels from Central Business District to Central Business District Expansion/Conditional Zone for the construction of a mixed-use building at 72 Broadway Avenue and 61 and 67 North Market Street. This public hearing was advertised on August 30 and September 6, 2019.

Action Requested: Consider adoption of a conditional zoning petition for property currently zoned Central Business District (CBD) to Central Business District Expansion Conditional Zone (CBD EXP CZ)

Project Location and Contacts:
- The project site consists of three parcels with a combined area of 0.56 acres located at 72 Broadway Street and 61 and 67 North Market Street (PINs 9649.41-2358, 9467.41-3451 and 9469.41-3355) owned by S&R Investment Company and Broadway Lot LLC.

- Petitioner: Birju Patel; Contact: Chris Day.

Summary of Petition:

- The proposal is for a new mixed-use building containing 138 hotel rooms, 37 residential units (including affordable and live/work units), approximately 1,187 square feet of retail space, and additional restaurant/bar space within the building associated with the hotel use.
- The petition includes a rezoning via conditional zoning from Central Business District (CBD) to Central Business District Expansion Conditional Zone (CBD EXP CZ) due to the lodging use, which is prohibited in the CBD zoning district.
- The Future Land Use category is Downtown, where lodging and mixed-use developments are permitted as described in the Comprehensive Plan Consistency section of this report.
- There are two small buildings that would be removed if approved, both are contributing resources to the Downtown National Register District (built in 1947 and 1934, respectively) but neither is noted as being individually significant.
- The building is shown as nine stories with a height of 74 feet (approximately 88 feet to the top of the roof).
- The project includes compliant 12 foot wide sidewalks on both frontages, both of which are considered "key pedestrian streets." Both frontages provide street trees.
- The proposal includes a mid-block pedestrian connection along the north face of the building with a width between six and 10 feet.
- Vehicular access to the development is a single driveway from North Market Street that provides access to approximately 126 structured parking spaces (parking is only required for the lodging use at a range between 69-138 spaces). Guest drop-off for the hotel use is internal to the building as prescribed by the Unified Development Ordinance, with the lobby located on the top level to maintain active commercial space along the ground-level (retail space on Broadway and live/work units along North Market Street).
- Two existing curb cuts along Broadway will be eliminated, and with this action there is the possibility to gain some on-street parking. One driveway cut will remain on North Market Street.
- There is a portion of an existing alley that dead-ends within the project site. The closure of the end portion of this right-of-way is following the City's process and will necessitate action by City Council. There is a condition that approval of the closure for a portion of the alley that lies within the project area is required prior to issuance of a zoning permit.
- Design and operational standards for downtown projects are all met, providing active pedestrian-friendly uses along the ground level, street wall step-backs, upper-level active "roof" decks and compliant fenestration on all facades. Additional design elements proposed by the applicant include art displays along the internal walkway, a mural piece on the un-fenestrated portion of the facade where the elevator shaft is located, dedicated units for artists and residential access from North Market Street. The applicant is seeking an art gallery to be placed on the Broadway frontage to align with the developing Broadway Arts Corridor District.
- City Market (seasonal farmer's market) operates Saturdays, April through December; the vehicular access point into this development is impacted by the footprint of the market as noted in the Compatibility Analysis section of this report.
- The project was reviewed by the Downtown Commission on July 12, 2019, where several concerns were expressed, including the negative impacts from the use of exterior insulation and finish system (EIFS) (possibly mitigated with

wrap/screening at key points during the construction process), the value of additional brick along the Broadway frontage for compatibility and harmony, waste management, the need for additional affordable residential units throughout downtown and the impact of hotels on the community in general.

- The Planning & Zoning Commission voted unanimously to support the proposal at their meeting on August 7, 2019. Public comment was heard regarding concern for impact to the City Market, the need for more affordable housing downtown, the lodging use and parking impacts.
- The applicant is not requesting any variances for the project due to any issues complying with City standards; however, they are offering the following (see revised attached B1 conditions list for further details):
    - At least six of the rental units will be dedicated as affordable at 60% area median income (AMI) in perpetuity and designated as "for creatives". Also one for-sale unit and two live/work for-sale unts will be dedicated as affordable for 60% AMI.
    - An easement for public access will be dedicated following the pedestrian walkway across the project site.
    - The portion of the alley that is within the project site will follow the City's closure process including review by the Multimodal Commission and City Council.
    - The applicant will provide an upgraded transit shelter in the vicinity at a location to be determined by the Transportation Department.
    - Best practices will be employed during construction to minimize the impacts of the EIFS application process.
    - The City Market will not be disrupted during the construction process. (revised condition as of 9-10-19)
    - During the times of road closure associated with the City Market in its current configuration on North Market Street in front of the development site, there will be no vehicular access to the development from the primary driveway on North Market Street, except for emergency uses. (revised condition as of 9-10-19)

Comprehensive Plan Consistency:

- This proposal is consistent with the Living Asheville Comprehensive Plan in that the Downtown Future Land Use category encourages mixed-use developments prioritizing pedestrian infrastructure and connectivity, proposes a variety of active commercial spaces and provides for both market-rate and affordable residential options.
- The comprehensive plan suggests creating Downtown character districts and elevating the arts and this project aligns with that idea by using complementary materials and supporting artists as described above.
- The plan also acknowledges that while lodging and hotels are part of what makes Downtown the primary commercial center of the city, they "must be considered in context with other development so that the variety and mix of uses, which give downtown its distinctive character is not compromised" (p. 339). By incorporating a mix of uses within the same building, the proposal seeks to meet this goal.
- The Resilient Economy section of the plan notes the need for more affordable housing; this project dedicates nine units.
- There is a goal in the Healthy Community section to promote and support access to farmer's markets.

Compatibility Analysis:

- The proposal provides a mix of uses and integrates them within one structure, including parking.
- Ground level spaces on both street frontages are reserved for active commercial uses.

- The design and materials incorporate brick on the lower levels to mirror the character of other historic buildings in the vicinity.
- Widened sidewalks are provided on both frontages and two existing curb cuts are eliminated, enhancing the pedestrian realm. The walkway provided across the north side of the building provides mid-block connectivity.
- Due to the design of site and building elements, the structure and design is considered compatible in this urban location and the height is mitigated through materials on the lower levels and facade step-backs.
- The vehicular access point on Market Street would negatively impact the City Market operations if left open for resident and hotel guest access. Staff recommends that the existing policy for special events be followed where vehicular access is restricted (except for emergency vehicles), similar to all other properties within a special event boundary.
- Staff and the City Market organizers could explore a process for identifying a possible alternative location; however, this would not be a quick or simple process and may require modification of existing policies.

Council Goal(s):
- A Well-Planned and Livable Community
- Quality Affordable Housing
- Transportation and Accessibility

Committee(s):
- Technical Review Committee (TRC) - August 5, 2019 - approved with conditions
- Downtown Commission - July 12, 2019 - approved design review (6-3)
- Multimodal Commission for related alley closure - August 28, 2019 - recommended approval (4-3)
- Planning and Zoning Commission - August 7, 2019 - recommended approval (7-0)

Staff Recommendation:
- Staff finds that the mix of uses and project design is compatible with the requirements of the zoning district, design standards and guidelines and the Living Asheville Comprehensive Plan.
- By reducing curb cuts, integrating structured parking, committing to a transit shelter upgrade in the vicinity, providing a mid-block pedestrian walkway, activating the ground level and including dedicated affordable units, the project meets City goals on connectivity, pedestrian safety and increased housing options downtown.
- Staff does not have objective criteria to apply in determining whether there is a need/value for additional hotel rooms nor for evaluating whether there are potential impacts caused by the lodging use.

Councilwoman Mayfield questioned if vehicles don't come in through North Market Street, how will they access the building. Ms. Bernstein said all the uses along North Market Street have the same restriction (just like a special event) - you may not have vehicular access at that time. That would be on the operator of the hotel to manage where the parking would be and how that would be coordinated.

In response to Councilman Kapoor, City Attorney Branham said that this is a conditional zoning. N. C. Gen. Stat. sec. 160A-383 gives City Council the guidance on what the considerations should be. That section specifically provides that Council's consideration should be primarily a review of whether or not the proposal is consistent with the approved area plans, whether the project itself is reasonable and in the public interest. Additionally, case law provides that decisions should not be arbitrary or capricious based on those three factors, and dealing with the property rights themselves and with surrounding property rights.

Mr. Derek Allen, attorney for the developer BPR Properties, clarified that the revised Condition No. 13 will not read "During the times of road closure associated with the City Market in its current configuration on North Market Street in front of the development site, there will be no vehicular access to the development from the primary driveway on North Market Street, except for emergency vehicles. *During these times, non-emergency vehicular access to the development will be from the alley.*" Mr. Allen gave a brief procedural history of the project, along with a brief overview. We have tried to come up with a project that has residential components (25% of which are affordable housing at 60% AMI) and make that make sense in the context of having a place for everyone to live in Asheville. This is not just another hotel or an affordable housing project - it's both. They listened to comments from the Downtown Commission in July and explored the needs of Asheville - need for affordable housing. This promotes full-time residents in downtown - not just wealthy visitors who buy expensive condos downtown. We want to support artists and that has been incorporated into this project - both inside and outside. We want to support the live/work lifestyle, and we want to make sure we have a living wage. We will promote alternative transportation options, walkability, bus routes, etc. We want people to live where they work and we want to make sure we incorporate more resident-created art into our downtown infrastructure. The project complies with the Living Asheville Comprehensive Plan in that it has affordable housing; promotes year-round full-time residents downtown; supports artists; elevates the arts and cultural sectors to strengthen and preserve heritage and history; supports live/work lifestyle; living wage; promotes alternative transportation options; incorporates more resident-created art into downtown infrastructure; supports the Broadway cultural gateway vision; is compatible with the requirements of the zoning district, design standards and guidelines; enhances the pedestrian experience; is compatible with the surrounding area; and is in compliance with the Downtown Commission Design Review Guidelines.

Mr. Allen said the project site (1) consists of three parcels with a combined area of 0.56 acres located at 72 Broadway Street and 61 and 67 North Market Street; (2) two small empty buildings; (3) law firm; (4) all willing sellers; (5) current combined value of properties is $1,769,600; (6) projected value after completion of project is $50,000,000; and (7) current taxes paid $19,074.53/estimated taxes after development $432,000.

Mr. Allen said Create 72 Broadway has 37 residential units - 6 affordable residential rental units at 60% AMI dedicated in perpetuity; 1 affordable for sale condo unit at 60% AMI for > 50 years; 2 affordable live/work for sale units at 60% AMI for > 50 years; 13 market rate one bedroom condo units; and 15 market rate two bedroom units. It will have 138 hotel rooms; commercial retail space; and a 126 space parking garage (excess parking spaces within the footprint of the project).

Mr. Chris Day from Civil Design Concepts, said that this is a surface lot on Broadway. We will eliminate two existing curb-cuts and make Broadway fully pedestrian focused. In doing so, it provides a couple of new parking spaces on Broadway as well as an additional new parallel parking space on North Market Street. They do meet the ordinance as it requires one public access for the project. That being said, they are conditioning that they will restrict that during the City Market hours - and only during the City Market hours would they have some proposed use of the platted 25-foot alley that is in the rear of the project. It is not proposed to use that for typical traffic. It is a service access, but the only time that would be used would be during the conflict with the City Market. In speaking with a developer who runs many hotels, he says Sundays are a very busy day and Saturdays are a little more manageable in terms of check-out. Trying to manage and minimize the amount of traffic that would even need to use that access during the City Market was their initial goal, while having the back-up to be able to get out through the platted right-of-way. Other than that, the project complies with all of the ordinances associated with it.

Mr. Peter Alberice, with architectural firm changed with designing the project, said during the main part of the week when the City Market is not in session (approximately 6 a.m. to 1:00 p.m. on Saturdays) they would restrict all access into and out of the building from the North Market Street entry. They are very passionate about the City Market because not only is it a great institution in the City, it is an integral part of downtown. The developers see it as an amenity and an opportunity for guests at the hotel and residents of the condos to have an amenity right outside their front door on a Saturday morning. There is no way they would ever want to suggest moving them. It enhances what they are doing and gives something back to the City Market as they will be bringing approximately 100 more customers to them every Saturday. On Saturdays when there is a possibility that there would be a random person who would need to leave the garage, we would suggest that they go down the alley. Close to 100% of the time, all the parking will be managed by the operator of the hotel. Guests who leave on a Saturday morning would have their cars valet parked in a parking garage outside the project. Chances are the residents in the project will walk. As far as hotel guests coming in, they will typically check in in the afternoon because check-in time is not until 3:00 p.m. We are working on managing all of that so we don't inconvenience anyone. He showed an overall view of the project site, renderings of a widened sidewalk; parking garage; hotel with 138 rooms; residential condominium; green roof; arts walkway; affordable live/work; affordable apartments; affordable condominiums; and art gallery/local retail.

Mr. Alberice said this will be quality affordable housing with (1) affordable housing at 60% AMI greater than 50 years; (2) market rate rent - $1,750 monthly; (3) affordable rent rate - $549 monthly; (4) cost to underwrite unit - $1,291 monthly; (5) > $2 Million investment by developer for affordable housing; and (6) hotel component supports the affordable housing and work/live units. Other benefits for residential units include it is located within 0.25 miles of transit; located within .05 miles of grocery store; and located less than 1 mile of downtown job center. Additional benefits include (1) payment of living wage; (2) developer will provide bus passes for employees who want to take public transportation (a) promotes alternative transportation; (b) reduce parking demands; and (c) good for the environment; and (3) display art of local artists.

Mr. Alberice said to address concerns about hotel development, this is a quality of development design; pays a living wage' addresses local needs (affordable housing); no displacement of residents; and has a traffic study.

When Councilwoman Mayfield asked what the plan is for no vehicular access to this building on Saturday mornings, Mr. Alberice said the occasional hotel guest or resident, who has to leave for an emergency, will drive through the double garage bay and down the public alley. Mr. Day said the goal is to minimize, through proper hotel management, knowing if guests are checking out that they have to place their cars in an off-premise parking structure the evening before so it would be available on Saturday morning. The residents recognize and know the City Market is going on and they would not have typical access to their vehicles, like other people on that street during those hours. For emergencies, they will lift the double garage doors and provide the access to the 25-foot alleyway. The alley is not intended to be a public access, but it is a feasible access they can use when necessary.

Councilwoman Mayfield said that she called a couple of hoteliers and they said that Saturday mornings are one of the busiest times for hotels for weekend visitors checking in and out.

When Councilwoman Mayfield asked if the applicant has reached out to any of the property owners adjacent to the alley and discussed what this access might look like. She walks by the alley multiple times a day and sees that it is pretty busy and crowded, with trash cans, parking, etc. Mr. Alberice responded that there have been publicized meetings about the project, noting that the alley has always been for trash collection for the project. There are adjoining

property owners and everyone should be consulted in that regard, but they have not told anyone that they could not use the alley. The alley was always for service. Just within the last week when they were trying to come up with a solution to allow for emergency access to the building from North Market Street without disrupting the City Market, did they look at this option as a reasonable way to provide some access in and out of the building on Saturday mornings.

Mayor Manheimer confirmed that because this is a site specific issue, in reading the conditional zoning statute, we can make this a condition that North Market Street is not used on Saturday mornings during the City Market. It will be up to the applicant to meet the condition requirements.

When Councilwoman Mayfield expressed concern that the City Market was found to be impacted in April of this year, Mayor Manheimer said that the City Market map shows the City Market doesn't begin until further up the street, but in reality the barricades are placed at the end of the street.

Mr. Day said the first goal was to come up with operational management ideas that could significantly minimize the need for the alley access, with the reality that there are times when unexpected things happen. As there are other garages that egress out onto the 25-foot alley, they had suggested the idea that that could be the relief out, if necessary. That has been a relatively recent aspect. He has had some initial conversations with some business owners along that alleyway, but that is an on-going conversation to have. At this point, we are comfortable with a condition from Council that says the project will not allow vehicular traffic out onto North Market Street during the hours of the City Market on Saturdays.

Mr. Allen said that conversations with neighbors along that alley have been happening over the last couple of days. He has not been part of those conversations, but he has seen the email correspondence.

Mayor Manheimer opened the public hearing at 6:19 p.m.

Nineteen individuals spoke in opposition to the conditional zoning, or at least asked for a delay to ensure safeguards for the City Market, mainly because of the disruptive egress/ingress impact on the City Market from North Market Street and the saturation of hotels in downtown.

Thirteen individuals spoke in support of the conditional zoning, mainly because the development has a lot to offer downtown, including affordable housing, support for the arts, parking, retail, etc.

Mr. Allen said that the project (1) will pay a living wage; (2) is for local artists; (3) is in an arts district and this hotel is looking to be a centerpiece of that; (4) has an affordable housing component; (5) has a living roof; and (6) is looking to enhance the City Market and not impact it in anyway whatsoever. During the City Market times, there is no entrance onto North Market Street. During construction, the City Market will not be disrupted. To clarify, they are willing to agree to a condition that there will be no outside construction on the project during City Market hours. We love what the City Market does for our City. When we fix the no interruption of the City Market issue, we inadvertently create this alley issue. Let's say there are 10 hours on Saturdays, but that is 10 hours out of 168 hours - 6% of the hours in a week that we are dealing with the alley issue only on one day - and then we are only dealing with it in terms of in and out. It is not a regular thoroughfare. There are other areas downtown where we have those issues. This issue did come up late, and the maps that staff was using did not show the City Market going down that far until the Planning & Zoning Commission meeting. He requested a continuance until September 24, 2019, in order to facilitate further discussion with the City Market and the business owners along that alleyway.

Mayor Manheimer closed the public hearing at 8:11 p.m

Councilman Kapoor felt that any inclusion of affordable housing at 60% AMI is a pretty important step and the developer should be commended for that. The project will also generate almost $500,000 in taxes; however, he is concerned over the hotel saturation in the downtown area. He could not support the project.

Councilwoman Mayfield agreed with Councilman Kapoor on the benefits of the project; however, she was also concerned with concentration of hotel rooms downtown, in addition to the use of the alley. She could not support the project.

Mayor Manheimer felt that our markets are an integral part of our community and we have to figure out how to co-exist, grow and enjoy. Other cities have to pay incentives to get a project of this type and we are fortunate to have the opportunity to pick through those who want to invest in our community. We must figure out a way to grow that makes sense for Asheville. After our recently held affordable housing workshop, City Council set a goal of 200 affordable units a year, and while the number of units for this project might be small, it is working towards our goal.

Councilman Kapoor moved to continue this public hearing until September 24, 2019. This motion was seconded by Councilwoman Smith and carried on a 4-3 vote, with Mayor Manheimer, Councilman Kapoor, Councilwoman Mayfield and Councilwoman Smith voting "yes" and Vice-Mayor Wisler, Councilman Haynes and Councilman Young voting "no."

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. MOTION SETTING A PUBLIC HEARING ON SEPTEMBER 24, 2019, TO CONSIDER A TEMPORARY MORATORIUM ON HOTEL DEVELOPMENT WITHIN THE CITY OF ASHEVILLE

Planning & Urban Design Director Todd Okolichany said the issue is that (1) Since 2015, 1,344 hotel rooms have opened in the COA out of approximately 2,761 total rooms that have been approved; (2) Community members, staff and Council have expressed concerns about the impact of hotels; (3) City currently lacks concrete policies, strategies and tools to effectively manage the impacts of these uses; (4) Lack of direction resulting in uncertainty for developers, staff and community members; and (5) Current conditions resulting in adversarial and sometimes hostile development climate in the community.

The need is (1) To effectively respond and provide some level of certainty and to determine acceptable hotel development proposals, City needs to enhance its land use policies, tools and strategies to better regulate this land use; and (2) Consideration of additional hotel development should be suspended to provide the time needed to determine impacts and remedies.

City Attorney Branham said that North Carolina law allows cities such Asheville to place a temporary moratorium on certain development approvals required by law. N.C. General Statute §160A-381(e)

He said that the development moratoria must have a valid purpose. *NCGS §160A-381(e)(1) - A moratorium ordinance must clearly state the reasons for the moratorium.* Asheville's purpose is to allow for development of regulations for a particular land use. There must be a specific duration. *NCGS §160A-381(e)(3) - A moratorium ordinance must have a*

termination date and explain why duration is necessary to address the problem. A limitation is that U.S. Supreme Court has suggested durations over a year will warrant skepticism. (Majority are around 6 months). The process (1) Requires Adoption of an Ordinance; and (2) A moratorium with a duration of 61 days or more: (a) Requires 2 meetings; and (b) The second meeting will include a Public Hearing.

The legal summary includes (1) The City has the power to impose a moratorium on hotel development; (2) Duration should be 1 year or less; (3) 2 Council Meetings required (including a public hearing); (4) Time used to develop a policy and analytic process for future hotels; and (5) Any hotel with a pre-existing vested right will be unaffected.

Regarding the planning and analysis, Mr. Okolichany outlined: First Phase (3 months) (1) City is contracting with Urban Land Institute (ULI) Charlotte District Council to provide unbiased, pragmatic advice; (2) The Technical Assistance Panel (TAP) program addresses complex land use planning and development issues; and (3) Who? - A panel of professionals with expertise in areas that are required to focus on the sponsor's particular problem or issues.

Planning and Analysis: Second Phase (up to 9 months) (1) Staff would use final ULI report and conduct any supplemental research and analysis of possible policies, strategies and tools; (2) Develop a community engagement plan that would likely entail establishing a stakeholders group and hosting community forums throughout the City to solicit input on possible policy recommendations, strategies and tools; and (3) Complete public input process and draft recommendations to present to City Council for action.

Staff recommendation for Council consideration include (1) Should the City implement the moratorium - staff recommends yes, following the process recommended above; (2) Moratorium scope (development category) - staff recommends hotels (as defined by the Unified Development Ordinance; (3) geographic area - staff recommends City of Asheville limits; and (4) duration - staff recommends no more than one year.

Mayor Manheimer said that during this moratorium, we anticipate developing specific criteria for City Council to consider when considering hotel development, if hotels are continued to be considered as a conditional zoning.

Ms. Kim Roney suggested a larger meeting room for the September 24, 2019, meeting. Mayor Manheimer said that if the meeting moved to the U.S. Cellular Center Banquet Hall, there is no broadcast to television - only live streaming through YOUTube, and we don't want to shut down access while we open up others.

Councilman Haynes spoke in support of this moratorium, but wished we would have instituted it two years ago.

Councilwoman Mayfield moved to set a public hearing on September 24, 2019, to consider a temporary moratorium on hotel development within the City of Asheville. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

B. RESOLUTION NO. 19-210 - RESOLUTION OF INTENT TO CONSIDER AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CHARTER TO PROVIDE FOR AT-LARGE ELECTIONS FOR THE MEMBERS OF THE CITY OF ASHEVILLE CITY COUNCIL SETTING A PUBLIC HEARING ON SEPTEMBER 24, 2019, ON THE PROPOSED CHARTER AMENDMENT

RESOLUTION NO. 19-211 - RESOLUTION OF INTENT TO CONSIDER AN ORDINANCE AMENDING THE CITY OF ASHEVILLE CHARTER TO PROVIDE THAT ASHEVILLE CITY COUNCIL ELECTIONS BE CONDUCTED BY THE NONPARTISAN PRIMARY AND ELECTION METHOD AND SETTING A PUBLIC HEARING ON SEPTEMBER 24, 2019, ON THE PROPOSED CHARTER AMENDMENT

Action Requested: Adoption of two resolutions of intent to consider ordinance amendments to the City of Asheville Charter and setting public hearings on September 24, 2019, for the following purposes:

A. To provide for at-large elections for the members of the City of Asheville City Council.
B. To provide that Asheville City Council elections be conducted by the nonpartisan primary and election method.

Background:

- On June 29th, 2018, the N.C. State legislature ratified SB 813 which altered the form of Asheville City Council elections.
- The new local act moved City Council elections from odd to even years, removed primary elections, and established five election districts.
- Under the current law, the City Council will be made up of seven council members, including the Mayor. Five members will be elected from and by their respective districts, while one member and the Mayor will be elected at-large.
- The two proposed charter amendments would reinstate primary elections to be held in March, and return all Council positions to at-large elections.

Council Goal(s):

- An Equitable and Diverse Community
- A Connected and Engaged Community

Committee(s):

- Governance Committee - July 29 (Converted to Full Council Worksession)

Pro(s):

- Returns City Council elections to a form as close as possible to what existed prior to enactment of SB 813.

Con(s):

- A Charter amendment can be further amended by State action
- May result in diminished goodwill and additional provocation from the General Assembly

Fiscal Impact:

- None at this time.

City Attorney Branham responded to questions raised by the public regarding the timing for the March primary, and if the Board of Elections have enough people to run our elections.

Councilman Kapoor said that he proposed an alternative proposal of keeping the five districts, but adding two additional at-large members for a total of nine members. He hoped would also be on the agenda and also be considered by Council. But that is not the case. He encouraged Council members to consider his proposal. He then read the following statement: "Since getting on Council, I've spent more time researching Council districts than any other issue and, based on that analysis, I publicly changed my position to oppose an all at-large system. Hearing the concerns that both sides had, I proposed a compromise mixed district/at-large system that would keep the five districts drawn and add two additional at-large members for a

total of nine members. My compromise would have allowed every resident to be able to vote for a majority of Council members. Regardless of the vote tonight, I will continue to push for that system. The question that we as a City and we as a Council ought to be asking ourselves is "What system is best for the average Asheville resident?" Not, "What system sends a message to the General Assembly?" Not, "What system will most likely elect someone who I support?" Not, "What system benefits the most well-organized and politically-connected groups?" The question for us should be, "What is best for the average Asheville resident?" Here are four reasons for why I think that my proposal, and not an all at-large system, is best for the average Asheville resident: 1. First, a system with some districts ensures that every resident, every neighborhood, and every part of the City will have a Council member who is directly accountable to them. You know who specifically to call when you have an issue. With the current at-large system, the average person is at the mercy of whoever up here decides to respond to their constituent request and, if we're being honest with ourselves, there are certain Council members who do a much better job than others in responding. When you have districts, there's nowhere for us to hide. 2. Second, a system with some districts will better represent the needs of the average resident to City Hall. In her seminal book The Death and Life of Great American Cities, Jane Jacobs wrote, "The chief function of a successful district is to mediate between the indispensable, but inherently politically powerless, street neighborhoods, and the inherently powerful city as a whole. Among those responsible for cities, at the top, there is much ignorance... Districts have to help bring the resources of a city down to where they are needed by street neighborhoods, and they have to help translate the experiences of real life, in street neighborhoods, into policies and purposes of their city as a whole." I think that the current at-large system is a contributing reason for why many of our underserved neighborhoods are in the condition that they're in today. They never had a specific person advocating for what they needed and if we go back to the all at-large system, they will miss out on that chance again. 3. Third, the mixed district/at-large system that I'm proposing all but eliminates the concern that parts of the City will be pitted against each other. Under my proposal, there will be four members including the Mayor who will be elected at-large and every Asheville voter will be able to elect a majority of Council. As a result, the Council as a whole will not favor or disfavor any particular area of the City. 4. Fourth, my proposal is an Asheville, not a Raleigh solution. I understand the desire to tell the General Assembly to stay out of our business. It's a point of pride. I get it. That was part of the reason that I voted against the original referendum. But what I'm proposing here isn't Raleigh's solution, it's ours should we have the courage to enact it. I've had many people say to me that they're not necessarily opposed to districts, but that they resented that Raleigh imposed them. I think that if we put my proposal on a referendum, a mixed district/at-large system, it would pass. During this debate, I challenge those who support the decision to go back to the all at-large system to directly answer the question of why they believe an all at-large system is best for the average Asheville resident. I encourage the media, when covering this story, rather than to focus on the sideshow fight with Raleigh, to ask, "What system is best for the average Asheville resident?" If an all at-large system is so good, why does every other large city in North Carolina other than Wilmington have some form of district representation? If an all at-large system is the best system for minority communities, why did the NAACP Legal Defense Fund write: "Fewer and fewer districts still practice at-large voting. That is because courts and decision-makers long have recognized that discriminatory methods of election, like atlarge voting, enhance the discrimination that communities of color experience because of socioeconomic and other disparities in life opportunities between Black and white communities." Even with the huge disparities that we see in this city between white and black residents and white and black communities – all of which occurred under an all at-large system – some believe that a system with districts passed unanimously by the State Senate is racist. Really? Given where we are today under an all at-large system, how could it possibly get worse? Council has the authority to act. Let's have a real and open debate on the substance and be guided by the question, "What system is best for the average Asheville resident?"

Vice-Mayor Wisler moved to adopt a resolution of intent to consider an ordinance amending the City of Asheville Charter to provide for at-large elections for the members of the

City of Asheville City Council and setting a public hearing on September 24, 2019, on the proposed charter amendment. This motion was seconded by Councilman Haynes and carried on a 6-1 vote, with Councilman Kapoor voting "no".

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Councilman Young moved to adopt a resolution of intent to consider an ordinance amending the City of Asheville Charter to provide that Asheville City Council elections be conducted by the nonpartisan primary and election method and setting a public hearing on September 24, 2019, on the proposed charter amendment. This motion was seconded by Councilwoman Mayfield and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Ms. Ashley McDermott spoke about the need to declare a climate emergency. Councilwoman Mayfield said the resolution is making its way through the City's Sustainability Advisory Committee on Energy & Environment and will be considered at their October meeting. Mayor Manheimer also noted that Councilman Haynes is working on getting this through the proper processes quickly.

Closed Session

At 9:08 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(1). The statutory authorization is contained in N.C.G.S. 143-318.11(e); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a lawsuit or potential lawsuit involving the following matter: Carrier Riverview Inc., Rano Thomas Mathew, and Anne Irene Mathew v. City of Asheville 19-CVS3692. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3); and (3) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6). This motion was seconded by Councilwoman Mayfield and carried unanimously.

At 9:46 p.m., Councilman Kapoor moved to come out of closed session. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:46 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – September 24, 2019 - 5:00 p.m.
U.S. Cellular Center - Banquet Hall

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING MID-SEPTEMBER 2019 THROUGH MID-OCTOBER 2019 AS "LATINX HERITAGE MONTH"

Councilman Haynes read the proclamation proclaiming mid-September 2019 - mid-October 2019, as "Latinx Heritage Month " in the City of Asheville. He presented the proclamation to individuals from MANOS, de Mujer a Mujer, and BeLoved Asheville. The proclamation was then read in Spanish by some that attended.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 10, 2019

B. RESOLUTION NO. 19-213 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ASHEVILLE STAFFING TO PROVIDE TEMPORARY STAFFING SERVICES FOR THE CITY OF ASHEVILLE

Action Requested: Adoption of a resolution approving the renewal of the contract for temporary staffing agencies for an amount not- to- exceed $500,000.

Background:

- In 2018 The City issued an RFP for temporary services. Ten (10) responses were received.
- As a result of the RFP in 2018, The City of Asheville entered into a contract with Asheville Staffing for temporary staffing needs. The Contract allows for a one year renewal.
- Since July 2018, four City departments - Finance, Capital Projects -Facility Maintenance, Transportation - Parking Garages, and US Cellular Center have utilized Asheville Staffing agency and collectively expended $500,000.
- Each department reported favorable outcomes from the contract and continue to need temporary staffing.

Council Goal(s):

- A Fiscally Resilient City

Pro(s):

- We are exercising our option to renew the contract.
- Contracting with this company maximizes the ability to fill temporary positions as expeditiously as possible to allow operational needs to be met; and
- Allows the temporary staffing firm to continue to supplement in-house staff where that work is not able to be filled by a regular, temporary, or seasonal employee.

Con(s):
- None identified.

Fiscal Impact:
- Departments will pay for temporary staffing services out of their approved FY 2019-20 budgets.

Motion:
- Motion to authorize the City Manager to enter into a not-to-exceed contract in the amount of $500,000 with Asheville Staffing to provide temporary staffing services for the City of Asheville.

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C. RESOLUTION NO. 19-214 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY REGARDING FEASIBILITY SITE ASSESSMENTS AND TO ISSUE A JOINT REQUEST FOR PROPOSALS FOR ONSITE RENEWABLE ENERGY SYSTEMS

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an interlocal agreement with Buncombe County regarding feasibility site assessments and to issue a joint Request for Proposals (RFP) for on-site renewable energy systems in support of the City's renewable energy goals.

Background:
- The City of Asheville will enter into an interlocal agreement with Buncombe County to give authority to issue feasibility site assessments (including structural, energy and fiscal analysis) and issuance of a joint RFP for on-site solar energy systems.
- The City will fund feasibility site assessments conducted on City-owned property.
- Feasibility site assessments will identify facilities capable of housing onsite solar energy systems, cost effectiveness of each site including the payback period and the amount of renewable energy generated towards the 100% renewable energy goal .
- The City will select the sites to be included in the RFP based on the results of the feasibility site assessments.
- Projects beyond the current budget will be considered for the Fiscal Year 2021 budget.
- The City will have a role in selecting and negotiating with the responsive bidder.

Vendor Outreach Efforts:
- Not applicable

Council Goal(s):
- A Clean and Healthy Environment

Committee(s):
- None

Pro(s):

- Supports Resolution 18-279 to transition municipal operations to 100% renewable energy.
- This strategy was identified in *Moving to 100 Percent: Renewable Energy Transition Pathways Analysis for Buncombe County and the City of Asheville*.
- An interlocal agreement with Buncombe County will increase the requested number of renewable systems which may provide both the City and County with lower prices.

L

Con(s):

- None

Fiscal Impact:

- Funding for the feasibility site assessments is already budgeted and available in the amount of $34,682. If staff determines that responsive bidders provide a fiscally viable option, Green Savings may be utilized. Projects beyond the current budget will be considered for the FY21 budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into an interlocal agreement with Buncombe County regarding feasibility site assessments and to issue a joint Request for Proposal (RFP) for on-site renewable energy systems.

RESOLUTION BOOK NO. 41 - PAGE 83

D. **RESOLUTION NO. 19-215 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE 0.28 ACRES OF PROPERTY ALONG BROADWAY FROM THE N.C. DEPT. OF TRANSPORTATION**

RESOLUTION NO. 19-216 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY 0.28 ACRES OF PROPERTY LOCATED ALONG BROADWAY STREET TO REED CREEK GREENWAY PLAZA, LLC, FOR THE DEVELOPMENT OF AFFORDABLE, MIXED HOUSING

ORDINANCE NO. 4762 - BUDGET AMENDMENT TO ACCOUNT FOR THE REVENUE AND EXPENSES ASSOCIATED WITH THE TRANSACTION OF PROPERTY ALONG BROADWAY

Action Requested: Authorize the City Manager to acquire property along Broadway from NCDOT; authorize the sale of said property along Broadway to Reed Creek Greenway Plaza, LLC for the development of affordable, mixed-income housing; and approve a budget amendment in the General Fund in the amount of $70,575 to account for the revenue and expense associated with this transaction.

Background:

- In November 2018, the City sold 0.38 acres of property located at 427 Broadway to the adjacent property owner, Reed Creek Greenway Plaza, LLC, at appraised value of $115,000 for the purpose of building an affordable, mixed-income community.
- Reed Creek Greenway Plaza proposed to build a mixed use, mixed-income community with 38 total residential units, of which 8 units are to be affordable to households at 60% AMI. At the time, the developer agreed to a 25 year deed restriction on the affordability of those 8 units.
- To accomplish this development, additional land is needed from the North Carolina Department of Transportation (NCDOT). NCDOT has offered to sell two parcels of land to the City in a direct sale for appraised value of $70,575 for 0.28 acres, (Parcels identified as PINs # 9649-14-4359-00000 and 9649-14-4386-00000).

- The City would then sell the parcels to the developer at cost ($70,575), with deed restrictions to develop affordable housing.
- The developer has agreed to extend the term of affordability to 30 years for the 8 units planned within the new housing community.

Council Goal(s):
- Quality Affordable Housing

Committee(s):
- None

Pro(s):
- Supports the development of affordable housing within a mixed-income, mixed-use community, in a location that has access to jobs, transit, goods, and services.
- Utilizes the City's partnership with NCDOT to assist in assembling land for the purpose of developing affordable housing.

Con(s):
- None

Fiscal Impact:
- The City will be reimbursed for its purchase of the 0.28 acres along Broadway. Since this transaction will result in an unbudgeted revenue and expense in the General Fund, a budget amendment is included with this Council action.

Motion:
- Move to adopt a (1) resolution to authorize the City Manager to acquire property along Broadway from NCDOT; (2) resolution to authorize the sale of said property along Broadway to Reed Creek Greenway Plaza, LLC for the development of affordable, mixed-income housing; and (3) budget amendment in the General Fund in the amount of $70,575 to account for the revenue and expense associated with this transaction.

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RESOLUTION NO. 19-216 - RESOLUTION BOOK NO. 41 - PAGE 85
ORDINANCE BOOK NO. 32 - PAGE 418

E. **RESOLUTION NO. 19-217 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A DOWNTOWN DEVELOPMENT AGREEMENT WITH THE DEVELOPER OF 360 HILLIARD AVENUE, KASSINGER DEVELOPMENT GROUP, D/B/A HILLIARD PARK LLC, FOR PUBLIC PARKING AND ASSOCIATED IMPROVEMENTS**

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a downtown development agreement with the developer of 360 Hilliard Avenue, Kassinger Development Group (KDG) dba Hilliard Park, LLC, for public parking and associated improvements.

Background:
- Council approved the sale of city-owned land for an affordable housing development at 360 Hilliard Avenue (zoned CBD) and the associated real estate terms at its June 11, 2019 meeting.
- At that time, staff outlined Kassinger's offer to construct a public parking lot at the rear of Aston Tennis Center, with the City to pay one-half of the proposed costs.

- Per NCGS 160A-458.3-Downtown Development Projects, the City can share up to 50% of a project's cost in the Central Business District if the project is intended to have significant impact on revitalization, which is the intended result of this project. This statute allows the development partner to perform the improvements and exempts the project from public bidding statutes.
- The overall project cost is $650,000 and the City's share is not to exceed $325,000. This project will result in the development of driveway improvements, landscaping, stormwater control and 63 public parking spaces to support the future Bacoate Branch Greenway and Aston Tennis Center.
- At this time, staff seeks Council's authorization to enter into a formal agreement for the construction and cost-share associated with this parking lot.

Council Goal(s):
- Well Planned and Livable Community

Committee(s):
- Housing and Community Development - May 28, 2019

Pro(s):
- Creates public parking through a partnership with the developer of the affordable, mixed-income community at 360 Hilliard.

Con(s):
- None

Fiscal Impact:
- The City's share of the parking improvements is not to exceed $325,000. This amount is budgeted within the Parks, Recreation and Cultural Arts Department Capital Improvements Budget.

Motion:
- Motion to authorize the City Manager to enter into a downtown development agreement with the developer of 360 Hilliard Avenue, Kassinger Development Group (KDG) dba Hilliard Park, LLC, for public parking and associated improvements.

RESOLUTION BOOK NO. 41 - PAGE 86

F. RESOLUTION NO. 19-218 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT THE FISCAL YEAR 2019 DEPT. OF HOUSING & URBAN DEVELOPMENT CONTINUUM OF CARE (CoC) CONSOLIDATED GRANT APPLICATION FOR ANNUAL CoC COMPETITION AND EMERGENCY SOLUTIONS GRANT REGIONAL APPLICATION ON BEHALF OF NC-501 A-B CONTINUUM OF CARE, ACCEPTING ANY FUNDS SUBSEQUENTLY AWARDED, AND AUTHORIZING THE CITY MANAGER TO SIGN AWARDED CONTRACTS

Action Requested: Approve submission of Fiscal Year (FY) 2019 U.S. Dept. of Housing and Urban Development Continuum of Care (CoC) Competition Consolidated Application and FY 2019-20 Emergency Solutions Grants (ESG) Regional Application on behalf of the Asheville-Buncombe Continuum of Care (CoC NC 501), accepting any funds subsequently awarded, and authorize the City Manager to sign awarded contracts.

Background:

- The City of Asheville serves as the Continuum of Care Lead for the NC-501 Asheville-Buncombe Continuum of Care (CoC) and the Fiscal Sponsor for Emergency Solutions Grant funds allocated to Asheville by the NC Department of Health and Human Services.
- Each CoC Lead is responsible for submitting the community's Consolidated Application to be considered for grant funding from the CoC Competition. For FY2019, there $1,238,651 available for projects in the CoC, which includes $67,500 for the City of Asheville to operate the Homeless Management Information System (HMIS) for the entire NC-501 CoC. There is also $37,610 available for CoC Lead Planning costs (not ranked).
- The Fiscal Sponsor for Emergency Solutions Grant funding is responsible for submitting the Regional Application to be considered for funding. A total of $125,971 is available in ESG funds for FY 2019-20.
- The Finance Sub-committee of the Homeless Initiative Advisory Committee (HIAC) has reviewed, scored, and ranked the project applications that were submitted during the competition period.
- If all project applications are awarded, a total of $1,462,766 will support homelessness prevention, permanent supportive housing, rapid rehousing, emergency shelter operations, HMIS, and community planning.

Council Goal(s):
- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):
- Homeless Initiative Advisory Committee - August 27, 2019 - unanimously approved

Pro(s):
- Provides revenue to support the City's role in operation of the NC-501 Continuum of Care.
- Provides funding to sustain existing homeless prevention, permanent supportive housing, rapid rehousing, emergency shelter operations, HMIS and community planning.

Con(s):
- None

Fiscal Impact:
- $104,660 in revenue to support essential operations of the Asheville-Buncombe Homeless Initiative. The grant does not require a city match.

Motion:
- Motion to approve the submission of the FY 2019 United States Department of Housing and Urban Development Continuum of Care (CoC) Competition Grants NC 501 Consolidated Application and the FY 2019-20 Emergency Solutions Grant Regional Application on behalf of the Asheville-Buncombe Continuum of Care, authorize the City Manager to execute grant agreements, and accept any funds awarded.

RESOLUTION BOOK NO. 41 - PAGE 87

G. ORDINANCE NO. 4763 - ORDINANCE REDUCING THE SPEED LIMIT ALONG AMBOY ROAD FROM I-240 TO MEADOW ROAD FROM 45 MILES PER HOUR TO 35 MILES PER HOUR

Action Requested: Adoption of an ordinance changing the posted speed limit along SR 3556 (Amboy Road) from I-240 to SR 3556 (Meadow Road) from 45 mph to 35 mph.

Background:

- N.C. Gen. Stat. § 20-141 gives the City the authority to regulate speed limits within its corporate limits.
- SR 3556 (Amboy Road) is a state maintained street within the city limits.
- The North Carolina Department of Transportation (NCDOT) conducted a traffic-engineering study and determined that 35 mph would be a more appropriate speed limit.
- The Asheville Police Department has reviewed the subject action and they concur with it.
- A future NCDOT project (U-4739) to improve Amboy Road and Meadow Road will incorporate the new posted speed limit of 35 mph.
- Once the subject action is approved and prior to the installation of appropriate signs, Transportation Department staff will coordinate outreach and public education with the Communication & Public Engagement Department (CAPE) and the Asheville Police Department.

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- None

Pro(s):

- Provides a more appropriate posted speed limit in a growing area that includes residential properties and City park facilities.
- Provides a more appropriate posted speed limit for bicycle riders.

Con(s):

- None

Fiscal Impact:

- There is no fiscal impact to the City of Asheville.

Motion:

- Motion to approve an ordinance changing the posted speed limit along SR 3556 (Amboy Road) from I-240 to SR 3556 (Meadow Road) from 45 mph to 35 mph.

ORDINANCE BOOK NO. 32 - PAGE 419

H. RESOLUTION NO. 19-219 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GENERAL SERVICES AGREEMENT WITH EVERBRIDGE INC. FOR MAINTENANCE AND SUPPORT TO THE CITY'S EMERGENCY NOTIFICATION SYSTEM

Action Requested: Resolution authorizing the City Manager to execute a general service agreement with Everbridge, Inc. for the City's Emergency Notification System

Background:

- Contract is for the City's Emergency Notification System.
- Our current contract with Everbridge, Inc. is for $31,285.28 and will be up for renewal on November 12, 2019.
- This rate is set to increase by 3% to $32,223.84. Proposed renegotiated contract will be for three years with a lower locked in rate of $30,995 per year.
- Term runs from November 13, 2019 - November 12, 2022; Total cost: $92,985.

Vendor Outreach Efforts:

- Everbridge Inc. has been contracted to support and maintain the City's Emergency Notification System by the City of Asheville since November 2014.
- The selection process involved the North Carolina Purchasing System and the City's website. Everbridge, Inc. is the sole-source vendor to provide the said maintenance and support. This request is to renew that Service Agreement.

Council Goal(s):

- Connected & Engaged Community

Committee(s):

- None

Pro(s):

- The City has been using Everbridge, Inc. since November 2014, and staff are familiar with its strengths, limitations, and support process.
- Proposed agreement will save the City of Asheville $3,686.52 over the term of the contract.

Con(s):

- None

Fiscal Impact:

- The funding needed for the first year of this agreement is currently allocated within the adopted Water Services Fund and General Fund budgets.
- Additional funding needed to cover years two and three and will be requested during future budget processes.

Motion:

- Move to approve a resolution authorizing the City Manager to execute a general service agreement with Everbridge, Inc. for the amount of $30,995.00 for Fiscal Year 2020 plus the same amount in subsequent years for the maximum of (3) three fiscal years with the understanding that funding is project specific and subject to the annual appropriation of funds.

RESOLUTION BOOK NO. 41 - PAGE 88

I. RESOLUTION NO. 19-220 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DEC ASSOCIATES INC. TO PROVIDE FINANCIAL ADVISORY SERVICES FOR THE CITY OF ASHEVILLE

Action Requested: Adoption of a resolution approving contract for financial advisory services

Background:

- The City of Asheville requires a financial advisor of record for the purpose of reviewing, evaluating, planning, developing, administering, soliciting, structuring, negotiating, and otherwise assisting the City in its financial responsibilities related to municipal debt.
- DEC Associates, Inc. has assisted the City with financial modeling, debt issuance, marketing of securities, and other financial services since 2014.
- This contract replaces the previous master financial advisory contract with DEC which was mistakenly closed out at the end of Fiscal Year 2018-19.
- DEC Associates, Inc. utilizes a complex model and the continued use of this firm maintains continuity in the management of the City's debt model.

- Services rendered under this five-year master contract will have individual engagements defined through supplemental agreements for projects on an as-needed basis.
- The City does not currently owe for any services since the last contract was closed but does intend to begin our first engagement as soon as the new contract is authorized and executed.

Council Goal(s):
- A Financially Resilient City

Committee(s):
- None

Pro(s):
- Contracting with this company provides outside expertise that enhances the City's financial management; and
- Statute requires a financial firm of record if issuing new debt.

Con(s):
- None.

Fiscal Impact:
- This not-to-exceed, multi-year contract will be funded each year as needed, based on the services to be rendered to each department.

Motion:
- Motion authorizing the City Manager to enter into a not-to-exceed contract in the amount of $500,000 with DEC Associates, Inc. to provide financial advisory services for the City of Asheville.

RESOLUTION BOOK NO. 41 - PAGE 89

J. RESOLUTION NO. 19-221 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DESIGN SERVICES CONTRACT WITH CLARK NEXSEN FOR THE DR. WESLEY GRANT SR. SOUTHSIDE CENTER FOR THE DESIGN OF INDOOR AND OUTDOOR RECREATION FACILITIES

Action Requested: Resolution authorizing the City Manager to execute a contract with Clark Nexsen for design services for the Dr. Wesley Grant Sr. Southside Center Project for an amount not to exceed $465,000 and further authorizing the execution of any contract amendments up to 10% ($46,500) to the contract which may arise during the project.

Background:
- Based on a Request for Qualification (February 2018) to solicit architectural teams for design and engineering of the Dr. Wesley Grant Southside Center, a selection committee reviewed qualifications of eight firms and interviewed three firms in May 2018. The design team led by Clark Nexsen was unanimously selected as the most qualified.
- Conceptual design contract in August 2018 (Contract# 91800052) for $79,500
- The scope for this design contract amendment is intended to assist in public and community engagement, construction plans, cost estimating, bid documents, LEED Silver design/commissioning, and construction administration for additional indoor and outdoor recreation/community space.
- The Walton Street Pool is not part of this design contract. The design contract for Walton Street Pool will proceed to the City Council at a later date.

Council Goal(s):
- Well-Planned and Livable Community
- Connected and Engaged Community
- Smart City

Committee(s):
- Recreation Advisory Board, September 9, 2019 - informational only

Pro(s):
- Allows design work to proceed on the project authorized in the General Obligation (GO) Bond Referendum to provide additional indoor and outdoor recreation/community space and necessary support facilities.
- Facility improvements will be designed to increase equitable access to community and recreation services for current and future residents through a public community engagement process.
- Provides the City an opportunity to recognize the history of the Southside Community.

Con(s):
- None

Vendor Outreach:
- Staff performed outreach to minority and women-owned business through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. Two Women-Owned Firms submitted qualifications for consideration. The selected team will be utilizing one Women-Owned subconsultant.

Fiscal Impact:
- Funding for this contract amendment exists within the approved GO Bond Capital Budget.

Motion:
- Motion to authorize the City Manager to execute a contract with Clark Nexsen for design services for the Dr. Wesley Grant Sr. Southside Center Project for an amount not to exceed $465,000 and further authorizing the execution of any contract amendments up to 10% ($46,500) to the contract which may arise during the project.

RESOLUTION BOOK NO. 41 - PAGE 90

K. RESOLUTION NO. 19-222 - RESOLUTION AUTHORIZING THE SALE OF ONE 2004 STERLING LT9500 DUMP TRUCK DEEMED SURPLUS CITY PERSONAL PROPERTY

Action Requested: Approval of a resolution authorizing the sale of one (1) 2004 Sterling LT9500 Dump Truck deemed surplus City personal property.

Background:
- The Maintenance Division of the City's Water Resources Department identified a 2004 Sterling LT9500 Dump Truck as surplus personal property, with no anticipation of utilization by the City.

- The estimated wholesale value of the 2004 Sterling LT9500 Dump Truck is listed at approximately $30,000, $1,000 to $10,000 above wholesale, depending on condition. Bids will be solicited through GovDeals online auction.
- Pursuant to N.C.G.S. §160A-266, the Sale and Disposal of Personal Property valued at $30,000 or more must be approved by the City Council. The City's Purchasing Manager has authority to dispose of personal property valued at less than $30,000 by private negotiation and sale.

Council Goal(s):
- Financially Resilient Community

Committee(s):
- None

Pro(s):
- Prudent asset management
- Space utilization eliminates the need to store large, unused equipment
- Competitive process yielded market price

Con(s):
- None

Fiscal Impact:
- The dump truck is fully depreciated and the Water Resources Fund will recognize the entire amount as revenue from the sale of the asset.

Motion:
- Move to adopt a resolution authorizing the sale of one (1) 2004 Sterling LT9500 Dump Truck deemed surplus City personal property.

RESOLUTION BOOK NO. 41 - PAGE 91

L. RESOLUTION NO. 19-223 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DOSAN FOR THE RICHARD HILL PARK RESTROOM FACILITY AND PICNIC SHELTER

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a construction contract with DOSAN of Indian Trail, NC, in the amount of $359,300 and to further authorize change orders, if needed, up to the contingency amount of $35,930 (10%) for Richmond Hill Park restroom facility and picnic shelter.

Background:
- Richmond Hill Park, a heavily utilized park for dog walkers, bicyclists, and disc golfers, lacks supporting amenities such as restroom facilities and picnic shelters.
- Bids were requested on January 23, 2019. Two bids were received and reviewed on February 2, 2019. Both bids exceeded the available budget.
- The Project was rebid on May 22, 2019, and three bids were received and reviewed on June 17,2019. The high bid exceeded the available funds and the remaining two bids were deemed non-responsive due to one being submitted late and one not completing the required Minority & Women-Owned Business Enterprise (MWBE) forms.

- The project was rebid on June 24, 2019. Bids were received and reviewed on July 2nd. There were three bidders for the project.
    - Dosan Corp, Indian Trail/Charlotte, $347,000 base bid plus add alternate $12,300 = $359,300
    - The Construction and Maintenance Company LLC, Mills River, $374,526 base bid plus add alternate $21,935 = $396,461
    - WTAPS, Asheville, $299,878 base bid plus add alternate $5,875 = $305,662
- WTAPS submitted the lowest responsive, responsible bid for the project. However, they were unable to provide the performance and payment bonds.
- Dosan is the second lowest responsive, responsible bidder for this project.

Vendor Outreach Efforts:

- Staff performed outreach to MWBE firms through solicitation processes which included posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to MWBE service providers for subcontracted services. Dosan is a minority business enterprise.

Council Goal(s):

- Clean and Healthy Environment & Well-Planned and Livable Community.

Committee(s):

- January 14, 2019 meeting - Recreation Advisory Board - project status update

Pro(s):

- Permanent restroom facilities will expand the park user base to include families with small children.
- Project will improve the park experience for Asheville residents.
- These amenities respond to public input in regards to desired park improvements.
- Supports the Parks, Recreation, Cultural Arts Master Plan (2009).

Con(s):

- Park users will be temporarily inconvenienced by construction.

Fiscal Impact:

- Funding for this contract exists within the approved GO Bond Capital Budget.

Motion:

- Authorize the City Manager to enter into a construction contract with Dosan, of Indian Trail NC, in the amount of $359,300 and to further authorize change orders if needed, up to the contingency amount of $35,930 (10%) for Richmond Hill Park restroom facility and picnic shelter.

RESOLUTION BOOK NO. 41 - PAGE 92

M. RESOLUTION NO. 19-224 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW AN EXISTING INSURANCE BROKER OF RECORD AGREEMENT WITH INSURANCE SERVICE OF ASHEVILLE FOR FISCAL YEAR 2019-20 AND AUTHORIZE PROVIDING THE INSURANCE SERVICES THROUGH JUNE 30, 2021

Action Requested: Adoption of a resolution authorizing the City Manager to renew an existing Insurance Broker of Record agreement with Insurance Service of Asheville (ISA) for Fiscal Year 2019-20 and authorize providing the insurance services through June 30, 2021.

Background:

- The City of Asheville (City) Risk Management Division (Risk) works with Insurance Service of Asheville (ISA) to obtain insurance policies to address City risk and loss exposures, including but not limited to: property, auto, equipment, excess liability, excess workers' compensation, dam liability, crime, and builder's risk.
- In the Spring of 2016, Insurance Broker of Record Services were sought via a Request for Proposals and ISA was the best proposer.
- In September of 2016, a contract was entered into with ISA to provide Insurance Broker Services for one year, with the option for the City to renew four additional years.
- Annually, ISA contracts total $29,900 annually.
- As a result of multiple years of ISA Service provision, the aggregate value of ISA's Service contract will exceed $90,000 in Fiscal Year 2020, necessitating City Council authorization for Services to continue in Fiscal Year 2020 and Fiscal Year 2021.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Ensures Service continuity to support the City insurance program.

Con(s):

- None.

Fiscal Impact:

- Contract expenses for Insurance Broker Services are budgeted within the Property & Liability Fund and adopted with the Fiscal Year 2019-20 budget. The ISA contract is contingent on budget appropriations in future fiscal years.

Motion:

- Motion to adopt a resolution authorizing the City Manager to renew an existing Insurance Broker of Record contract with ISA for Fiscal Year 2019-20 and authorize ISA to provide services through June 30, 2021.

RESOLUTION BOOK NO. 41 - PAGE 93

N. RESOLUTION NO. 19-225 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A THREE-YEAR CONTRACT WITH HOMEWARD BOUND OF WESTERN NORTH CAROLINA FOR THE OPERATION OF A HOMELESS STREET OUTREACH PROGRAM

Action Requested: Authorize the City Manager to execute a contract with Homeward Bound of Western North Carolina to implement a homeless street outreach program.

Background:

- Council allocated $150,000 in the adopted Fiscal Year 2019-20 budget for Homeless Street Outreach services.
- Under this contract, Homeward Bound will assist APD and AFD in referrals and issues related to persons experiencing homelessness, work collaboratively with APD officers to

de-escalate crises and divert arrest when appropriate, and educate businesses and residents in areas most impacted by the presence of people experiencing homelessness.
- Homeward Bound of Western North Carolina is the only qualified organization with capacity to effectively operate the program.
- Program can launch 30-45 days after execution of a contract, with 1 FTE person for 3 years, $50,000 each year.

Council Goal(s):
- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):
- None

Pro(s):
- Provides assertive street outreach for homeless populations not currently being served.

Con(s):
- None

Fiscal Impact:
- $50,000 cost each year for 3 years, total cost of $150,000 over 3 years.

Motion:
- Authorize the City Manager to execute a contract with Homeward Bound of Western North Carolina for a total of $150,000, with annual cost not to exceed $50,000 each year.

RESOLUTION BOOK NO. 41 - PAGE 94

O. RESOLUTION NO. 19-226 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BRADLEY & CONNER GRADING CONTRACTORS, FOR THE LAKE CRAIG SEDIMENT REMOVAL PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Bradley & Conner Grading Contractors, Inc. in the amount of $261,244.25 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $39,186.64 (15%) for a total budget of $300,430.89 for the Lake Craig Sediment Removal Project.

Background:
- The contract was advertised on August 21, 2019, with a Bid Due date of September 3, 2019 (informal, thus no public bid opening).
- During the non-mandatory pre-bid meeting, a total of (8) contractors attended this meeting.
- Bids were reviewed on September 3, 2019. Three (3) bids were received.
- The lowest responsive, responsible bidder was Bradley & Conner Grading Contractors, Inc.
- Construction is anticipated to start around mid-October. Weather permitting, the project should be completed in just over a month.

Vendor Outreach Efforts:
- Staff performed outreach to minority and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System, City of Asheville website, City of Asheville Twitter Account, and requiring prime contractors to

reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- With this contract being in the informal range, the decision was made not to require Performance and Payment Bonds in order to open up opportunities for MWBE firms to be able to bid on this project.
- Past contractors who have shown interest in bidding on City of Asheville projects were informed about the project's advertisement. During preparation for advertising this contract, the contract was shared with the Business Inclusion Manager in the Community & Economic Development Department.
- Out of the three (3) bids received, only one bidder is a certified firm. This certified firm is a Small Business Enterprise (SBE), but the firm was not selected because the bid amount was significantly higher than all other bids received.

Council Goal(s):
- A Financially Resilient City

Committee(s):
- None

Pro(s):
- The contract will restore the area to conditions that were designed to help reduce flooding from the Swannanoa River.

Con(s):
- Construction may be somewhat disruptive to nearby residences.
- Also, traffic to the Nature Center and soccer fields may be impacted at times.
- Efforts will be made to notify the public and minimize disruptions.

Fiscal Impact:
- Funding that was originally budgeted in the Stormwater Capital Improvement Program (CIP) for contracted pipe replacement is being used to fund this project.
- Pipe replacement moving forward will be performed by in-house crews in the Stormwater Operating Fund budget.

Motion:
- Motion to adopt a resolution authorizing the City Manager to execute a contract with Bradley & Conner Grading Contractors, Inc. in the amount of $261,244.25 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $39,186.64 (15%) for a total budget of $300,430.89 for the Lake Craig Sediment Removal Project.

RESOLUTION BOOK NO. 41 - PAGE 95

P. RESOLUTION NO. 19-227 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SETTLEMENT, RELEASE, AND INDEMNIFICATION AGREEMENT WITH THE LONG SHOALS PARTNERS LLC.

Action Requested: Adoption of a resolution authorizing the City Manager to execute a Settlement, Release, and Indemnification Agreement with Long Shoals Partners, LLC.

Background:
- In 2005, the City annexed property located at 291 Long Shoals Road.

- As part of the annexation, the City was required to update the utilities located on the annexed property and bring them up to City-standards.
- The Council-approved annexation plan specifically provided that the City would pay to extend sanitary sewer services to the annexed property located at 291 Long Shoals Road.
- Since the time of annexation, the previous owner of 291 Long Shoals Road had been in regular contact with the City regarding how and when the City would be allowed to install the sanitary sewer line at his property, but the line was not actually installed before that previous owner elected to sell the property earlier this year.
- The current owner of the property, Long Shoals Partners, LLC, wishes to install a much more complex sanitary sewer system on the property than the City originally agreed to install.
- The property owner has accordingly agreed to accept a one-time payment in lieu of the City installing the sanitary sewer lines. The amount of this payment, $92,148, is based on an estimate of the actual cost to install the length of sewer line the City originally planned to install.

Council Goal(s):
- Well-Planned and Livable Community

Committee(s):
- None

Pro(s):
- The execution of this Agreement will extinguish the City's obligation to install any sewer systems at 291 Long Shoals Road.

Con(s):
- Will require the City to pay $92,148.

Fiscal Impact:
- Funding for this one-time payment of $92,148 will come from the FY 2019-20 Budget allocated to the Capital Improvement (CIP)/Debt model.

Motion:
- Motion to adopt a resolution authorizing the City Manager to execute a Settlement, Release, and Indemnification Agreement with Long Shoals Partners, LLC, and issue a one-time payment to Long Shoals Partners, LLC in the amount of $92,148.

RESOLUTION BOOK NO. 41 - PAGE 96

Q. RESOLUTION NO. 19-228 - RESOLUTION GRANTING PERMISSION FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE MEDSTREAM ANESTHESIA FUNDRAISER ON SEPTEMBER 28, 2019

Action Requested: Adoption of resolution to permit the possession and consumption of malt beverages and/or unfortified wine at the Medstream Anesthesia Fundraiser.

Background:
- The following organization has requested that City Council permit them to serve beer and/or unfortified wine at their event and allow for consumption at the event:

- American Cancer Society for the Medstream Anesthesia Fundraiser, to occur on September 28, 2019, at Carrier Park from 5:00 p.m. - 8:00 p.m.

- Alcohol boundary is defined as per the accompanying event site map.

Council Goal(s):
- This action has no direct connection with the City Council 2036 Vision.

Committee(s):
- None

Pro(s):
- Allows fundraising opportunity for the sponsoring nonprofit organization

Con(s):
- None

Fiscal Impact:
- None

Motion:
- Motion to permit the possession and consumption of malt beverages and/or unfortified wine at the Medstream Anesthesia Fundraiser.

RESOLUTION BOOK NO. 41 - PAGE 97

Four individuals urged Council to adopt a climate emergency resolution for Asheville. Mayor Manheimer said that the first step for Council to consider the resolution is that it be reviewed by the Sustainable Advisory Committee on Energy & Environment and it's on their agenda for October 16, 2019.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Mayfield moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

A. CONTINUATION OF PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF THREE PARCELS FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS DISTRICT EXPANSION/ CONDITIONAL ZONING FOR THE CONSTRUCTION OF A MIXED-USE BUILDING AT 71 BROADWAY AND 61 AND 67 NORTH MARKET STREET

Mayor Manheimer announced that on September 10, 2019, this public hearing was held and at the applicant's request, in order to meet with Asheville City Market vendors/ representatives, adjoining business owners, etc., this public hearing was continued until this date.

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to conditionally zone three parcels from Central Business District to Central Business District Expansion/Conditional Zone for the construction of a mixed-use building at 72 Broadway Avenue

and 61 and 67 North Market Street. She said the proposal is for new mixed-use building containing 138 hotel rooms, 37 residential units (including affordable and live/work units), approximately 1,187 square feet of retail space, additional restaurant/bar space within the building associated with the hotel use, and 126 structured parking spaces. At the September 10 meeting, what was mostly discussed as far as concerns had to do with the general lodging use itself and everything else was primarily based on the impact to the Asheville City Market ("City Market") . The sole vehicular access point for the project is off N. Market Street and so there was a lot of discussion related to the existing footprint of the City Market that is within that area. Staff indicated at that meeting that the current policy for vehicular access during special events that are approved with road closures, such as the City Market, is that vehicular access would be prohibited. Additionally, the applicant proposed conditions that would restrict access during the City Market just to make that extra clear that they would not use that vehicular access point during the City Market hours. There was a lot of discussion at that meeting about using the alley for vehicular access during those times of the City Market that was not set into a condition. The proposal stands as it was at that time, with the condition of vehicular access being prohibited from that point on N. Market Street during the times of the City Market.

In response to Mayor Manheimer, Ms. Bernstein said that Conditions 12 and 13 read as they did on September 10 - Condition No. 12 "Access to the City Market will not be disrupted during the construction process." Condition 13 "During the times of road closure associated with the City Market in its current configuration on North Market Street in front of the development site, there will be no vehicular access to the development from the primary driveway on North Market Street, except for emergency vehicles."

Mr. Derek Allen, attorney for the developer BPR, said that at the September 10 hearing , he heard about the City Market, the alley, and hotel saturation. Regarding the City Market, he wanted to make it clear there would be no construction activities during the City Market hours. He asked that Condition 12 be replaced with language suggested by the City Market representation. Condition 12 would now read "No outside construction activities will take place during City Market operations, 6 a.m. - 2 p.m., Saturdays from April through the third Saturday in December." When we prohibited access to N. Market Street during the City Market hours (which is Condition 13), we ended up creating a perceived issue with the alley. To be very clear, there will be no access during the City Market or during other times. We now have a deal with the Masonic Temple to provide access to the north side of the property, through the parking lot. There will be no access to the alley - just for normal alley purposes such as trash rollout. There were questions about dumpsters in the alley and we know that dumpsters will not be allowed in the alley. He didn't foresee any changes to the alley use based on this property being placed at the end of that alley, other than the tip of that alley being closed in further. Where the developer owns both sides of the alley, that short portion will be closed, but the remainder of the alley use will be unchanged. To make that very clear, we propose to add a sentence to the end of Condition 13. "Ingress/egress to the site shall be routed to the north of the site through the parking lot currently owned by the Masonic Temple." We do not want to impact the City Market and we believe the revised Conditions 12 and 13 handles that. Also, we do not want to impact anyone's impact of the alley - they don't propose any changes to the use of the alley. The last issue is about hotel saturation. Since September 10, they commissioned a market study report and sent it to all of City Council. It makes clear that the market has never been stronger. The hotel market still thrived during the recession. Even with the hotels in planning, 80% and higher occupancy is forecasted. The average daily rate is forecasted to $195 - that is even with those hotels in planning and putting this one in line. This is the highest in all of North Carolina. The demand is here. Regarding the affordability part, we need to have a balance between our hospitality uses and the draw that this community has. It's not just about giving money to the Affordable Housing Trust Fund. It's about building units. And this project does that. There are 37 residential units proposed, 22% of which will be affordable housing and not just barely affordable housing, but 60% AMI for 50 years. Some units are even designed to be

owner-occupied. If the moratorium is approved, we will have some criteria for hotels and he hoped that it includes a lot of things that this project includes. He urged Council to approve this project.

Mayor Manheimer said that the study Mr. Allen sent to Council looked like it did a deep dive into the Airbnb market in the area. Mr. Allen said that is included as an additional point. He felt the report showed that the Airbnb market doesn't put a measurable dent into the hotel occupancy rates, despite the fact that Airbnbs are on the rise.

In response to Councilwoman Mayfield, Ms. Bernstein said that while the access from the parking deck onto the Masonic Temple parking lot, is a design change, it's not a change to the site plan. The only facade that would be affected is an internal property line, so there would not be any technical or design review concern with that.

Councilwoman Mayfield moved to deny the conditional zoning request for the project known as Create Broadway from Central Business District (CBD) to Central Business Expansion District (CBD EXP CZ) for the construction of a new mixed-use building and find that the denial is reasonable, is in the public interest, and is consistent with the city's comprehensive plan in that: 1) the project is primarily lodging in use, and as such, does not meet the comprehensive plan goal of a diverse and sustainable mix of uses in the downtown as it would contribute to a growing concentration of lodging uses and loss of opportunity for other new uses; and 2) the proposed access to/from the development is not sufficient. This motion was seconded by Councilman Young.

Mayor Manheimer opened the parking lot at 5:51 p.m. and asked that public comment be limited to any changes since the September 10 meeting.

Mr. Mike McCreary, representing the management of the Asheville City Market, acknowledged the efforts of the developer to avoid any negative impacts on the City's downtown Farmers Market. He confirmed Condition No. 12 as the developer revised. In Condition No. 13, he opposed the phrase "in its current configuration" as suggestive of there being an alternative configuration to be considered.

Nine individuals spoke in opposition to the project for various reasons, mainly because of concerns surrounding the alley and the saturation of hotels in the downtown.

Five individuals spoke in support of the project for various reasons, mainly because this will be a partner on the needed affordable housing, and the need for mixed use developments.

Mayor Manheimer closed the public hearing at 6:17 p.m.

The motion made by Councilwoman Mayfield and seconded by Councilman Young to deny the conditional zoning request carried unanimously.

B. PUBLIC HEARING TO CONSIDER REZONING PROPERTY LOCATED AT 940 WEST CHAPEL ROAD FROM NEIGHBORHOOD BUSINESS DISTRICT TO RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT

ORDINANCE NO. 4764 - ORDINANCE TO REZONE PROPERTY LOCATED AT 940 WEST CHAPEL ROAD FROM NEIGHBORHOOD BUSINESS DISTRICT TO RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT

Urban Planner Sasha Vrtunski said that this is the consideration of an ordinance to rezone property located at 940 West Chapel Road from Neighborhood Business District to RS-8

Residential Single-Family High Density District. This public hearing was advertised on September 13 and 20, 2019.

Action Requested: Rezone the property located at 940 West Chapel Road (PIN 9647-94-6312) from Neighborhood Business (NB) to Residential Single-Family High Density District (RS-8) and amend the City's Future Land Use Map for the purpose of supporting residential redevelopment.

Project Location and Contacts:

- The project site consists of one parcel with a total area of 0.5 acre located at 940 West Chapel Road (PIN 9647-94-6312) that is owned by JCS III LLC.
- Petitioner/Contact: Carr Swicegood.

Summary of Petition:

- The subject property includes a single 0.5 acre lot zoned NB and located on the northeast corner of West Chapel Road and London Road in the Shiloh community.
- The subject property currently has a small commercial structure (approximately 2600 square feet with a basement) along with a parking area. The structure is vacant and in need of repair.
- The subject property is surrounded by RS-8 zoned properties.
- The purpose of the RS-8 zoning district is to provide areas for higher density single-family dwellings and promote a suitable environment for single-family living.
- The area is identified as Neighborhood Center on the Future Land Use map, which describes areas that can be home to small businesses that serve neighborhoods with uses such as restaurants, pubs, grocers and clinics.
- The rezoning would require a change to the Future Land Use map. If approved, the land use designation would be changed to Traditional Neighborhood, which is how the surrounding property is categorized.
- This property has been included in the Draft African Amercian Heritage Resources Survey as it previously was occupied by a grocer in the 1940's that served the Shiloh community.
- Although not officially on the National Register, the property could be recognized in the future through a marker, but that is not included with this rezoning.
- The Shiloh Neighborhood Plan supports both the expansion of housing options and preserving the character of the community, but no direct goals stating that existing commercial structures should be preserved or demolished.

Comprehensive Plan Consistency:

- The Living Asheville Plan recognizes the benefits of small businesses in neighborhoods through the Future Land Use category of Neighborhood Center, and speculates that this is a use that could be developed in other neighborhoods. There is not a direct goal in the plan stating that Neighborhood Centers or uses should be retained (page 340).
- The Comprehensive Plan generally supports historic preservation as a tool for placemaking, retaining community character, and recognizes the link between historic buildings and local businesses (page 152). This proposal would almost certainly result in the loss of a historic building.
- However, expanding housing in this area is also consistent with the Comprehensive Plan by increasing the housing supply (page 178) and the proposed Traditional Neighborhood designation.

Compatibility Analysis:

- The surrounding parcels are also zoned RS-8, therefore this rezoning would be compatible.
- The rezoning supports redevelopment of the property, which has remained vacant and underutilized for an extended period of time.

- Redevelopment of the property will discourage vagrancy and other nuisance issues that can be related to vacant properties.

Council Goal(s):
- A Well Planned and Livable Community

Committee(s):
- Planning & Zoning Commission - July 18, 2019 - recommended approval (6-1)

Staff Recommendation:
- Staff finds that the proposed rezoning is both consistent and compatible with the existing neighborhood development pattern, the Living Asheville Comprehensive Plan and other city goals.

Mr. Carr Swicegood, applicant, said that he will remove a dilapidated building and replace it with new homes, along with sidewalks. He has agreed with the Shiloh Community Association to install a plaque on the property to represent the grocery store that had been there for years in the Shiloh community.

Mayor Manheimer opened the public hearing at 6:25 p.m.

Ms. Norma Baynes, Assistant Liaison to the Shiloh Community Association, spoke in support of the rezoning; however, they requested to see all plans for the houses. They are concerned that the plan provided for the houses do not support their 2025 vision for housing that supports the historic character of their neighborhood. The Shiloh Community Association is not in support of staff approval of Level I projects that look like huts. The Association also felt like the six homes will cause a potential traffic problem at that intersection.

Ms. Nina Tovish felt this area is a good spot for mixed use development.

Mayor Manheimer closed the public hearing at 6:35 p.m.

Mayor Manheimer said that this is a straight rezoning and there is not a proposal for City Council to consider. It is only a change in the use of the property.

When Councilwoman Smith suggested a bus shelter for the bus stop, Ms. Vrtunski explained that this is not a conditional zoning where we can impose conditions upon the applicant.

Councilman Young suggested the applicant meet again with the Shiloh Community Association to see if they can come up with a compromise of what the applicant wants to do with the property and what the Association feels is compatible with their Shiloh 2025 Plan. Mr. Swicegood responded that he held a neighborhood meeting with the Association and has since then provided them with a copy of his plans, which are three houses, with an accessory dwelling unit behind each house. He anticipated the accessory dwelling units would be used for long-term rentals or purchase. He felt this is a fair plan with his compromise of no two-story houses and the historical plaque.

Ms. Vrtunski said that since this is a straight rezoning, Mr. Swicegood is not obligated to proceed with this plan. The design is not to be considered with a straight rezoning.

Mr. Swicegood said that they have built several houses in the neighborhood and heard no complaints. He said they have every intention of building this project right. Ms. Baynes

responded that the Association supports the rezoning; however, their problem is with the design of the houses. Mr. Swicegood agreed to meet again with the Association to discuss the plan.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Young moved to approve the rezoning request for the project known as 940 West Chapel Road from Neighborhood Business (NB) to Residential Single-Family High Density District (RS-8) and find that the request and resulting Future Land Use Map amendment from Neighborhood Center to Traditional Neighborhood is reasonable, is in the public interest, is consistent with the city's comprehensive plan, and meets the development needs of the community in that 1) it will support the redevelopment of the land; 2) it assigns a zoning designation that is more compatible with the surrounding properties; and, 3) it will allow for the construction of single family homes that are compatible with the surrounding neighborhood. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

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C. PUBLIC HEARING TO CONSIDER REZONING PROPERTY LOCATED AT 99999 LAKESIDE DRIVE FROM RS-4 RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT

ORDINANCE NO. 4765 - ORDINANCE TO REZONE PROPERTY LOCATED AT 99999 LAKESIDE DRIVE FROM RS-4 RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO RM-8 RESIDENTIAL MULTI-FAMILY MEDIUM DENSITY DISTRICT

Urban Planner Vaidila Satvika said that this is the consideration of an ordinance to rezone property located at 99999 Lakeside Drive from RS-4 Residential Single-Family Medium Density District to RM-8 Residential Multi-Family Medium Density District. This public hearing was advertised on September 13 and 20, 2019.

Action Requested: Request to rezone a single parcel of property currently zoned Residential Single-Family, Medium Density District (RS-4) to Residential Multi-Family, Medium Density District (RM-8).

Project Location and Contacts:

- The project site consists of one parcel with a total area of 3.73 acres located at 99999 Lakeside Dr. (PIN 9628-13-2010) that is owned by Asheville West LLC.
- Petitioner/Contact: Jim Rahe.

Summary of Petition:

- The subject property is currently vacant and undeveloped.
- The proposal seeks to rezone property from Residential Single-Family Medium Density (RS-4) District to Residential Multi-Family Medium Density District (RM-8). If approved, the rezoning would allow for a subdivision of 6-10 residential lots.
- The petition does not affect the Future Land Use category of "Residential". As described in the Comprehensive Plan Consistency section of this report "Residential" covers a variety of housing types and densities.

Comprehensive Plan Consistency:

- This proposal is largely consistent with the Living Asheville Comprehensive Plan in that the "Residential" Future Land Use category allows for a variety of housing types, from lower density, single-family (RS-2) zoning districts to higher density multifamily (RM-16) zoning districts.
- The plan also acknowledges that more flexibility for development should be encouraged "in areas that could impact the natural environment, such as waterways or steep slope areas,..." (pg. 346.)

Compatibility Analysis:

- The subject property is on the edge of the city's corporate limits and is bordered by Buncombe County's jurisdictional territory to the west and south.
- Property across the street to the east is zoned RM-8 while larger lots to the north are zoned RS-4. This property may serve as a transition between the higher density RM-8 and lower density RS-4.
- The rezoning would result in smaller building setbacks that would allow future structures to be placed closer to the street, which is consistent with the development pattern along other parts of Lakeside Drive, less than a quarter mile away.
- If approved the rezoning would allow for a subdivision of residential lots, or a small multi-family structure.
- The rear of the site contains a stream that requires a 30 foot buffer, which limits the buildable area. By changing the zoning to RM-8, the front setback would be reduced and would provide more buildable area closer to the road. This would help to preserve the integrity of the stream buffer and potentially limit other environmental impacts.

Council Goal(s):

- A Well-Planned and Livable Community
- A Clean and Healthy Environment

Committee(s):

- Planning & Zoning Commission - September 4, 2019 - recommended approval (7-0)

Staff Recommendation:

- Staff finds that the proposed rezoning is consistent and compatible with the existing neighborhood development pattern, the Living Asheville Comprehensive Plan and other city goals.

Mr. John Hale, applicant, said that even though the rezoning would allow for multi-family, he is looking to build seven single-family homes.

Mayor Manheimer opened the public hearing at 6:53 p.m., and when no one spoke, she closed the public hearing at 6:53 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Young moved to approve the rezoning request for the project known as 99999 Lakeside Drive from Residential Single-Family Medium Density District (RS-4) to Residential Multi-Family Medium Density District (RM-8) in order to support infill residential development and find that the request is consistent with the city's comprehensive plan, is reasonable, and is in the public interest in that: 1) it allows for flexibility for infill residential development; 2) the proposed pattern of development is consistent with the current neighborhood character; and 3) the proposal provides environmental benefits by encouraging grading and development to take place further from the stream. This motion was seconded by Councilwoman Mayfield and carried unanimously.

ORDINANCE BOOK NO. 32 – PAGE 424

D. PUBLIC HEARING TO CONSIDER A TEMPORARY MORATORIUM ON HOTEL DEVELOPMENT APPROVALS WITHIN THE CITY OF ASHEVILLE

ORDINANCE NO. 4766 - TEMPORARY MORATORIUM ON HOTEL DEVELOPMENT APPROVALS WITHIN THE CITY OF ASHEVILLE

Planning & Urban Design Director Todd Okolichany said that this is the consideration of an ordinance to place a temporary moratorium on hotel development approvals within the City of Asheville. This public hearing was advertised on September 13 and 20, 2019.

Action Requested: Adoption of an ordinance imposing a temporary moratorium on hotel development approvals within the City of Asheville.

Background:

- The City of Asheville has experienced an influx of new hotel applications over the past few years. Since 2015, 1,344 hotel rooms have opened in the city out of 2,761 total rooms that have been approved. Of that, approximately 39% of have been approved in the Central Business District.
- The Living Asheville Comprehensive Plan Assessment Report further notes that Accomodation and Food Service, which includes lodging, is a key industry sector in the City with a location quotient higher than the national average.
- Community members, staff and Council have expressed concerns about the impact of hotels.
- The City currently lacks concrete policies, strategies and tools to effectively manage the impacts of these uses resulting in uncertainty for developers, staff and community members.
- To effectively respond and provide some level of certainty and to determine acceptable hotel development proposals, city staff recommends enhancing the city's land use policies, tools and strategies to better regulate hotel development.
- Consideration of additional hotel development should be suspended via a temporary moratorium up to 12 months to provide the time needed to determine impacts and remedies.
- During the duration of the moratorium, the following actions are proposed:

  Phase 1 (three months)
  - Contract with the Urban Land Institute Charlotte District Council to conduct a planning process that includes two community engagement sessions, analysis of the hotel industry, assessment of impacts, research of best practices, and a report on best land use practices and policy recommendations for hotel development.

  Phase 2 (up to nine months)
  - Supplemental research and analysis by city staff, creation of a community engagement plan, and draft regulatory changes, strategies and tools for Council consideration.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- Planning and Economic Development Committee (PED) - August 29, 2019 - support shown to move forward to the full Council.

- City Council - September 10, 2019 - motion setting a public hearing on September 24, 2019 to consider a temporary moratorium on hotel development approved 7-0.

Pro(s):

- Gives the city time to better understand the impacts of new hotel development and mitigation requirements.
- Allows for research of best practices and to enhance the city's land use policies, tools and strategies.
- Will provide clearer direction to applicants of new hotel developments, City Council and the community.

Con(s):

- No new hotels will be approved during the duration of the temporary moratorium.

Fiscal Impact:

- The city will be contracting with the Urban Land Institute Charlotte District Council to conduct a Technical Assistance Panel and draft a report on policy recommendations regarding hotel development. The cost of this contract is $15,000 and will be paid from the existing Planning Services Department budget. City staff resources will also be required.

Councilman Haynes requested the following two areas be made part of the impact assessment. The first is the tourism and future developments negative effects on the environment. With the call for the City to proclaim a climate emergency, which he fully supports, and for us to make it a part of our Comprehensive Plan, it would be wrong to not make this part of the assessment. The other item he would like to see a part of the assessment is the Tourism Development Authority's $20 Million marketing budget. He questioned what role that plays in the affordability issues plaguing our City. With a $20 Million marketing budget for a City our size does not seem right. The City of Wilmington has a $5 Million marketing budget and there are larger cities with similar make-up.

Councilwoman Mayfield said that she hoped that during the moratorium we explore mixed use involving hotels.

Mayor Manheimer opened the public hearing at 6:58 p.m.

Fifteen individuals spoke in support of the moratorium.

Three individuals spoke against the moratorium.

Mayor Manheimer closed the public hearing at 7:45 p.m.

Councilman Young has heard a common theme of the intersection between hotels, housing, and how hotels affect the quality of life. With this moratorium, Council is challenged to move forward in a very strategic and purposeful way of developing policy. We are expected to come out of the moratorium with some sound policy that includes some answers to questions raised of the impacts; infrastructure; and the intersection of hotels and housing. Moving forward his specific contribution to the conversation is going to be on building affordable housing and that contribution to our community. A couple of affordable units might not seem much, but we need to explore how all that fits together. We have the obligation to explore everything across the board on how we attack this situation.

Councilwoman Mayfield spoke about the legal scope on things we can explore during this moratorium, and also what we can do in the timeframe of the moratorium. She said the Tourism

Development Authority (TDA) has a planning process now for their Tourism Management & Investment Plan. They have had public input but there will be more. The hope for the outcome of that process is that there will be a list of local government projects and other opportunities to use the occupancy tax money to invest in our community in a way that is broader than happens now. She encouraged everyone to participate in that process. She doesn't think it will be possible with the current legislature for the City to unilaterally secure a change. From her standpoint, this is an opportunity for the City and the TDA to find a way to cooperate so that more of those occupancy tax dollars come to the City to meet the needs of our residents in a way that everyone has expressed. Regarding affordable housing, we have more tools in our toolbox than any City in North Carolina. We are doing a lot on affordable housing and will be doing more - we will be adopting a policy later in this meeting; there is a community land trust coming on board; and a fee rebate policy will be coming soon. Our affordable housing staff continues to build that toolbox that will incentivize and make it better and easier for us to build affordable housing. Regarding climate change, Asheville has been working on this issue with our first set of climate goals since 2007 and we have upped the game twice since then, including the resolution on renewable energy. That resolution doesn't just commit us to reaching the goals on our own municipal operation, it also commits us to supporting and working with the County to reach the larger community goal. We have committed ourselves to that. We are doing a lot and it is moving. We are doing more around climate change than any city in North Carolina.

Mayor Manheimer's only concern about this process is that we set some sort of expectation that this Council can fix all things. Most people know that we can't. We are the front line of so many issues in a community, whether technically it's within our authority-wise jurisdiction or not. She is looking forward to this innovative process. Maybe we can set a precedent for other communities that are having similar experiences to ours.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mayfield moved to adopt an ordinance imposing a temporary moratorium on hotel development approvals within the City of Asheville, including "Hotel, extended stay", "Hotel, large" and "Hotel, small" as defined in Section 7-2-5 of the City's Unified Development Ordinance, commencing September 24, 2019 and expiring no later than September 24, 2020. This motion was seconded by Councilman Young and carried unanimously.

ORDINANCE BOOK NO. 32 – PAGE 427

E. PUBLIC HEARING TO CONSIDER AMENDING THE CITY OF ASHEVILLE CHARTER TO PROVIDE FOR AT-LARGE ELECTIONS FOR MEMBERS OF THE CITY OF ASHEVILLE CITY COUNCIL

City Attorney Brad Branham said that this is a public hearing to consider amending the City of Asheville Charter to provide for at-large elections for members of the City of Asheville City Council. This public hearing was advertised on September 13, 2019.

Background:

- On June 29th, 2018, the N.C. State legislature ratified SB 813 which altered the form of Asheville City Council elections.
- The new local act moved City Council elections from odd to even years, removed primary elections, and established five election districts.
- Under the current law, the City Council will be made up of seven council members, including the Mayor. Five members will be elected from and by their respective districts, while one member and the Mayor will be elected at-large.

- The two proposed charter amendments would reinstate primary elections to be held in March, and return all Council positions to at-large elections.
- On September 10, 2019, City Council adopted two resolutions of intent to set the public hearings on the City of Asheville Charter amendments on September 24, 2019.

Council Goal(s):
- An Equitable and Diverse Community
- A Connected and Engaged Community

Committee(s):
- Governance Committee - July 29 (Converted to Full Council Worksession)

Pro(s):
- Returns City Council elections to a form as close as possible to what existed prior to enactment of SB 813.

Con(s):
- A Charter amendment can be further amended by State action
- May result in diminished goodwill and additional provocation from the General Assembly

Fiscal Impact:
- None at this time.

Mayor Manheimer opened the public hearing at 8:21 p.m.

Seven individuals spoke against changing the Charter back to at-large elections, with three supporting Councilman Kapoor's proposal of adding two additional at-large members.

Three individuals spoke in favor of changing the Charter to provide for at-large elections.

Mayor Manheimer opened the public hearing at 8:42 p.m.

Mayor Manheimer said that this amendment will be voted on by the City Council on October 22, 2019, at which time no additional public comment will be taken.

F. PUBLIC HEARING TO CONSIDER AMENDING THE CITY OF ASHEVILLE CHARTER TO PROVIDE THAT ASHEVILLE CITY COUNCIL ELECTIONS BE CONDUCTED BY THE NONPARTISAN PRIMARY AND ELECTION METHOD

City Attorney Brad Branham said that this is a public hearing to consider amending the City of Asheville Charter to provide that Asheville City Council elections be conducted by the nonpartisan primary and election method. This public hearing was advertised on September 13, 2019.

Background:
- On June 29th, 2018, the N.C. State legislature ratified SB 813 which altered the form of Asheville City Council elections.
- The new local act moved City Council elections from odd to even years, removed primary elections, and established five election districts.
- Under the current law, the City Council will be made up of seven council members, including the Mayor. Five members will be elected from and by their respective districts, while one member and the Mayor will be elected at-large.
- The two proposed charter amendments would reinstate primary elections to be held in March, and return all Council positions to at-large elections.

- On September 10, 2019, City Council adopted two resolutions of intent to set the public hearings on the City of Asheville Charter amendments on September 24, 2019.

Council Goal(s):
- An Equitable and Diverse Community
- A Connected and Engaged Community

Committee(s):
- Governance Committee - July 29 (Converted to Full Council Worksession)

Pro(s):
- Returns City Council elections to a form as close as possible to what existed prior to enactment of SB 813.

Con(s):
- A Charter amendment can be further amended by State action
- May result in diminished goodwill and additional provocation from the General Assembly

Fiscal Impact:
- None at this time.

Mayor Manheimer opened the public hearing at 8:43 p.m.

Six individuals spoke in favor of amending the City's Charter to provide that Asheville City Council elections be conducted by the nonpartisan primary and election method, with some wishing this action would have taken place sooner.

Mr. Jake Quinn, Chair of the Buncombe County Board of Elections said that operationally the County Board of Elections can handle a March primary.

Mayor Manheimer closed the public hearing at 8:58 p.m.

Mayor Manheimer said that regarding the timing issue, this is not something we have been ignoring. This requires careful planning. There was some thought put into the timing. We don't take lightly in taking on Raleigh and we have seen very real consequences in engaging in that kind of warfare. There will be a repuccision so we have to decide carefully what we are willing to take on.

Councilman Kapoor felt we have not done community engagement on what system best serves the average Asheville citizen. He has not heard why returning to an at-large system is good for Asheville. He said that Equity and inclusion is serious piece in this City and on an issue as important as districting and how we choose our representations, we did not have the Office of Equity and Inclusion look at this issue. He was concerned that we did not have community engagement in the African American community on as an important issue as this.

Councilwoman Mayfield felt we need to be responsive to our voters who have said that they want us to restore what Raleigh took away from us. Our ability to have a different conversation about some of the other options will be difficult until we do that very clearly. Perhaps at a future Governance Committee she proposed assigning Council members to different parts of the City for purposes of having a point person for the constituents to direct their inquiries/complaints/comments. Obviously anyone can email anyone on Council about anything, but sometimes an individual Council member might think that someone else is responding and it doesn't get answered. There is room to see how Council can structure themselves to better serve our constituents and give people a very clear entry point into the maze of City government.

Councilman Young said that as an African American man, he does have the ability to speak for the African American community. He was born and raised in Asheville and has knocked on hundreds of doors to speak with and share conversations with his African American community. He was an advocate for our Equity and Inclusion Office, the Human Relations Commission, Banning the Box, and organizations accepting Housing Choice Vouchers.

Councilwoman Smith said that the voters have spoken and they don't want a different election system. Our current at-large system has produced two African American Council members that they favor. To change the system now will be a detriment to our entire community. Our current at-large system is equally powerful in getting people on Council as it has to keep people off Council.

Councilman Kapoor said he did not mean to be disrespectful to Councilwoman Smith or Councilman Young.

When Councilman Kapoor asked if we could have the Office of Equity and Inclusion look at this issue before it comes to Council before a vote, Mayor Manheimer suggested we place it on a Council committee agenda for their consideration when we have some time to discuss and think about it.

Mayor Manheimer said that this amendment will be voted on by the City Council on October 22, 2019, at which time no additional public comment will be taken.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 19-229 - RESOLUTION ADOPTING A POLICY ENTITLED "POLICIES FOR IMPLEMENTING AFFORDABLE HOUSING ON CITY-OWNED LAND"

Real Estate Program Director Nikki Reid said that this is the consideration of a resolution to adopt a policy entitled "Policies for Implementing Affordable Housing on City-Owned Land."

Action Requested: Approval of a resolution to adopt a policy for developing City-owned land for affordable housing entitled "Policies for Implementing Affordable Housing on City-owned Land."

Background:

- In 2015, the City adopted the "Comprehensive Housing Strategy and Policy Framework" which included the use of City-owned land as development sites for the creation of new affordable housing.
- In the coming months, the City is seeking to solicit development proposals for properties at 319 Biltmore Avenue and 91 Riverside Drive as part of the implementation of the Affordable Housing Bond Program.
- To guide this effort and any future development of other City property for affordable housing, staff developed a set of policies to establish procedures, affordable housing goals and financial incentives when developing affordable, mixed-income communities on City-owned land. This set of policies was based on research of national best practices, existing regional policies and policy discussions from the Affordable Housing Work Session.
- Staff performed a review of the policy using the "Racial Equity Toolkit: An Opportunity to Operationalize Equity", as prepared by the Local and Regional Government Alliance on Race and Equity, as a tool to "integrate explicit consideration of racial equity in

decisions." As part of this process, community input was sought from the Affordable Housing Advisory Committee, a stakeholder focus group of community advocates, and a stakeholder focus group of local nonprofit and for-profit developers.

- Goals of the policy include the following:
  - Affordable Housing Baseline #1: When developing City property, it is the City's baseline goal to obtain a minimum of 20% of total units (rental or for-sale) as affordable to and occupied by households at or below 60% Area Median Income, and to accept Housing Choice Vouchers.
  - Affordable Housing Baseline #2: When developing City property, it is the City's baseline goal for the affordable housing to maintain an affordability period of at least 20 years, with a strong preference towards an affordability period of 30 years or longer. A recordable enforcement mechanism, such as but not limited to, a deed restriction or some other contractual provision specifying the affordability conditions shall be required.
  - Exceeding the baseline: It is the City's strong preference that the development of City property exceed these baselines, where appropriate, and/or offer other community benefits.
- The Executive Summary of the policy and draft of the full policy are enclosed for reference.
- On September 6, 2019, City Council held an Affordable Housing Work Session and discussed the realities of local affordable housing needs, barriers to building affordable housing and the role of the City in the development of affordable, mixed-income communities.
- At this meeting staff also tested and Council agreed to support the staff's recommendation to do the following:
  - evaluate funding streams for affordable housing to include mission driven developers and social equity funders;
  - approve a policy for the disposition of City-owned Land for affordable housing;
  - evaluate update and approve regulations around zoning & housing to include a mix of housing types; and,
  - continue to be the Collaborator / Convenor for affordable housing.

Council Goal(s):

- Well Planned and Livable Community
- Quality Affordable Housing

Committee(s):

- Affordable Housing Advisory Committee - provided feedback and suggested changes.
- Housing & Community Development Committee reviewed the item at their April 2019 meeting and provided feedback and suggested changes.

Pro(s):

- Policies will enhance transparency and provide a clear process for developing City land for affordable housing.
- Policies set forth goals for creating affordable housing and achieve other community benefits.

Con(s):

- None

Fiscal Impact:

- The policy sets forth that all funds received from the sale of City land for affordable housing will be designated to be used for affordable housing. This does not apply to

properties that were acquired with Enterprise Funds or properties sold for purposes other than to support affordable housing.

When Vice-Mayor Wisler asked how will we make sure the developer adheres to the requirements, City Attorney Branham said that we have very strong effective, well-used legal tools, regardless of rental or sale.

Vice-Mayor Wisler suggested an annual report be provided to the Housing & Community Development Committee on how many affordable units we have that report to the City.

Ms. Nina Tovish urged Council to be proactive in seeking affordable housing on City property for more than 20 years.

Councilwoman Mayfield said that she is confident our staff has looked to maximize our land for affordable housing.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved to approve a resolution to adopt a policy for developing City-owned land for affordable housing entitled "Policies for Implementing Affordable Housing on City-owned Land." This motion was seconded by Councilwoman Smith and carried unanimously.

RESOLUTION BOOK NO. 40 – PAGE 100

B. RESOLUTION NO. 19-230 - RESOLUTION APPOINTING A MEMBER TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Buncombe County Tourism Development Authority.

The term of Jim Muth, as a member of the Buncombe County Tourism Development Authority, (owner or operator of a hotel, motel, bed & breakfast, or vacation rental management company with less than 100 rental units), will expire August 30, 2019.

The following individuals applied for these vacancies: Pratik Bhakta and James Poole.

On August 27, 2019, the Boards & Commissions Committee recommended interviewing both candidates

After Council spoke highly of both candidates, Pratik Bhakta received 1 vote, and James Poole received 6 votes. Therefore, James Poole was appointed as a member of the Buncombe County Tourism Development Authority, (owner or operator of a hotel, motel, bed & breakfast, or vacation rental management company with less than 100 rental units), to serve a three-year term, term to expire August 30, 2022, or until his successor has been appointed.

RESOLUTION BOOK NO. 41 – PAGE 111

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Ms. Susan Sertain spoke about the need for stricter tree policies with fines being enforced.

Ms. Vicky Meath, Director of Just Economics, spoke about the need of the transit capacity benchmarks.

Results of the September 19, 2019, Civil Service Board Employee Election

One copy of the results of the Civil Service Board employee election held on September 19, 2019, is to be filed with the City Manager and one with the City Clerk, who shall present such certification to the City Council at its next regular meeting. The Board of Canvassers provided the following certified certificate on September 20, 2019: We do hereby certify, having opened, canvassed, and determined the original returns of the Civil Service Board employee election, the results of the Civil Service Board Employee Election held on September 19, 2019, noting the name of each person voted for and the number of votes cast for each person as follows: Alan Escovitz - 44; Mike Hahn - 48.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:43 p.m.

Magdalen Burleson
CITY CLERK

Edwin M. Manheimer
MAYOR

Tuesday – October 22, 2019 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING OCTOBER 22, 2019, AS "DEERFIELD RESIDENTS APPRECIATION DAY"

Mayor Manheimer read the proclamation proclaiming October 22, 2019, as "Deerfield Residents Appreciation Day" in the City of Asheville for their proactive commitment to being a part of the solution to addressing the City's affordable housing needs. She presented the proclamation to Bob Wernet, President and CEO of Deerfields, and members of the Deerfield Community.

B. PROCLAMATION PROCLAIMING NOVEMBER 1, 2019, AS "SENIOR SUFFRAGE CENSUS KICKOFF DAY"

Councilman Haynes read the proclamation proclaiming November 1, 2019, as "Senior Suffrage Census Kickoff Day " in the City of Asheville. He presented the proclamation to Ms. Jane White. along with lead supporters MinnieJones Health Care, GO, WNC4 Peace, Veterans for Peace, Medicare 4 all WNC, Nurses United Supporters, NAACP and No Wheels of Bartlett Arms, who briefed City Council on some activities taking place during the day.

CONSENT AGENDA:

Mayor Manheimer announced that Consent Agenda Item E has been removed from consideration.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 24, 2019

B. RESOLUTION NO. 19-231 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, THE 2019 EDWARD BYRNE JUSTICE OF ASSISTANCE GRANT

ORDINANCE NO. 4767 - 2019 EDWARD BYRNE JUSTICE OF ASSISTANCE GRANT

Action Requested: Adoption of a resolution to apply for and accept the 2019 JAG Grant and adopt a budget amendment in the City's Special Revenue Fund in the amount of $60,531.

Background:

- The City of Asheville receives an annual opportunity to apply for a Department of Justice (DOJ), Edward Byrne Justice Assistance Grant.
- The DOJ has preliminarily determined that the Asheville Police Department (APD) is eligible to receive a 2019 award of $60,531.00 which is allocated to the APD and the Buncombe County Sheriff's Office in the amounts of $47,573.00 and $12,958.00 respectively.
- The APD will use the funds to pay for officer overtime related to the interdiction of the National Incident-Based Reporting System (NIBRS) Group "A" offenses. NIBRS is used by law enforcement agencies for collecting and reporting data on crimes.
- The Buncombe County Sheriff's Office will use the funds to purchase Ballistic Helmets and Armor Systems.

Council Goal(s):
- A Connected and Engaged Community

Committee(s):
- Finance & Human Resources Committee, September 24, 2019 - Directed to move forward to the full City Council
- Public Safety Committee, September 26, 2019 - Directed to move forward to the full City Council.

Pro(s):
- Ensures the ability to better protect the safety of the residents of Asheville and Buncombe County.

Con(s):
- None

Fiscal Impact:
- There is no local match required.

Motion:
- Motion to adopt a resolution approving the application and acceptance of the grant and a budget ordinance amendment to appropriate the funding.

RESOLUTION BOOK NO. 41 - PAGE 112
ORDINANCE BOOK NO. 32 - PAGE 430

C. RESOLUTION NO. 19-232 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AUTOMATIC AID SERVICE RENEWAL AGREEMENT WITH REEM'S CREEK FIRE DEPARTMENT

Action Requested: Adoption of the renewal of the automatic aid agreement between the City of Asheville and Reems Creek Fire Department

Background:
- In August 2013, City Council approved a resolution authorizing a multi-year agreement with Reem's Creek Fire Department for automatic aid service.
- The City of Asheville has a need to strengthen its standard of response and cover in the Beaverdam Valley. The Reem's Creek Fire Department is the most appropriate organization to provide the service.
- The initial agreement costs were $82,656 and as stipulated in the agreement, the costs are to be adjusted every year based on the consumer price index.
- After six years of positive consumer price index increases, the renewal for the FY19-20 services cost and are budgeted at $91,458.98.
- The term of the renewal agreement will end June 30, 2020.

Vendor Outreach Efforts:
- No other vendors are able to provide this service
- There are no Minority & Women-Owned Business Enterprise (MWBE) firms able to provide this service

Council Goal(s):
- Connected and Engaged Community
- A Well-Planned and Livable Community

Committee(s):
- Finance and Human Resources Committee - September 24, 2019 - Approved
- Public Safety Committee - September 26, 2019 - Approved

Pro(s):
- Allows standard of cover to be met greater than 90% of the time.

Con(s):
- Fiscal impact.

Fiscal Impact:
- Execution of the agreement renewal is budgeted at and costs $91,458.98.

Motion:
- Motion to adopt a resolution authorizing the City Manager to enter into a renewal agreement for automatic aid service between the City of Asheville and Reems Creek Fire Department

RESOLUTION BOOK NO. 41 - PAGE 113

D. RESOLUTION NO. 19-233 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AGREEMENT AND ASSOCIATED EQUIPMENT MEMORANDUM OF UNDERSTANDING WITH DEWINE SEEDS - SILVER DOLLAR BASEBALL LLC FOR THE CONTINUED USE OF MCCORMICK FIELD BY THE ASHEVILLE TOURISTS

Action Requested: Adoption of a resolution authorizing the City Manager to sign a lease with DeWine Seeds-Silver Dollar LLC that will continue operation of the Asheville Tourists minor league baseball at McCormick Field.

Background:
- The City of Asheville has owned the property located at 30 Buchanan Place, known as McCormick Field, since 1984 and leases the property for operation as a minor league baseball stadium.
- In January 2010, the current owner of the team, DeWine Seeds-Silver Dollar Baseball LLC, was assigned the lease by the previous team owner. That lease is set to expire on December 31, 2019.
- Starting January 2020, a short term lease is proposed for two years. A longer term lease is being negotiated that will include capital improvements.
- The DeWine organization will continue to provide day-to-day operations, maintenance of the field, and payment of all utilities. The rental rate will be $1.00/year,
- The City will continue to be responsible for all structural repairs, landscaping outside of the stadium, trash removal and pest control..
- Lessee is prohibited from using the Mountainside Park for operations and/or parking on game days. Exceptions include the staging of fireworks

Council Goal(s):
- Financially Resilient City.
- A Well-Planned and Livable Community

Committee(s):
- Recreation Advisory Board has been updated on this item.

Pro(s):
- DeWine Seeds-Silver Dollar Baseball, LLC is committed to keeping minor league baseball in Asheville.
- Both parties are continuing to negotiate terms of the agreement in order to get a longer term lease that is mutually beneficial.

Con(s):
- None

Fiscal Impact:
- The City is responsible for infrastructure repairs to the stadium. Any proposed major repairs are processed through the City's CIP budgeting process. General maintenance is performed by the Facility Management Division and accounted for in that operational budget.

Motion:
- Motion to adopt a resolution authorizing the City Manager to execute a lease agreement with DeWine Seeds-Silver Dollar Baseball LLC with a term of two years.

RESOLUTION BOOK NO. 41 - PAGE 114

E. BUDGET AMENDMENT FROM THE N.C. GOVERNOR'S HIGHWAY SAFETY PROGRAM. 2020 DWI TASK FORCE GRANT

This item has been removed from consideration.

F. ORDINANCE NO. 4768 - BUDGET AMENDMENT FROM THE N.C. GOVERNOR'S HIGHWAY SAFETY PROGRAM FOR THE 2020 BIKE/SAFE NORTH CAROLINA GRANT

Action Requested: Approval of a budget amendment, in the amount of $5,000, for the North Carolina Governor's Highway Safety Program, Bike/Safe NC 2020, Year 1 Grant.

Background:
- The Council previously authorized the application for and acceptance of grant funds at its March 12, 2019, meeting.
- The Bike/Safe NC program is a partnership with the Governor's Highway Safety Program and the North Carolina State Highway Patrol that is aimed at reducing motorcycle fatalities.
- Grant funds will be used to promote awareness by contacting motorcycle dealers, clubs and associations to discuss current highway safety activities, training opportunities and to provide legal updates. The Asheville Police Department will act as fiduciary for the program.
- The total of the grant is $5,000 and does not require local matching funds.

Council Goal(s):
- A Connected and Engaged Community

Committee(s):
- Finance & Human Resources Committee – September 24, 2019 meeting - Directed to move forward to the full City Council.
- Public Safety Committee - September 26, 2019 meeting - Directed to move forward to the full City Council.

Pro(s):
- Grant funds are used to pay for travel and training.
- Potential reduction of statewide and regional motorcycle fatalities.

Con(s):
- Funding is evaluated annually and is only available for a one year period.

Fiscal Impact:
- There is no impact to the City of Asheville's General Fund budget.

Motion:
- Motion to authorize a budget amendment for the North Carolina Governor's Highway Safety Program, Bike/Safe NC 2020, Year 1 Grant.

ORDINANCE BOOK NO. 32 - PAGE 431

G. RESOLUTION NO. 19-234 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, THE 2019 HIGH IMPACT DRUG TRAFFICKING AREAS GRANT

ORDINANCE NO. 4769 - BUDGET AMENDMENT FOR THE 2019 HIGH IMPACT DRUG TRAFFICKING AREAS GRANT

Action Requested: Adoption of a resolution to apply for and accept the 2019 High Intensity Drug Trafficking Areas (HIDTA) Grant and adopt a budget amendment in the City's Special Revenue Fund in the amount of $285,416.

Background:
- The City of Asheville receives an annual opportunity to receive a HIDTA Program Grant.
- The Office of National Drug Control Policy has preliminarily determined that the City of Asheville is eligible to receive a grant of $285,416.
- The purpose of the HIDTA program is to reduce drug trafficking and production in the United States, specifically in areas where drug related activities are having a significant harmful impact.
- The Asheville HIDTA is comprised of members of the United States Drug Enforcement Administration, Asheville Police Department, and the Sheriff Offices' of several Western North Carolina Counties.
- Grant funds are used for overtime, travel, services and supplies. All expenses are tracked and audited by local and Federal authorities.
- The Asheville HIDTA is the direct beneficiary of the grant funds. A United States Drug Enforcement Administration supervisor, who is the Asheville HIDTA manager, determines how grant funds will be expended. All members of the Asheville HIDTA receive reimbursement when they incur qualified expenses conducting Asheville HIDTA business.
- The Asheville Police Department acts as the fiduciary for the grant. When expenses are incurred, the fiduciary settles the claims using appropriated City of Asheville funds and then requests a 100% reimbursement from the Federal Government.

Council Goal(s):
- A Connected and Engaged Community

Committee(s):
- Finance & Human Resources Committee, September 24, 2019 - Directed to move forward to the full City Council.
- Public Safety Committee, September 26, 2019 - Directed to move forward to the full City Council.

Pro(s):
- Fosters partnerships with Federal and local law enforcement agencies.

Con(s):
- None

Fiscal Impact:
- There is no local match required.

Motion:
- Motion to adopt a resolution approving the application and acceptance of the grant and a budget ordinance amendment to appropriate the funding.

RESOLUTION BOOK NO. 41 - PAGE 115
ORDINANCE BOOK NO. 32 - PAGE 432

H. RESOLUTION NO. 19-235 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO SUPPORT THE AFRICAN AMERICAN NEIGHBORHOOD HISTORIC MARKERS PROJECT

Action Requested: Adoption of an Interlocal Agreement with Buncombe County to support the African American Neighborhood Historic Marker Project

Background:
- The City partnered with Buncombe County and the neighborhoods of Burton Street, East End/Valley Street, Shiloh, and Southside to create a series of historic markers that focus on the African American Heritage of each neighborhood.
- The County is administering the Mobilizing Action for Resilient Communities (MARC) funding via the Isaac Colman grant, which is funding the costs of the markers.
- The neighborhoods created the content and design of the signs. The County administered the grant, organized the public engagement and worked with the neighborhood representatives on the location and content of the signs. The City provided technical assistance and will provide maintenance of the signs.
- These signs will be located in a variety of locations: in the rights-of way of neighborhood streets, on private properties, on community centers and in parks.
- Three of the sign locations require easements from property owners. All of the property owners have indicated a willingness to provide the easements. The value of our technical assistance is approximately $10,000. The value of the signs is approximately $16,800.
- Combined with other projects in Asheville, these markers will become part of the Asheville African American Heritage Trail.

Council Goal(s):
- This project aligns with Council's Strategic Goal of An Equitable and Diverse Community.

Committee(s):
- African American Heritage Commission - 9-12-19 - Unanimously approved the project.
- Finance and HR Committee - 2-26-19 - Unanimously approved the project.

Pro(s):

- The City of Asheville will be a supporting partner of a project that identifies and celebrates historically African American neighborhoods.

Con(s):

- This agreement will make the City responsible for the maintenance and replacement of the markers in the event of catastrophic damage. The Transportation Department will be responsible for the maintenance costs.

Fiscal Impact:

- Recurring maintenance or replacement costs for the markers and poles will take place if the signs or their poles are damaged to the point of needing repair or replacement. Each sign averages $1,400. There are currently 11 signs. At no time will all the signs be replaced at the same time.

Motion:

- Motion to authorize the City Manager to enter into an Interlocal Agreement with Buncombe County to support the African American Neighborhoods Historical Marker Project with a commitment to provide long-term maintenance of the markers and also authorizing the City Manager to execute easements and other documents necessary to give effect to this resolution.

RESOLUTION BOOK NO. 41 - PAGE 116

I. ORDINANCE NO. 4770 - ORDINANCE TO ADDRESS A GAP IN THE CITY'S DANGEROUS WEAPONS ORDINANCE TO PROHIBIT DANGEROUS WEAPONS ON CITY BUSES, AND UPDATE THE EXISTING DANGEROUS WEAPONS ORDINANCE

Action Requested: Motion to adopt an ordinance updating and amending the City's dangerous weapons ordinance.

Background:

- City staff, its transit management contractor, and the City's Transit Subcommittee have all recently identified the need for an ordinance prohibiting the possession of dangerous weapons on City Buses.
- In the course of preparing a proposed, transit-specific ordinance, it was further determined that the City's current dangerous weapons ordinance- Sec. 12.42 of the City Code- should additionally be updated to conform with guidance from the North Carolina Attorney General's Office, and to clarify its scope.
- A dangerous weapon is any object, substance, or device, other than a firearm, designed or intended to be used to incapacitate or inflict serious injury upon persons or property, including certain deadly weapons defined by statute, and other specific items enumerated in the ordinance.
- The proposed Ordinance would prohibit, with limited exceptions, the bringing of firearms or dangerous weapons into City buildings or the grounds of City buildings, as well as certain designated recreational facilities.
- The proposed Ordinance would further prohibit the bringing of dangerous weapons onto City Owned buses.
- Firearms cannot be prohibited from City buses pursuant to N.C.G.S. 14-409.40.

Council Goal(s):

A well-planned and livable community

-

Committee(s):

- The Multimodal Transportation Commission unanimously recommended approval on 9/25/19
- The Public Safety Committee voted unanimously to move this item on to Council on 9/26/19

Pro(s):

- The proposed ordinance will address a gap in the City's dangerous weapons ordinance in that it will prohibit dangerous weapons on City buses, and will further update the existing dangerous weapons ordinance, which was adopted in 2011.

Con(s):

- Is not as expansive as the City may prefer given state-level preemption.

Fiscal Impact:

- None.

Motion:

- Move to approve the City's proposed new and expanded dangerous weapons ordinance.

ORDINANCE BOOK NO. 32 - PAGE 433

J. RESOLUTION NO. 19-236 - RESOLUTION AUTHORIZING THE PROCUREMENT OF VIDEO DISPLAY EQUIPMENT FOR THE U.S. CELLULAR CENTER FROM VENDOR DAKTRONICS INC. AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT TO ACCEPT FUNDS FOR THIS EQUIPMENT WITH THE EASTERN BAND OF CHEROKEE INDIANS AS PART OF THE APPROVED NAMING RIGHTS AGREEMENT

Action Requested: Adoption of a resolution supporting the sole source standardization procurement of video display equipment for the U.S. Cellular Center and authorizing the City Manager to execute an Agreement with the Eastern Band of Cherokee Indians (EBCI) to accept funds for this equipment as part of the approved new Naming Rights Agreement for the Civic Center.

Background:

- On May 28, 2019, the City Council approved the selection of Harrah's Cherokee as a new naming rights partner for the Civic Center..
- A portion of the proposal for the change in naming rights included funds directed from the Eastern Band of Cherokee Indians (EBCI) to the City for purchase and installation of Daktronics brand video display equipment.
- Daktronics brand equipment is also specifically requested by the Southern Conference (SoCon) in current contract negotiations for extension of their basketball tournament, hosted annually in March at the U.S. Cellular Center. The current contract expires after the 2021 tournament.
- Daktronics brand equipment is used by eight of the ten SoCon institutions in their basketball operations, as well as by UNC Asheville. These institutions are currently the only users of the equipment. Efficiencies will be created by standardization of equipment at their tournament site.

Vendor Outreach Efforts:

- This vendor is not a minority owned business.
- Since this is a sole source agreement, staff did not do the outreach to minority & women owned businesses.

Council Goal(s):

- A Financially Resilient City
- Connected and Engaged Community
- Thriving Local Economy

Committee(s):

- Civic Center Commission - October 1, 2019 - Voted in support of sole source purchase

Pro(s):

- No City of Asheville funds are to be utilized for this project.
- Creates ability to continue long term partnership with the Southern Conference
- Allows the facility the opportunity to bid on numerous sporting events that previously were unobtainable as a video display is typically required.
- Project budget includes first 10 years parts and labor warranty.

Con(s):

- Staff will be required to close the arena portion of the facility for approximately three weeks during the summer of 2020 for installation.

Fiscal Impact:

- The total project budget is $1,143,000. Of the total project budget $500,000 is allocated from contract with the EBCI, and the remaining $643,000 is allocated from a signing bonus received via contract extension with Ticketmaster in July 2019.

Motion:

- Motion to approve the adoption of a resolution for the sole source standardization procurement of Daktronics brand video display equipment for the U.S. Cellular Center and authorizing the City Manager to execute and agreement with the EBCI to accept funds for this equipment .

RESOLUTION BOOK NO. 41 - PAGE 117

K. RESOLUTION NO. 19-237 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH VHB INC. TO CONDUCT A CORRIDOR STUDY FOR BILTMORE AVENUE AND MCDOWELL STREET

Action Requested: Motion to adopt a resolution authorizing the City Manager to execute a contract with VHB Inc., a transportation engineering and planning firm, not to exceed $200,000 to conduct a corridor study of Biltmore Avenue and McDowell Street.

Background:

- The City received a transportation planning grant from the French Broad River Metropolitan Planning Organization (MPO) to conduct a corridor study for Biltmore Avenue and McDowell Street which will study and recommend multimodal improvements to the corridors and connecting streets.
- The grant amount is $160,000 with a $40,000 City match, for a total of $200,000.
- The funds for the project are programmed in the current Fiscal Year 2019-2020 Budget.
- A selection committee comprised of staff from the City and the MPO selected the consulting firm of VHB and their team of subconsultants from a competitive procurement process initiated by a request for qualifications.
- The purpose of the study is to analyze multimodal transportation mobility on Biltmore Avenue and McDowell Street, along with consideration of parallel and connecting streets. This study will consider a range of solutions and make recommendations for improvements to accommodate all transportation users including motorists, bicyclists, pedestrians, and transit riders.

Vendor Outreach Efforts:

- The request for proposals was subject to the City's Minority and Women-Owned Business Enterprise (MWBE) plan.
- Several firms submitted bids that included subcontractors that are MWBEs and/or Disadvantaged Business Enterprises.

- VHB Inc. has partnered with a firm, Rose and Associates, which is a currently registered Small Professional Services firm with the NCDOT and a Historically Underutilized Business with the state.

Council Goal(s):
- A Well-Planned and Livable Community
- Transportation and Accessibility

Pro(s):
- Biltmore Avenue and McDowell Street form the primary north-south transportation routes between downtown Asheville and Biltmore Village. In current conditions, narrow travel lanes and limited right of way are a barrier to improved bicycle and pedestrian connectivity in these corridors.
- This study will produce a range of possible solutions for changes to these streets to better serve all modes of transportation.

Con(s):
- None

Fiscal Impact:
- The cost of the project is $200,000. The project funding, which includes the federal grant of $160,000 and the City contribution of 40,000, is already budgeted in the City's Special Revenue Fund.

Motion:
- Motion authorizing the City Manager to execute a contract with VHB Inc. to conduct a corridor study for Biltmore Avenue and McDowell Street.

RESOLUTION BOOK NO. 41 - PAGE 118

L. RESOLUTION NO. 19-238 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING CONTRACT WITH CAROLINA TRACTOR & EQUIPMENT FOR SERVICES RELATED TO THE REPAIR AND MAINTENANCE OF CITY VEHICLES AND EQUIPMENT

Action Requested: Adoption of a resolution authorizing the City Manager to amend the existing maintenance agreement with Carolina Tractor & Equipment to increase the annual contract value from $300,000 to $500,000.

Background:
- The Public Works Department Fleet Management Division maintains over 1,000 City-owned vehicles and pieces of equipment.
- Subcontracted work is used to supplement existing staff resources at times of high demand or to provide services where Fleet does not have suitable facilities or resources (e.g., paint shop, etc.).
- Under an earlier procurement process, Carolina Tractor & Equipment was selected to provide supplemental fleet maintenance services. On October 25, 2016, City Council adopted Resolution 16-228 authorizing the City Manager to enter into a contract with this firm for an initial one-year term with up to four one-year renewals. The annual contract value was initially approved for $200,000.
- Resolution 18-120 authorized the City Manager to amend the original agreement to increase the annual contract value from $200,000 to $300,000 due to an increased workload caused by vehicle accidents and repairs.

- During the 2019 calendar year, a number of significant repairs to Fire apparatus was necessary due to aging equipment.
- Fleet Management is requesting that the annual value of the contract be increased from $300,000 to $500,000 to account for these expected overruns.
- The agreement is currently in the second year of four optional renewal periods.

Vendor Outreach Efforts:
- Staff performed outreach to minority and women-owned businesses through the original contract solicitation process which included posting on the City's bid page, Twitter, and the State's Interactive Purchasing System. No Minority & Women-Owned Business Enterprise service providers submitted bids with this prime contractor.

Council Goal(s):
- Thriving Local Economy
- Connected and Engaged Community
- Smart City

Pro(s):
- Allows third-party service work to continue as a supplement to in-house staff;
- Provides flexibility in service delivery without significant capital investment in equipment or facilities (e.g., paint shop, etc.) that are not used on a daily basis; and
- Supports returning vehicles to service after needed repairs sooner.

Con(s):
- Increases expenditures under the contract.

Fiscal Impact:
- Costs for these services are included in the General Fund fleet allocations for departments requiring vehicle repair and maintenance activities.

Motion:
- Motion to adopt a resolution authorizing the City Manager to amend the existing maintenance agreement with Carolina Tractor & Equipment to increase the annual contract value from $300,000 to $500,000.

RESOLUTION BOOK NO. 41 - PAGE 119

M. RESOLUTION NO. 19-239 - RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED ALLEY KNOWN AS LENNOX COURT AND SETTING A PUBLIC HEARING ON NOVEMBER 26, 2019

Action Requested: Adoption of a Resolution of Intent to schedule a public hearing for November 26, 2019, to close an unopened right of way known as Lennox Court

Background:
- N. C. General Statute Sec. 160A-299 grants cities the authority to permanently close streets and alleys.
- The Jewish Community Center has petitioned the closure and owns one adjacent property, 236 Charlotte Street (PIN # 9649-54-9870).
- This closure allows maximum land use potential for further development in accordance with Living Asheville - A Comprehensive Plan for our Future.

Council Goal(s):
- A Well-Planned and Livable Community

Committee(s):
- Multimodal Transportation Committee -August 28, 2019 - Recommended closing the right of way as long as pedestrian access is intact. This condition has been met.

Pro(s):
- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con(s):
- None

Fiscal Impact:
- There will be no fiscal impact related to this closure.

Motion:
- Motion to adopt resolution of intent to schedule a public hearing November 26, 2019; to close an unopened right of way known as Lennox Court

RESOLUTION BOOK NO. 41 - PAGE 120

N. RESOLUTION NO. 19-240 - RESOLUTION OF INTENT TO PERMANENTLY CLOSE TWO UNOPENED RIGHTS-OF-WAY KNOWN AS POND ROAD AND LANCE LANE LOCATED OFF LONG SHOALS ROAD AND SETTING A PUBLIC HEARING ON NOVEMBER 26, 2019

Action Requested: Adoption of a resolution of intent to schedule a public hearing for November 26, 2019, to close an unopened right of way known as Lance Lane/Pond Street.

Background:
- N.C. General Statute Sec. 160A-299 grants cities the authority to permanently close streets and alleys.
- James Wilson with Long Shoals Development (PIN # 9644-99-5794) has petitioned for the closure. Adjoining property owners Cane Creek - Vistas LLC (PIN #9644-99-5598), Karen Fraser and Gordon B Fraser Trust (PIN #s 9644-99-3427, 9644-99-3772) have joined this petition.
- This closure allows maximum land use potential for further development in accordance with Living Asheville - A Comprehensive Plan for our Future.

Council Goal(s):
- A Well-Planned and Livable Community

Committee(s):
- Multimodal Transportation Committee - 8/28/19 - Recommended closing the right of way by unanimous vote

Pro(s):
- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goal to promote sustainable high density infill growth that makes efficient use of existing resources

Con(s):
- None

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Motion:

- Motion to adopt resolution of intent to schedule a public hearing on November 26, 2019 to close an unopened right-of-way known as Lance Lane/Pond Street.

RESOLUTION BOOK NO. 41 - PAGE 121

O. ORDINANCE NO. 4771 - BUDGET AMENDMENT FROM THE FEDERAL TRANSIT ADMINISTRATION PROGRAM SECTION 5307 FUNDS FOR TRANSIT OPERATIONS

Action Requested: Adoption of budget amendment in the amount of $517,767 from Federal Transit Administration Section 5307 Funds (NC-2019-047).

Background:

- Section 5307 is an urbanized area formula funding program that makes Federal resources available to urbanized areas for transit capital and operating assistance in urbanized areas.
- Eligible activities include capital investments for new buses, replacement of buses, rebuilding buses, preventive maintenance activities, paratransit service costs, and specific route assistance.
- These are Federal Transit Administration (FTA) funds under Award # NC-2019-047 for the 5307 formula funds for Job Access Reverse Commute (JARC) program that the City is the designated recipient for the region. The City is responsible for overseeing the funds. The chart below outlines the amount funded for each recipient.
- The budget amendment will provide expenditure authorization for the $517,767 in grant funds. These grant funds are not for new projects but will be used for existing capital and operating assistance projects.

Subrecipient	Project	FTA Amount	Local Match (Operating Assistance - 50% Match Capital - 20% Match)
Mountain Projects/Haywood	Bus for Expansion (80/20)	$68,236	$17,059
Mountain Projects/Haywood	New Deviated Fixed Route (50/50)	$80,450	$80,450
City of Asheville	JARC Admin Mtn Projects (80/20)	$14,869	$3,717
Buncombe County	Black Mountain Trailblazer (50/50)	$190,515	$190,515
City of Asheville	Black Mountain Rt 170 (50/50)	$128,276	$128,276
City of Asheville	Program Administration (80/20)	$35,421	$8,855

Council Goal(s):

- Transportation and Accessibility
- A Well-Planned and Livable Community
- An Equitable and Diverse Community

Committee(s):
- None

Pro(s):
- Project funding is provided by the FTA.
- These grants require a match of 50% for operating projects and 80% for capital projects. Each sub-recipient is responsible for their local match.
- As the designated recipient, the City of Asheville receives 10% of the funding total in order to cover administration of the grant for the region's subrecipients.

Con(s):
- None

Fiscal Impact:
- The total grant award for the projects are $517,767 and will be funded with FTA funds. As noted in the table above, $50,290 will be reimbursed to the city for administrative costs associated with managing the grant. Asheville's local match for the provision of Black Mountain Route 170 totals $128,276.

Motion:
- Motion to adopt a budget amendment in the amount of $517,767 from Federal Transit Administration Section 5307 Funds (NC-2019-047).

ORDINANCE BOOK NO. 32 - PAGE 437

P. RESOLUTION NO. 19-241 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE ARCHER COMPANY TO CONDUCT A CLASSIFICATION AND COMPENSATION STUDY FOR THE CITY OF ASHEVILLE

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with The Archer Company in the amount of $145,000 and authorize the City Manager to approve change orders in the amount of $5,000 for a maximum total of $150,000 to complete the classification and compensation study.

Background:
- The City's goal is to attract and retain qualified employees. The objective of the study is to develop and implement a total compensation package which includes a credible compensation plan that ensures positions performing similar work with essentially the same level of complexity, responsibility and knowledge, skills and abilities are classified accurately; provides salaries commensurate with assigned duties; provides promotional opportunities and recognizable compensation growth; and continues to be competitive with relevant markets.
- Consultant will:
  - Analyze impact of moving City's minimum pay rate to $31,200/year ($15.00/hour based on a 40 hour workweek); and provide results of such analysis and fiscal impact to City Manager by December 31, 2019.
  - Review the City's existing Compensation and Classification system to include the review of existing organizational charts, budget information related to staffing, current compensation and benefits.

  - Review and prepare updated ADA compliant job descriptions for approximately 312 positions, which includes exempt and non-exempt civilian and public safety positions.
  - Recommend implementation strategies including calculating the cost of implementing study results.
  - Completed study expected in Spring 2020.
- City staff issued a Request for Proposals (RFP) to solicit firms to conduct a classification and compensation study on July 1, 2019.
- Eight responses were received.
- An evaluation committee reviewed all responses and narrowed the field to three firms.
- The final three firms were interviewed by the evaluation committee.
- The Archer Company was determined to be the most qualified firm to perform the compensation and class study.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses by posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- No MWBE firms submitted bids with this prime contractor.

Council Goal(s):

A Financially Resilient City
An Equitable and Diverse Community

Committee(s):

None.

Pro(s):

Study will determine whether the current compensation structure is aligned with business needs and the labor market.

Con(s):

None

Fiscal Impact:

- $150,000 was approved in the FY 2020 Budget. The amount of this contract is $145,000.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with The Archer Company in the amount of $145,000 and authorize the City Manager to approve change orders in the amount of $5,000 for a maximum total of $150,000 to complete the classification and compensation study.

RESOLUTION BOOK NO. 41 - PAGE 123

Q. RESOLUTION NO. 19-242 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT EXTENSION WITH WNC LANDSCAPING LLC FOR THE FISCAL YEAR 2019 DOWNTOWN CLEANING PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract renewal with WNC Landscaping, LLC., in the amount of $226,202 plus a 15 % contingency of $33,930 ($260,132 total) for the contract known as Downtown Cleaning.

Background:

- This contract includes provisions for the pressure washing of City-owned sidewalks in the Central Business District (CBD); weed control on City-owned sidewalks and curb lines; general cleanup services to remove loose litter and debris from City-owned sidewalks; and the cleaning of City-owned garbage and recycle cans.
- The original contract was advertised on August 29, 2018. Bids were opened on September 20, 2018. Three bids were received:

WNC Landscaping, LLC of Cedar Mountain, NC	$226,202
Harper Professional Janitorial Services of Black Mountain, NC	$288,434
Rivertop Contracting of Swannanoa, NC	$406,266

- WNC has been working since December 2018 and this is for the first one-year renewal built into the contract. The contract allows for two one-year extensions if the contractor performs satisfactorily and agrees to the extensions.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned business through solicitation processes which included posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- One minority business enterprise (Harper Professional Janitorial Services) submitted a bid to be the prime contractor on the project.
- Based upon being the lowest, responsive bidder, WNC Landscaping, LLC was awarded the contract.

Council Goal(s):

- This action aligns with the 2036 City Council Vision of Well-Planned and Livable Community, Transportation and Accessibility.

Pro(s):

- Will continue the increased cleaning frequency of the most heavily used areas of the CBD.
- Will continue to provide for the cleaning of City-owned garbage and recycle cans.

Con(s):

- None.

Fiscal Impact:

- Funding for this contract is included in the adopted Fiscal Year 2019-2020 Public Works Department budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract renewal with WNC Landscaping, LLC in the amount of $226,202 plus a 15 % contingency of $33,930 ($260,132.00 total) for the contract known as FY19 Downtown Cleaning.

RESOLUTION BOOK NO. 41 - PAGE 124

R. RESOLUTION NO. 19-243 - RESOLUTION AUTHORIZING THE CITY MANAGER EXECUTE A CONTRACT WITH B.H. GRANING LANDSCAPES INC. FOR THE OLD TOLL ROAD SLIDE STABILIZATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with B.H. Graning Landscapes, Inc. in the amount of $485,453.48 plus a 15 % contingency of $72,818 ($558,271.48 total) for work to stabilize Old Toll Road.

Background:

- A section of the southern end of Old Toll Road slid due to excessive rainfall on July 5, 2019. This resulted in the closure of Old Toll Road. Bunnell Lammons Engineering evaluated the site and provided design drawings to repair the damage. The design contract was a not-to-exceed contract in the amount of $41,400 and was executed on June 4, 2019. The total amount budgeted for this project is $684,271.48 which includes potential utility relocation, contract inspection, additional design work, and in-house project administration.
- The construction contract was advertised on August 26, 2019. The following three bids were opened on September 19, 2019:

B.H. Graning Landscapes, Inc., Sylva, NC	$485,453.48
Patton Construction Group, Inc. Arden, NC	$540,500.00
Bryant Land and Development Industries, Inc.,Burnsville, NC	$784,042.00

- Construction is anticipated to start early November and last for approximately 60 days.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses through solicitation processes which included posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- No minority or women-owned business enterprises submitted a bid to be the prime contractor on the project.
- B.H. Graning Landscapes, Inc. was the lowest, responsive bidder.
- The contractor intends to self perform the construction of the slope stabilization. Self performance is work that will be conducted by the prime contractor, instead of the subcontractors. However, they are using MWBE firms for resurfacing and materials transport. These two items are 12% of the dollar value of the contract.

Council Goal(s):

- This action complies with Council's 2036 vision for transportation and accessibility.

Pro(s):

- Will reopen Old Toll Road to vehicular, pedestrian, and bicycle traffic
- Will help prevent further slides in the immediate vicinity of the current slide.

Con(s):

- None.

Fiscal Impact:

- Funding for this contract and the 15% contingency will come from the FY20 Capital Improvement Program (CIP) contingency budget. After funding this contract, there will be approximately $320,000 remaining in the current contingency budget.

Motion:

- Motion to adopt a resolution awarding the contract to B.H. Graning Landscapes, Inc. and authorizing the City Manager to execute a contract in the amount of $485,453.48 plus a 15 % contingency of $72,818 ($558,271.48 total) for work to stabilize Old Toll Road.

RESOLUTION BOOK NO. 41 - PAGE 125

S. ORDINANCE NO. 4772 - BUDGET AMENDMENT FROM DEERFIELD EPISCOPAL RETIREMENT COMMUNITY, INC. FOR AN AFFORDABLE HOUSING TRUST FUND DONATION

Action Requested: Adoption of budget amendment in the Housing Trust Fund in the amount of $250,000 from Deerfield Episcopal Retirement Community, Inc. Donation

Background:

- Over several months Deerfeild community enjoyed visits from city leaders who shared the important issues and real challenges affecting Asheville.
- As part of this discussion, the lack of Affordable Housing combined with a lack of local resources to adequately address the issue was identified as a major challenge for the City of Asheville.
- In an effort to assist in the City's efforts to increase the supply of affordable housing, the Deerfield Retirement Community has donated $250,000 to the City of Asheville Affordable Housing Trust Fund.
- The City of Asheville is authorized to receive property by gift pursuant to N.C.G.S. § 160A - 240.1.
- The budget amendment will provide expenditure authorization for the $250,000 in donated funds.
- These funds will be transmitted to the City of Asheville Affordable Housing Trust Fund for the sole use and purpose of providing affordable housing within the corporate limits of the City of Asheville and for no other purpose.

Council Goal(s):

- Quality Affordable Housing

Committee(s):

- None

Pro(s):

- Funding for the Affordable Housing Trust Fund

Con(s):

- None

Fiscal Impact:

- The total donation of $250,000 will be added to the City of Asheville Affordable Housing Trust fund.

Motion:

- Motion to adopt a budget amendment in the amount of $250,000 for the City of Asheville Affordable Housing Trust Fund.

ORDINANCE BOOK NO. 32 - PAGE 438

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda, with the deletion of Consent Agenda E. This motion was seconded by Councilman Kapoor and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT - TRANSIT UPDATE

City Manager Campbell said that City staff would love to extend bus hours; however, we do not have the funding. As part of the budget process, Council asked for route configurations and for staff to look at, over the coming months, to determine if there were any cost savings in addition to determining what it would take from a resource and capital perspective to extend the bus hours. Until we have budget projections, as it relates to any savings, we cannot commit to bus hour extensions. She said we hope to have numbers on whether we will have budget savings in January or February of 2020.

Assistant Transportation Director Jessica Morriss outlined the transit investments for Fiscal Year 2020 (1) Adopted $1.2 million in additional operational funds for FY 2020; (2) Implements approximately half of the 1st Yr. Transit Master Plan recommendations for 6 months (January - June 2020) (a) 20,000 service hours to increase frequency and realign existing routes; (b) Staffing to improve quality, OTP, and customer experience; (c) Bus maintenance to improve reliability; and (d) Maintenance facility study; and (3) Council also recommended staff continue to monitor the budget to determine if there were savings to more quickly implement extended service hours.

Regarding the Transit Master Plan Year 1 - Extended Hours, staff will be monitoring the budget to determine if there are any savings. In the process of assessing capital, staff and costs needed to extend hours. Cost estimates will consider (1) implementation timeline (July, October, January?); (2) paratransit increase; (3) maintenance impacts (3rd shift?) (4) ART staff increases (operators/dispatchers, mechanics, customer service, etc.); (5) vehicle availability; (6) additional security needs at transit station; (6) fuel increase and increased fuel cost; and (7) City staff resources.

Regarding the Transit Master Plan Year 1 Next Steps, (1) staff will continue working to implement approved and funded enhancements intended to improve on time performance and launch early January 2020; (2) finalize operating budget estimates to implement the next phase of Year 1 of the Transit Master Plan (extended service hours) by December 2019; (3) continue monitoring budget to determine if there are any savings; and (4) frequently update Council on costs and funding opportunities to implement extended service hours sooner.

Councilman Kapoor said that currently under state law, the Buncombe County Board of Commissioners can decide to put a ¼ cent sales tax on the ballot for transit expansion county-wide. That money could be used to expand transit. With the level of transit expansion that we need to have, we need a dedicated source of funding. He urged transit advocates to contact the Buncombe County Commissioners and ask for their support for this ¼ cent sales tax on the ballot.

Councilwoman Mayfield agreed with Councilman Kapoor that we need a dedicated funding source for transit. Even though it does require legislative approval, we need to try to get the City the authorization to do it's own ¼ cent sales tax that would support transit. She hoped that when the numbers come in that the City will be prepared to implement the extended bus hours as soon as possible.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 1 SOUTH TUNNEL ROAD FROM REGIONAL BUSINESS DISTRICT TO MIXED USE EXPANSION/CONDITIONAL ZONE TO ALLOW A MIXED-USE DEVELOPMENT THAT INCLUDES RESIDENTIAL, RETAIL, SERVICE AND ENTERTAINMENT USES

At the request of the applicant's attorney, Vice-Mayor Wisler moved to continued this public hearing until December 10, 2019. This motion was seconded by Councilman Kapoor and carried unanimously.

B. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING MULTIPLE PARCELS FROM COMMUNITY BUSINESS II DISTRICT TO RESIDENTIAL EXPANSION DISTRICT/CONDITIONAL ZONING FOR A 130-UNIT RETIREMENT COMMUNITY LOCATED AT 213 LONG SHOALS ROAD; (A PORTION OF) 403, 420, 440, 439, 99999, AND 433 OVERLOOK ROAD EXTENSION

ORDINANCE NO. 4773 - ORDINANCE TO CONDITIONALLY ZONE MULTIPLE PARCELS FROM COMMUNITY BUSINESS II DISTRICT TO RESIDENTIAL EXPANSION DISTRICT/CONDITIONAL ZONING FOR A 130-UNIT RETIREMENT COMMUNITY LOCATED AT 213 LONG SHOALS ROAD; (A PORTION OF) 403, 420, 440, 439, 99999, AND 433 OVERLOOK ROAD EXTENSION

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to conditionally zone multiple parcels from Community Business II District to Residential Expansion District/Conditional Zone for the development of a 130-unit retirement community located at 213 Long Shoals Road; (a portion of) 403, 420, 440, 439, 99999, and 433 Overlook Road Extension. This public hearing was advertised on October 12 and 18, 2019.

Project Location and Contacts:

- The project site consists of seven parcels with a combined area of 6.32 acres located at 213 Long Shoals Road; 420, 440, 439, 99999, 433 and a portion of 403 Overlook Road Ext (PINs 9644-69-4238, 9644-68-7922, 9644-68-5885, 9644-68-4985, 9644-69-4071, 9644-69-5091 and a portion of 9644-69-6391).
- The property owners are Asheville Pentecostal Holiness Church, C&B Toothland of Overlook Ext LLC, C&B Toothland of Lake Julian, LLC, Kenneth R and Toni O Mahaffey, and Linda Gipson.
- Petitioner/contact: Brett Hammonds.

Summary of Petition:

- The proposal is for an age-restricted residential development with associated uses within the building including, but not limited to, a fitness center, salon and chapel; and office space for management staff.
- There are 130 residential units proposed, which necessitates a rezoning via conditional zoning to Residential Expansion District due to the number of units.
- There are a number of small buildings on the project site that would be demolished and removed as a result of this approval.
- The site is located at the edge of the City of Asheville limits; parcels to the south are within Buncombe County zoning jurisdiction and are occupied by Lake Julian Park.
- The 130 individual units are proposed to be included within one building, approximately 179,400 square feet in size, and three-stories in height (approximately 44 feet).
- The density proposed is 20.56 units per acre which is just above the maximum permitted and requires a condition as noted later in this report.
- The site is accessed via two driveways; the primary vehicular access is from Overlook Road Extension with a second driveway from Long Shoals Road used to access dumpsters, loading and a small number of parking spaces.
- Throughout the site a total of 133 parking spaces are provided; 103 surface spaces and 30 spaces housed in separate single-story, freestanding garage structures.
- Sidewalks are required to be ten feet in width; the plans provide a ten foot wide sidewalk behind a five foot grass strip along Long Shoals Road to help meet the needs for the proposed Lake Julian Greenway corridor. The small portion of sidewalk along Overlook Road Extension is ten feet

wide. Internal walkways are proposed to be five feet in width.

- Landscaping as required by code is provided throughout the site. A number of retaining walls are included and will be screened according to City standards.
- The project includes common open space in a number of locations on the site and will include walking paths and community amenities. The proposal makes use of an open space reduction allowance when a site is immediately accessible to public park land; the applicant will provide a sidewalk connection to Lake Julian Park.
- Design and operational standards in the requested zoning district recommend the layout and building type to be compatible with adjacent residential areas; there are a variety of similar larger structures serving various uses in the vicinity. The closest residential buildings are smaller in scale but they are across Long Shoals Road.
- The project includes a number of conditions, some of which are due to lack of compliance with City standards and some additional conditions meant to mitigate impacts or provide a public benefit and include the following:
    - The density proposed is just over the maximum allowed without including dedicated affordable units.
    - Multi-family developments are limited to a single-driveway connection; plans show two driveways with one on each frontage.
    - The project makes use of an open space reduction based on proximity to a public park.
    - Internal sidewalks that connect buildings are required to be 10 feet wide; five foot walkways are provided through the development.
- The required neighborhood meeting was held on April 29, 2019. Staff has not received any public comment as of the writing of this report.

Comprehensive Plan Consistency:

- The Living Asheville Comprehensive Plan identifies this location as an Urban Corridor on the Future Land Use Map. This designation anticipates mixed-use development including higher density residential and emphasizes multi-modal access and sidewalks to enhance connectivity and the pedestrian experience. This project aligns with these goals.
- The Livable Built Environment section of the plan emphasizes making streets more walkable and connected and building out the greenway network.

Compatibility Analysis:

- Uses in the vicinity include schools and other institutional uses such as churches, single and multi-family residential, a variety of commercial and office uses and recreational uses.
- There are a variety of building sizes and types along the corridor as well. This development is compatible both in proposed use and form.
- The inclusion of widened sidewalks, transit shelter in the vicinity, and a pedestrian connection to Lake Julian Park provide connectivity and access.

Council Goal(s):

- A Well-Planned and Livable Community
- Transportation and Accessibility

Committee(s):

- Technical Review Committee - August 19, 2019 - approved with conditions
- Planning & Zoning Commission - October 2, 2019 - recommended approval (7-0)

Staff Recommendation:

- Staff finds that the proposed development is consistent with the comprehensive plan and requested zoning district. The applicant is providing elements that enhance the development and contextual location with wide sidewalks and the other conditions requested by the applicant are supportable.

In response to Vice-Mayor Wisler, Ms. Bernstein said that this is a for-profit development.

Mr. Richard Tranter, attorney for Cameron General Contractors, explained the independent living project and said they are fully taxable, is about a $35 Million construction project, has no drain on the school system, no impact on the roads, and is a benefit to the community.

Mr. Bob Lewis, Director of development for Cameron General Contractors, gave a sense of the operations and said they have identified a need for this type of housing in Asheville.

Mr. Trantner responded to Councilman Kapoor regarding the landscape plan.

Mayor Manheimer opened the public hearing at 5:46 p.m. and when no one spoke, she closed the public hearing at 5:46 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Kapoor moved to approve the conditional zoning request for the project known as Julian Woods Retirement Community from Community Business I to Residential Expansion District Conditional zone and find that the request is consistent with the city's adopted comprehensive plan, is reasonable and is in the public interest in that: (1) the existing Future Land Use category, Urban Corridor, is appropriate and supportive of this higher density residential use; (2) the project provides pedestrian connections along Long Shoals Road and Overlook Road Extension; and (3) the proposal is aligned with strategies found in the city's comprehensive plan regarding activating the pedestrian experience, supporting the greenway network, siting uses along corridors that are supported by transit and locating residential density proximate to other commercial uses, contributing to a mixed-use corridor. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

ORDINANCE BOOK NO. 32 - PAGE 439

V. UNFINISHED BUSINESS:

A. ORDINANCE NO. 4774 - ORDINANCE AMENDING THE CITY OF ASHEVILLE CHARTER TO PROVIDE FOR AT-LARGE ELECTIONS FOR MEMBERS OF THE CITY OF ASHEVILLE CITY COUNCIL

City Attorney Brad Branham said that this the consideration of an ordinance amending the City of Asheville Charter to provide for at-large elections for members of the City of Asheville City Council.

Mayor Manheimer announced that this public hearing was held on September 24, 2019, and no additional public comment would be taken.

Action Requested: Adoption of an ordinance amending the City of Asheville Charter to provide for at-large elections for the members of the City of Asheville City Council.

Background:

- On June 29th, 2018, the N.C. State legislature ratified SB 813 which altered the form of Asheville City Council elections.
- The new local act moved City Council elections from odd to even years, removed primary elections, and established five election districts.

- Under the current law, the City Council will be made up of seven council members, including the Mayor. Five members will be elected from and by their respective districts, while one member and the Mayor will be elected at-large.
- The two proposed charter amendments would reinstate primary elections to be held in March, and return all Council positions to at-large elections.
- On September 10, 2019, City Council adopted two resolutions of intent to amend the Charter and to set the public hearings on the City of Asheville Charter amendments on September 24, 2019.
- On September 24, 2019, City Council held two separate public hearings on the City of Asheville Charter amendments.

Council Goal(s):
- An Equitable and Diverse Community
- A Connected and Engaged Community

Committee(s):
- Governance Committee - July 29 (Converted to Full Council Worksession)

Pro(s):
- Returns City Council elections to a form as close as possible to what existed prior to enactment of SB 813.

Con(s):
- A Charter amendment can be further amended by State action
- May result in diminished goodwill and additional provocation from the General Assembly

Fiscal Impact:
- None at this time.

Councilman Kapoor said at one positive about this vote is that at least we'll have this decision over with and folks will have some clarity about next year's elections. While the General Assembly does have the ability to change things back, he hoped they don't as all that will do is result in costly litigation that will be a waste of taxpayer money and a serious distraction. If you support a system with some districts, as he does, he thinks the best way of going about it is through a voter referendum that our charter allows as long as you get a petition signed by 15% of registered voters in the city. It's a high bar for sure, but it's not impossible. Going back to an all at-large system is probably the worst route we could have taken. While it may be better for certain council members individually, for the city as a whole, for the average resident, for minority communities seeking better access to their representatives, it's the worst system out there. And that's not just his view, it's shared by many other civil rights and voter rights organizations. During this process, however, we didn't take the time to investigate the facts. He thanked Jonathan Wainscott for the time he took looking at the data and the facts. He was one of the few who did and he had to endure people criticizing his motives, but never once did they contract a statement that he made. Asheville can be a place that cares more about who says something than the truth of what they are saying. With this return to an all at-large system, Council elections will be like nothing we've seen before. The primary turnout will probably be twice the turnout when he was elected and the general about three times. People who have never voted in a Council election will probably out-number those who have. To those who support this action tonight, all he can say is be careful what you wish for, you just may get it.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to adopt an ordinance amending the City of Asheville Charter to provide for at-large elections for members of the City of Asheville City Council. This motion was seconded by Councilman Haynes and carried on a 6-1 vote, with Councilman Kapoor voting"no".

ORDINANCE BOOK NO. 32 - PAGE 446

B. ORDINANCE NO. 4775 - ORDINANCE TO CONSIDER AMENDING THE CITY OF ASHEVILLE CHARTER TO PROVIDE THAT ASHEVILLE CITY COUNCIL ELECTIONS BE CONDUCTED BY THE NONPARTISAN PRIMARY AND ELECTION METHOD

City Attorney Brad Branham said that this is the consideration of an ordinance amending the City of Asheville Charter to provide that Asheville City Council elections be conducted by the nonpartisan primary and election method.

Mayor Manheimer announced that this public hearing was held on September 24, 2019, and no additional public comment would be taken.

Action Requested: Adoption of an ordinance amending the City of Asheville Charter to provide that Asheville City Council elections be conducted by the nonpartisan primary and election method.

Background:

- On June 29th, 2018, the N.C. State legislature ratified SB 813 which altered the form of Asheville City Council elections.
- The new local act moved City Council elections from odd to even years, removed primary elections, and established five election districts.
- Under the current law, the City Council will be made up of seven council members, including the Mayor. Five members will be elected from and by their respective districts, while one member and the Mayor will be elected at-large.
- The two proposed charter amendments would reinstate primary elections to be held in March, and return all Council positions to at-large elections.
- On September 10, 2019, City Council adopted two resolutions of intent to amend the Charter and to set the public hearings on the City of Asheville Charter amendments on September 24, 2019.
- On September 24, 2019, City Council held two separate public hearings on the City of Asheville Charter amendments.

Council Goal(s):

- An Equitable and Diverse Community
- A Connected and Engaged Community

Committee(s):

- Governance Committee - July 29 (Converted to Full Council Worksession)

Pro(s):

- Returns City Council elections to a form as close as possible to what existed prior to enactment of SB 813.

Con(s):

- A Charter amendment can be further amended by State action
- May result in diminished goodwill and additional provocation from the General Assembly

Fiscal Impact:

- None at this time.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to adopt an ordinance amending the City of Asheville Charter to provide that Asheville City Council election be conducted by the nonpartisan primary and election method. This motion was seconded by Councilman Haynes and carried unanimously.

ORDINANCE BOOK NO. 32 - PAGE 448

VI. NEW BUSINESS:

A. RESOLUTION NO. 19-244 - RESOLUTION REPEALING THE FEE GRANT PROGRAM FOR AFFORDABLE HOUSING DEVELOPMENT ADOPTED BY RESOLUTION NO. 17-226, WITH A NEW, STAND ALONE AFFORDABLE HOUSING FEE REBATE PROGRAM

Community Development Program Director Paul D'Angelo said that this is consideration of approval of a "new" stand alone Fee Rebate Policy.

Background:

- In March of 2011, City Council adopted a Fee Rebate Policy as part of a broader Land Use Incentive Grant (LUIG) Policy to incentivize development of affordable housing in accordance with Council strategic goals.
- A fee rebate is a refund of certain development and planning related fees that may be granted in accordance with this policy upon completion of an affordable housing project.
- A review of the policy was done in June, 2017, with the recommendation of the Community Development (CD) staff to discontinue fee rebates as it wasn't being utilized beyond $1,000 to $2,000 per year.
- In September, 2017, suggestions were made to update the Fee Rebate Policy to include homeownership targeting individuals and families making under 80% Area Median Income (AMI). The most recent fee rebate policy was adopted on October 3, 2017, per City Council Resolution No. 17-226. This policy provided fee rebates both for sale and rental and was flat rate per unit (i.e. $1,000/unit for rental at 80% AMI and below; $2000/unit for rental at 60% AMI and below; 25 year period of affordability).
- As with other policies, Council requested that the LUIG, which included Fee Rebates at the time, be reviewed yearly after its adoption in partnership with other departments, stakeholders and the community. After review with the partners, CD staff felt a stand alone LUIG policy and a stand alone Fee Rebate policy would better assist in the production of affordable housing by not tying one rebate to another and that the policies would be more clear on their own.

Highlights of the Proposed New Fee Rebate Policy

Program Eligibility Requirements:

Affordable Housing Minimum Requirements to Qualify for 50% grant rebate on the affordable unit

- The proposed development must be within Asheville City limits.
- A rental project must serve individuals and households under 80% AMI for a minimum of 20 years.
- An Ownership project must serve individuals and households making under 80% AMI.
- A project can be either new construction or rehabilitation. The rehabilitation or redevelopment of a unit must be rented or sold serving the same or lower AMI individual or family as the original unit.
- At least 20% of the units (minimum of at least two affordable units) in the development must be affordable to qualify for the grant rebate, either rental or for sale.

In addition to the above, a grant rebate may be up to 75% on the affordable unit if -

- A rental project serves individuals and households under 60% AMI for a minimum of 20 years, or

- An ownership project sells to individuals and households making under 60% AMI, or
- 20% of the units are Universally Designed to make them accessible to all people, regardless of age, disability or other factors. Link here for more information as recommended by the North Carolina Housing Finance Agency (NCHFA).

In addition to the above, a grant rebate may be up to 100% on the affordable unit if -

- Developers offer permanent affordability in rental homes, or
- Developers offer permanent affordability on a for sale product, such as a Community Land Trust, or
- Affordability where at least 20% of the units target individuals & families under 30% AMI or those homeless or in danger of being homeless, i.e. taking an individual or family off the Homeless By-name List.

Eligible Development Fees for Rebate for Affordable Housing:

- Planning and Zoning
- Site Development
- Building Safety (plan review and permit fees)
- Fire
- Water Service Connection

Ineligible Development Fees for Rebate:

- Homeowner Recovery
- Reinspection or Resubmittal
- Technology
- Temporary Certificate of Occupancy
- Western North Carolina Air Quality Agency

Sustainability Rebate	Sustainable Action - Single Family Home
$500.00	Sustainability - Green Built Home Certified*
$250	Sustainability -Verified Home Energy Rating Index Score (HERS) of 49 or Below
$100	Sustainability - Energy Star Certified
$175.00	Solar Photovoltaic Systems
$100.00	Tree Protection (save)**
	Energy Savings Tree Plantings (new)***

Fee Waivers-Certain Fees eligible for rebates as described above, may be waived up front on a case by case basis based on a developer's affordable housing experience and demonstrated financial need of the project only upon approval by City Council. Utility related fees funded by Enterprise Funds cannot be waived. Additionally, in order to be eligible for a fee waiver, the developer must have a contractual obligation with the City to provide affordable housing (i.e. affordable housing loan agreement with City).

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- Affordable Housing Advisory Committee August 1, 2019 - recommended to move forward to HCD Committee unanimously

- Housing & Community Development Committee August 20, 2019 - asked for additional time for review
- Finance & HR Committee September 24, 2019 - recommended to move to HCD Committee unanimously
- Housing & Community Development Committee October 15, 2019 - recommended to move to City Council unanimously

Pro(s):

- The proposed policy comes from staff, community stakeholders, developers and committee members over the past year that address issues of affordability from 80% AMI to 30% AMI and our homeless population.
- The policy follows Community Development efforts of creating policies that are easy to comprehend, usable and equated to a dollar amount to be used as a source in a pro forma.
- Based on analysis and in agreement with the consultants for 319 Biltmore, an operational fee grant has the potential to incentivize developers to add affordable units.

Con(s):

- None

Fiscal Impact:

- All water service connection fee revenues are realized in the Water Resources Enterprise Fund and cannot be used to incentivize affordable housing development. Rebates for these fees will be paid from the General Fund.
- Although the city receives revenue when these fees are paid by a developer, the rebate typically occurs in a subsequent fiscal year after the project is complete and occupied. This lag in timing means that any fee rebates paid to affordable housing developers will not necessarily be offset by development fee revenues in the same year that the rebate is paid.
- The current budget includes $85,000 in the Community and Economic Development Department to pay affordable housing rebates that were negotiated under the existing policy. Most of that funding has already been used to pay a single rebate ($66,630) for one project. The Office of Sustainability budget includes $15,000 to pay the energy efficiency and tree protection rebates. If this policy change achieves its intended purpose (i.e., greater utilization of the rebate programs), more funding will be required in future fiscal years as more developers make use of these programs

Mr. David Nutter spoke in support of this revision to the Land Use Incentive Grant Policy.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Mayfield moved to repeal the Fee Grant Program for Affordable Housing Development with a new, stand-alone Affordable Housing Fee Rebate Program. This motion was seconded by Councilman Young and carried unanimously.

RESOLUTION BOOK NO. 41 – PAGE 126

B. RESOLUTION NO. 19-145 - RESOLUTION AMENDING THE CITY OF ASHEVILLE'S LAND USE INCENTIVE GRANT POLICY

Community Development Program Director Paul D'Angelo said that this is the consideration to adopt an amended Land Use Incentive Grant Policy

Background:

- In November of 2010, City Council first adopted a Land Use Incentive Policy that provided incentives to encourage development projects that fulfill important public purposes directly addressing annual strategic goals set by Council like affordable housing.
- Council directed that the Policy be reviewed yearly after its adoption. Since that time, the Policy has been revised five times in March of 2011, January of 2013, August of 2014, September of 2015, and September of 2018.
- In addition, Fee Rebates were removed and recommended as a separate policy.
- The Policy was reorganized to be easier to read and more linear; i.e. the scoring matrix is all on one page with the following page offering the descriptions.
- A goal of Community Development staff, per community discussions with stakeholders and developers, is to make policies easy to comprehend, usable & equated to an investment dollar amount to be used as a source in a pro forma / balance sheet.
- Please note that the top changes were approved in June, 2019, by committees, with the bottom changes approved in August, 2019, by committees.
- Changes of note -
    - Every 5 points, versus 10 points, equal one year of property tax grant
    - Maximum length of a property tax grant - 20 years plus 1
    - Minimum 20 years of affordability versus 15 years
    - Addition of a Walkability Score
    - Addition of points for serving Low Income Individuals & Families under 60% AMI
    - Additional length of tenant affordability and update in points
    - Addition of points for accepting Tenant Based Rental Assistance
    - Addition of points for removing an individual from the Homeless by-name list
    - Addition of points for locating in the Central Business District
    - Points if part of a Brownfield Redevelopment
    - Points for energy efficiency
    - Points for Rehab / Redevelopment with added language that at a minimum, a 1 to 1 ratio of the redeveloped / rehabbed units must be targeted at the same Area Median Income (AMI) as the original units.
    - A criteria to access the Land Use Incentive Grant is that the building must be at least 70% residential in use based on square footage not to include a parking structure if applicable.
    - A scoring of 10 points for developers who add the elements of Universal Design for aging in place for at least 20% of the total units.
    - A scoring of 10 points for developers who build outside of a Qualified Census Tract (QCT). QCTs are census tracts in which at least 50% of the households have an income less than 60% of the Area Median Gross Income (AMGI). Link here to a QCT Map - Census Tracts 1,2,3,9,13,20,25.06 are all QCTs.
    - Added language to clarify that the City cannot accept a new or updated LUIG application after building permits have been issued.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- Affordable Housing Advisory Committee March 7, 2019 - recommended to move forward to HCD Committee unanimously
- Housing & Community Development Committee June 18, 2019 - passed unanimously, accepting all initial changes to the LUIG Policy
- Finance & Human Resources Committee - June 25, 2019 - passed unanimously, accepting all initial changes to the LUIG Policy
- Housing & Community Development Committee August 20, 2019 - passed unanimously, accepting additional updates to the LUIG Policy

- Finance & Human Resources Committee August 27, 2019 - passed unanimously, accepting additional updates to the LUIG Policy with added language noted in Redevelopment / Rehab

Pro(s):

- The proposed amendments come from staff, community stakeholders, developers and committee members over the past year that address issues of concern, such as accepting Housing Choice Vouchers, Energy Efficiency, and assisting our Homeless population
- The policy follows Community Development efforts of creating policies that are easy to comprehend, usable & equated to an investment dollar amount to be used as a source in a pro forma / balance sheet.
- Based on analysis, additional years of a property tax grant has the potential to incentivize developers to add affordable units

Con(s):

- The proposed increase in the term of the grant could defer the net increase of City of Asheville property taxes for affordable housing developments for as much as 21 years.

Fiscal Impact:

- The proposed increase in the term of the grant could defer the net increase of City of Asheville property taxes for affordable housing developments for as much as 21 years.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved to amend the City's Land Use Incentive Policy. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 41 – PAGE 133

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Four individuals spoke in support of Council adopting a climate emergency resolution.

Mr. Quinn Powers, spoke about the problem of heroin use especially at the corner of Montana and Hanover.

Four individuals spoke about the need to extend evening service hours in this fiscal year.

Mr. Jonathan Wainscott spoke in support of districts.

Councilman Kapoor said the Finance & Human Resources Commission looked at an updated General Fund model. He said that the Mission dollars are already included in the base budget for next fiscal year. He reiterated that we can't fund transit using the General Fund and parking fees. The only way we can do it is to get some type of additional revenue source.

Councilwoman Mayfield said the 5-year projection is located on the City's website under the Finance & Human Resources Committee's October 22, 2019, meeting. She felt that since we want to do more transit, urban forester position, urban forestry plan, recycling position, put money in the capital budget for solar, add more money for affordable housing, compensation, etc., we need to be talking about a property tax increase next year until we get authorized to do something else, that is our only option.

Councilwoman Mayfield also said that we are in a climate crisis but Asheville is not doing nothing. We are doing more than any city in North Carolina. We are farther down the road in figuring out how to

implement our 100% renewal resolution and we have avoided the construction of a 190 megawatt natural gas fired peaker plant. Our resolution commits us to do more than just meet our own energy goals with renewable energy, we are also committed in supporting the County in their goal of 100% renewable for the community.

Mayor Manheimer agreed that the City has been working on this for a very long time. It's very clear that the biggest things that will make a difference is car driving and getting the state to mandate a renewable mix for generation in our state.

Closed Session

At 6:51 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1).The law that makes the information privileged and confidential is N.C. Gen. Stat. § 143-318.10(e); (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, specifically the handling or settlement of claims, including but not limited to the following matter: City of Asheville v. Parkway Court, LLC, Case File Number 17 CVS 1380. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3); and (3) To discuss matters relating to the location or expansion of industries or other businesses in the City of Asheville, including on a list of potential economic development incentives. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 7:19 p.m., Councilman Kapoor moved to come out of closed session. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:19 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – November 12, 2019 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 22, 2019

B. RESOLUTION NO. 19-246 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH ADW ARCHITECTS P.A. FOR THE NEW FIRE STATION 13 BUILDING DESIGN SERVICES

Action Requested: Adoption of a contract (amendment) in the amount of $407,567 to increase professional services with ADW Architects, P.A., beyond the schematic design phase and to provide services for design development through project close-out for the full scope of the Fire Station 13 Design Services Project.

Background:

- The building needs (scope) were confirmed in preliminary design meetings with public safety departments to ensure that the facility, as proposed, will meet the immediate and future needs.Schematic design and cost estimates were generated as part of the initial design phase.
- The public was informed of the impacts of this facility to the neighborhood through a public engagement process focusing on facility operations and site development. Public input also helped to inform decisions related to the aesthetics of the building.
- The original design contract of $ 456,583 allowed for the schematic design of the facility which includes three apparatus bays, an Emergency Operations Center, and administration space to be used by public safety operations, and a community room.
- This facility will serve the joint use of the Fire and Police Departments and will help to improve the service response in the Five Points, Montford, UNC-Asheville, and Richmond Hill communities.
- This location represents additional facilities for both public safety departments.
- This amendment of $ 407,567 will fund project development through final design, bidding, construction administration, and project close-out.
- After this amendment, the total contract amount will be $ 864,150.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned business through solicitation processes

which included posting on the State's Interactive Purchasing System and requiring vendors to reach out to Minority & Women-Owned Business Enterprises (MWBE) for subcontracted services. Two Women-Owned Firms submitted qualifications for consideration. The selected team will be utilizing one subconsultant, Stewart Engineering, Inc, certified as a Historically Underutilized Business (HUB) and a Minority-Owned Enterprise (MBE) with the State of NC.

Council Goal(s):

- A Clean and Healthy Environment & A Financially Resilient City

Committee(s):

- None

Pro(s):

- The new emergency services building will provide improved response time to public safety calls.
- The new station will provide the dual uses of fire and police services and a community conference room.

Con(s):

- None

Fiscal Impact:

- Funding for this amendment is already included in the adopted Capital Improvement Program budget for Fire Station 13.

Motion:

- Motion to authorize the City Manager to execute a contract (amendment) with ADW Architects, P.A., in the amount of $ 407,567, and total contract amount of $864,150 for the New Fire Station 13 building design, and to further authorize the City Manager or designee to execute any change orders up to the contingency amount of 10% of the contract ($86,415).

RESOLUTION BOOK NO. 41 - PAGE 140

C. RESOLUTION NO. 19-247 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SOLE SOURCE PROCUREMENT OF IMAGING EQUIPMENT WITH VIKEN DETECTION FOR THE ASHEVILLE HIGH INTENSITY DRUG TRAFFICKING AREAS/DRUG ENFORCEMENT AGENCY TASK FORCE

Action Requested: Adoption of a resolution supporting the sole source procurement of imaging equipment with existing funds from the 2018 HIDTA grant.

Background:

- On October 23, 2018, and March 12, 2019, the City Council approved budget amendments to fund the 2018 HIDTA Program Grant to the total awarded amount of $345,416.
- The Asheville HIDTA/DEA Task Force requires a handheld X-Ray Imager for use in detecting concealed threats through steel vehicle fenders, steel doors, bumpers, exhaust manifolds, dashboards, seats and tires.
- Viken Detection is the only known manufacturer and United States distributor of the required equipment.
- The cost of the equipment is $50,435. This action does not increase the current budget.

Council Goal(s):

- A Connected and Engaged Community

Committee(s):
- Finance and Human Resources Committee, October 22, 2019 - Directed to move forward to the full City Council.
- Public Safety Committee, October 31, 2019 - Directed to move forward to the full City Council.

Pro(s):
- Fosters partnerships with Federal and local law enforcement agencies.

Con(s):
- None

Fiscal Impact:
- Funding for this purchase has been previously approved and is available for expenditure.

Motion:
- Move to adopt a resolution approving the sole source procurement of imaging equipment for the Asheville HIDTA/DEA Task Force.

RESOLUTION BOOK NO. 41 - PAGE 141

D. RESOLUTION NO. 19-284 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS WITH EMERGENCY SOLUTIONS GRANT SUBRECIPIENTS AND EXECUTE ANNUAL SERVICES AGREEMENT FOR THE ASHEVILLE-BUNCOMBE HOMELESS MANAGEMENT INFORMATION SYSTEM WITH THE MICHIGAN COALITION AGAINST HOMELESSNESS

Action Requested: Adoption of a resolution to authorize the City Manager to execute contracts with Emergency Solutions Grant (ESG) subrecipients and execute annual services agreement for the Asheville-Buncombe Homeless Management Information System (HMIS).

Background:
- The City of Asheville serves as the Fiscal Sponsor for Emergency Solutions Grant funds allocated to Asheville by the NC Department of Health and Human Services.
- The City submitted the ESG Regional Application and accompanying project applications for a total of $125,971 on October 11, 2019.
- On October 30, 2019, NC Department of Health and Human Services announced that all applicant projects had been funded at the levels in the chart below.
- An additional $9,448 was awarded to the City of Asheville for administration of the awards.
- Operation of the community's Homeless Management Information System is a required component for both ESG and Continuum of Care funding. The Michigan Coalition Against Homelessness is the City's HMIS services provider. The annual services agreement must be executed at this time. The cost is offset by the ESG funding for HMIS.

FY 2019-20 ESG FUNDING AWARDS

PROJECT APPLICATION	TYPE	AWARD
CARING for Children - Trinity Place Youth Shelter	ES	$20,000

City of Asheville - HMIS	HMIS	$2,000
Homeward Bound - Homelessness Prevention	PVT	$58,000
Helpmate - Emergency Shelter	ES	$32,771
Helpmate - Rapid Rehousing for DV Survivors	RRH	$13,200
Administration	ADMIN	$9,448
Total of all FY2019 projects, plus admin:		**$135,419**

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- Homeless Initiative Advisory Committee - August 27, 2019
- Housing and Community Development - October 15, 2019

Pro(s):

- Provides funding to sustain existing homeless prevention, rapid rehousing, emergency shelter operations, HMIS, and administration of the awards.

Con(s):

- None.

Fiscal Impact:

- $135,419 in revenue to support existing homeless prevention, rapid rehousing, emergency shelter operations, HMIS, and administration of the awards. No matching funds from the City of Asheville are required. The cost of the HMIS annual services agreement is offset by the ESG award for HMIS.

Motion:

- Motion to authorize the City Manager to execute contracts with the subrecipients and with the Michigan Coalition Against Homelessness for the City's annual Homeless Management Information System services agreement.

RESOLUTION BOOK NO. 41 - PAGE 142

E. RESOLUTION NO. 19-249- RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT, GRANT FUNDS FROM THE U.S. DEPARTMENT OF JUSTICE FOR THE 2019 BULLETPROOF VEST PARTNERSHIP GRANT

ORDINANCE NO. 4777 - BUDGET AMENDMENT FROM THE U.S. DEPARTMENT OF JUSTICE FOR THE 2019 BULLETPROOF VEST PARTNERSHIP GRANT

Action Requested: Adoption of a resolution to apply for and accept the 2019 BVP Grant and adopt a budget amendment in the City's Special Revenue Fund in the amount of $50,438.62.

Background:

- The City of Asheville receives an annual opportunity to apply for a U.S. Department of Justice (DOJ), Bulletproof Vest Partnership Grant (BVP).
- The DOJ has preliminarily determined that the Asheville Police Department (APD) is eligible to receive a 2019 award of $25,219.31 which requires a dollar for dollar match by the City.
- The funding will allow the purchase of 78 bulletproof vests over the 2 year life of the grant.

Council Goal(s):
- A Connected and Engaged Community

Committee(s):
- Finance & Human Resources Committee, October 22, 2019 - Directed to move forward to the full City Council.
- Public Safety Committee, October 31, 2019 - Directed to move forward to the full City Council.

Pro(s):
- Increases officer safety by providing crucial safety equipment.

Con(s):
- None

Fiscal Impact:
- The City of Asheville's match is $25,219.31 and is included in the APD Fiscal Year 2020 budget.

Motion:
- Motion to adopt a resolution approving the application and acceptance of the grant and a budget ordinance amendment to appropriate the funding.

RESOLUTION BOOK NO. 41 - PAGE 143
ORDINANCE BOOK NO. 33 - PAGE 1

F. ORDINANCE NO. 4778 - BUDGET AMENDMENT TO ACCEPT STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE GRANT FOR UPSTAFFING IN THE ASHEVILLE FIRE DEPARTMENT

Action Requested: Adoption of a budget amendment in the City's Special Revenue Fund in the amount of $868,014 utilizing the Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response (SAFER) Grant and City matching funds.

Background:
- On October 23, 2018, City Council passed a resolution to authorize the City Manager to apply for the three FEMA grants. One of these grants was the SAFER grant.
- The SAFER program is designed to help fire departments hire and train additional firefighters to provide for a safer emergency scene.
- In 2018, the Asheville Fire Department was awarded the grant to provide funding for nine firefighters for a total of $1.3 million.
- In 2019, for the second year in a row, the Asheville Fire Department was awarded the SAFER grant but this year it provides funding for six firefighters for a total of $535,275, with the City's cost over the three-year grant period being $332,739.
- The budget amendment in the Special Revenue Fund reflects the full grant award and match from the City over the three year grant period. The City's match of $72,335 for the

current fiscal year will come from anticipated savings in the existing Fire Department General Fund budget.
- For the remainder of the grant period, the Department and the Budget office will include the City's General Fund match as part of each year's annual budget process.

Council Goal(s):
- Smart City

Committee(s):
- Finance and Human Resources Committee - October 22, 2019 - Approved
- Public Safety Committee - October 31, 2019 - Approved

Pro(s):
- Firefighter and public safety would be increased significantly

Con(s):
- The City's total match over the three year period is $332,739
- Added outfitting and equipment costs to be absorbed in this fiscal year's operating budget
- Grant funding ends after Fiscal Year 2021-22

Fiscal Impact:
- The City's total share over the three year period will be at least $332,739. Furthermore, the Asheville Fire Department will utilize already budgeted funds in the General Fund to outfit and equip the six new firefighter recruits. The grant does not require the City to maintain the higher level of staffing after year three.
- If Council direction at year four was to continue the higher staffing level, the City would be responsible for the full cost of the six positions. If the direction was to return to current level staffing after year three, the firefighters hired under the grant would be reassigned within the department and normal hiring in year four would be curtailed, with no ongoing staff or financial impact.
- In the current fiscal year, the federal grant funds are 75% of the total compensation and benefits and amount to $217,004. The City is responsible for a 25% match of compensation and benefits which amounts to $72,335.
- In the second year, the grant funds and City responsibility are the same as in the first year.
- In the third year, the grant funds 35% of the salary and benefits for the six firefighters to equal $101,269 while the City's responsibility is $188,070.

	FY 19-20	FY 20-21	FY 21-22	Total
Grant Funds	$217,003	$217,003	$101,268	$535,275
City Funds	$72,335	$72,335	$188,070	$332,739
Total	$289,338	$289,338	$289,338	$868,014

Motion:
- Motion to adopt a budget amendment in the City's Special Revenue Fund in the amount of $868,014 utilizing the FEMA SAFER Grant and City matching funds.

ORDINANCE BOOK NO. 33 - PAGE 2

G. RESOLUTION NO. 19-250 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH TENNOCA CONSTRUCTION COMPANY FOR THE HAYWOOD STREETSCAPE PROJECT

RESOLUTION NO. 19-251 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY FOR COST SHARING FOR THE HAYWOOD STREETSCAPE PROJECT

ORDINANCE NO. 4779 - BUDGET AMENDMENT FROM MSD TO BUDGET THEIR SHARE OF THE HAYWOOD STREETSCAPE PROJECT

Action Requested: Adoption of: 1) a resolution authorizing the City Manager to enter into a cost sharing Memorandum of Understanding with the Buncombe County Metropolitan Sewerage District (MSD); 2) execution of a contract with Tennoca Construction Co. in the amount of $4,749,345 for the construction of the Haywood Streetscape Project contingent upon the approval of the project by MSD; and further authorizing the City Manager to execute any change orders that may arise during the project up to the 10% contingency amount that is included in the $4,749,345; and 3) a budget amendment in the amount of $1,709,532 to budget MSD's share of the project cost.

Background:

- The City has prioritized this project as a major need and a safety issue. The project is included in the November 2016 Transportation Bond.
- City Council approved a design contract for this streetscape in August 2018.
- The scope of the construction will include needed sidewalk rehabilitation, Americans with Disabilities Act (ADA) improvements, street resurfacing, stormwater improvements, sanitary sewer improvements, water line improvements, and added site amenities.
- Because multiple agencies are requiring infrastructure improvements as part of this project, a partnership is being created to fairly share costs between the City (streetscape), the City's water department, and MSD.
- Bid documents were compiled to include capital improvements for the City's transportation bond fund, the City's water department, and MSD. Costs for each entity are itemized individually. A Memorandum of Understanding is being executed to detail the reimbursement procedures for each agency.
- Bids for prequalified contractors were initially advertised on August 15, 2019. Only two bids were received at the bid opening deadline, so the project was readvertised and bids were opened on October 10, 2019.
- The City received two bids. The contractor names and bid amounts for the total base bids (including Streetscape, Water and MSD) are listed below:
    - Tennoca Construction Company of Candler, NC: $ 5,855,319.
    - Thomas Construction Company of Johnson City, TN: $ 6,145,128.
- Tennoca Construction Co. was the lowest responsive, responsible bidder; however the low bid exceeded each agencies available budget for the project, so the City and MSD entered into negotiations with the lowest responsible bidder on October 22, 2019.
- Those negotiations resulted in a revised total contract price of $4,749,345.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business

Enterprises (MWBE) for subcontracted services. MWBE subcontractors are anticipated to be used on this project. They include New Dimensions in Pavement Markings, Fletcher NC; Concrete Specialty Contractors, Inc, Shelby NC; Hamilton Hauling LLC, Candler NC.

Council Goal(s):

- A well planned and liveable community; Transportation and accessibility; Thriving local economy

Committee(s):

- Tree Commission (8/19/19); Downtown Commision Design Review Committee (2/19/19 & 11/14/18); Bike/Ped Task Force (1/16/19); Multimodal Commission (10/24/18).

Pro(s):

- Addresses needed infrastructure and safety improvements and delivers on sidewalk, drainage, and roadway improvements identified in the approved 2016 Bond Referendum.
- Coordinates construction between the City and MSD Capital Improvement Projects that will reduce redundancy in costs and in construction impacts to the public during the future construction process.

Con(s):

- This project will cause disruption in the downtown area throughout the entire duration of the approximate ten month construction project.

Fiscal Impact:

- The total amount of the contract plus contingency is $4,749,345. The breakdown of costs between the City's General Capital Projects Fund, the City's Water Resources Capital Projects Fund, and MSD is shown in the table below. The City funding is already included in those respective funds adopted budgets.

City General CIP (Bond Program)	$2,346,307
City Water CIP	$693,506
MSD	$1,709,532
Total	$4,749,345

Motion:

- Adoption of a resolution authorizing the City Manager to enter into a cost sharing Memorandum of Understanding with MSD, as well as executing a contract with Tennoca Construction Co. in the amount of $4,749,345 for the construction of the Haywood Streetscape Project contingent upon the approval of the project by the MSD Board; and further authorizing the City Manager to execute any change orders that may arise during the project up to the 10% contingency amount that is included in the $4,749,345; and a budget amendment in the amount of $1,709,532 to budget MSD's share of the project cost.

RESOLUTION NO. 19-250 - RESOLUTION BOOK NO. 41 - PAGE 144
RESOLUTION NO. 19-251 - RESOLUTION BOOK NO. 41 - PAGE 145
ORDINANCE BOOK NO. 33 - PAGE 3

H. **RESOLUTION NO. 19-252 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND AN EXISTING CONTRACT WITH POYNER SPRUILL FOR OUTSIDE COUNSEL**

ORDINANCE NO. 4780 - BUDGET AMENDMENT FOR OUTSIDE COUNSEL AND ADDITIONAL OUTSIDE LEGAL SERVICE EXPENSES

Action Requested: Adoption of a resolution that would authorize the City Manager to amend an existing contract with Poyner Spruill for outside counsel; and the associated budget amendment in the amount of $100,000 to fund the contract amendment and additional outside legal service expenses.

Background:
- Current contract funds have been depleted.
- Cases in both the Supreme Court and Court of Appeals are expected to be lengthy and costly.

Vendor Outreach Efforts:
- Since this was a pre-existing contract, no new vendor outreach was pursued.

Council Goal(s):
- An equitable and diverse community.
- A well-planned and livable community
- A clean and healthy environment.
- Quality affordable housing.

Committee(s):
- None

Pro(s):
- Provides the needed resources to enforce the City's ordinances.

Con(s):
- None identified.

Fiscal Impact:
- Funding for this budget amendment will come from unassigned General Fund fund balance.

Motion:
- Move to adopt a resolution that would authorize the City Manager to amend an existing contract with Poyner Spruill for outside counsel; and the associated budget amendment in the amount of $100,000 to fund the contract amendment and additional outside legal service expenses.

RESOLUTION BOOK NO. 41 - PAGE 146
ORDINANCE BOOK NO. 33 - PAGE 4

I. **RESOLUTION NO. 19-253 - RESOLUTION FOR THE STANDARDIZATION PROCUREMENT OF EQUIPMENT AND SERVICES FOR THE RELOCATION OF PEACH KNOB PUBLIC SAFETY RADIO SYSTEM EQUIPMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH MOTOROLA SOLUTIONS INC.**

Action Requested: Adoption of a resolution authorizing the Information Technology Services Department to purchase antenna equipment and related services to relocate an existing radio system simulcast site to an adjacent State-owned radio tower based on standardized needs.

Background:

- In 2015, the City Council awarded a contract to Motorola Solutions, Inc. to replace the City's public safety radio system.
- One of four simulcast radio sites is located at the City's aging Peach Knob tower facility which is over capacity due to changes in the building code.
- Through the terms of a recently adopted mutual tower sharing agreement with the State of North Carolina Department of Public Safety, the City is able to relocate the Peach Knob simulcast site to the State's higher capacity radio tower facility located adjacent to the Peach Knob tower facility.
- Motorola Solutions equipment is used at the Peach Knob facility and is covered by an existing support and maintenance agreement.

Vendor Outreach Efforts:

- Due to the need for standardization and compatibility with existing equipment, Motorola Solutions, Inc. is the only provider qualified to perform the relocation of the City's radio equipment at this site.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Continues a mutual tower sharing partnership with the NC Department of Public Safety
- Allows the City's radio system to operate on a more reliable tower with a superior equipment facility.
- Project maintains existing maintenance and support obligations of the equipment manufacturer.

Con(s):

- None

Fiscal Impact:

- The total amount of this expenditure including taxes will be approximately $48,000. This will be allocated from the City's tower management budget specifically designated for upkeep and maintenance of City radio tower facilities.

Motion:

- Motion to adopt a resolution authorizing the Information Technology Services Department to purchase antenna equipment and related services to relocate an existing radio system simulcast site to an adjacent State-owned radio tower based on standardized needs. resolution for the standardization procurement of equipment and services for the relocation of Peach Knob public safety radio system equipment and authorizing the City Manager to execute an agreement with Motorola Solutions, Inc.

RESOLUTION BOOK NO. 41 - PAGE 147

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Mayfield moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT

2020 Census Coordination Efforts Update

City Manager Campbell introduced Director of Planning & Urban Design Todd Okolichany who provided Council with a brief update on the City's 2020 Census coordination efforts. He said the Census Bureau administers the Census using Federal resources and the Census utilizes local governments to increase participation rates. Postal mailings will be distributed mid-March 2020 and will be active through July. Mailings will provide three methods to complete the Census (Phone, Online, and In-Person). Census will never call never call or email you. In-person Census employees will have official identification. 2020 Census will be the "short form" version (i.e., 10-15 questions). After several mailed reminders, Census employees will knock on doors in July to contact those residents who have not returned their form. Census runs March - July. Final counts are reported to the President on December 31, 2020. Partnership with Buncombe County, who is leading this effort, and other organizations. By law, U.S. Census keeps records confidential for 72 years and does not share this information with other agencies (e.g. ICE). Goal is to reach "hard to count populations", such as traditionally under-resourced neighborhoods, children, seniors, people experiencing homelessness, university students, veterans, and others. There are 16 federal assistance programs that use the census data to determine how to distribute funds (e.g. Medicaid). The Complete County Committee (CCC) is a Census-recommended cross-sector committee designed to encourage participation in their community. Primary objective is to develop an outreach plan tailored to the unique characteristics of their community. The Buncombe County CCC includes representatives from: City of Asheville and other local governments, Schools (e.g.,ACS, BCS), Universities (e.g., UNCA, AB-Tech), Non-profit Community (e.g., United Way), Faith Community (e.g., churches), and Business (e.g., large employers). Next steps include Census Training: October 10; Full CCC meeting in November; Convene Subcommittees; and Develop Communication Plan: late October. Ongoing there will be recruit for Census employees (Partnership, Recruiting Specialists); Coordinate with partner organizations; and Implement cross-municipality marketing campaign. Right now the priority is hiring enough census workers to help count the population in 2020. Buncombe County is currently behind in how many people have applied. Target is 2,250 applications. It's important to know that (1) Jobs can be part-time and flexible schedule; (2) Census workers work from home; and (3) Census taking jobs pay $14.00 in Buncombe County. Staff will update Council on a quarterly basis in 2020.

RESOLUTION NO. 19-254 - RESOLUTION AUTHORIZING 2020 CENSUS PARTNERSHIP

The City of Asheville (1) Commits to partnering with the U.S. Census Bureau and the State of North Carolina; (2) Will support the goals for the 2020 Census and will disseminate 2020 Census information; and encourage all City residents to participate in events and initiatives that will raise the overall awareness of the 2020 Census and increase participation; (3) Will provide Complete Count Committee and Census advocates to speak to City and community

organizations; and support census takers as they help our City complete an accurate county; and (4) Will strive to achieve a complete and accurate count of all persons within our City.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of a resolution authorizing the 2020 census partnership. This motion was seconded by Councilman Young carried unanimously.

RESOLUTION BOOK NO. 41 - PAGE 148

IV. PUBLIC HEARINGS:

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. BOARDS AND COMMISSIONS

RESOLUTION NO. 19-255 - RESOLUTION APPOINTING A MEMBER TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Alcoholic Beverage Control Board.

The term of Jan Davis will expire on November 13, 2019.

The following individuals applied for the vacancy: Timothy W. Collins, Arthur Michael Edwards, Ander Schreiner and Scott Fowler.

The Boards & Commissions Committee recommended reappointment of Mr. Davis.

Vice-Mayor Wisler moved to reappoint Jan Davis to serve an additional three-year term to the Alcoholic Beverage Control Board, term to expire November 13, 2022, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 41 – PAGE 149

RESOLUTION NO. 19-256 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE CRIMESTOPPERS BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Asheville-Buncombe Crime-Stoppers Board.

Beau Dean and Tana Macaluso have both resigned as members of the Asheville-Buncombe Crimestoppers Board, both leaving unexpired terms until June 30, 2020.

The following individuals applied for the vacancies: Travis Smith and Alvin Malesky Jr.

The Boards & Commissions Committee recommended appointing Travis Smith and Alvin Malesky..

Vice-Mayor Wisler moved to (1) appoint Travis Smith as a member of the Asheville-Buncombe Crimestoppers Board to serve the unexpired term of Mr. Dean, term to expire June 30, 2020, and (2) appoint Alvin Malesky as a member of the Asheville-Buncombe Crimestoppers Board to serve the unexpired term of Ms. Macaluso, term to expire June 30, 2020. Both terms are until their successors have been appointed.This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 41 – PAGE 150

RESOLUTION NO. 19-257 - RESOLUTION APPOINTING A MEMBER TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Asheville-Buncombe Historic Resources Commission.

Ms. Hillary Mannion has resigned, thus leaving an unexpired term until July 1, 2020.

The following individual applied for the vacancy: Will Hornaday.

The Boards & Commissions Committee recommended appointing Will Hornaday.

Vice-Mayor Wisler moved to appoint Will Hornaday to serve the unexpired term of Ms. Mannion, as a member of the Asheville-Buncombe Historic Resources Commission, term to expire July 1, 2020, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 41 – PAGE 151

RESOLUTION NO. 19-258 - RESOLUTION APPOINTING MEMBERS TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Homeless Initiative Advisory Committee.

The terms of David Nash and Randy Stoudy (homeless or formerly homeless seat), expired on November 1, 2019.

The following individuals applied for the vacancy: Josh Ivey, Annie Carpenter, Karen George, Shannon Watkins, Sarah Tarpey, Patrick Sasale, Patrick Gensert, Rachel Bliss, Kelby Hartson Carr, Paul Robinson, Thomas Parker and Sherab Chodron.

The Boards & Commissions Committee recommended reappointing Mr. Nash and Mr. Stoudt.

Vice-Mayor Wisler moved to reappoint David Nash and Randy Stoudt (homeless or formerly homeless seat) to each serve a three-year term, terms to expire November 1, 2022, or until their successors have been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 41 – PAGE 152

RESOLUTION NO. 19-259 - RESOLUTION APPOINTING MEMBERS TO THE SOIL EROSION AND STORMWATER REVIEW COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Soil Erosion and Stormwater Review Committee.

The terms of Pete Hildebrand and Catherine Rosjford, expired on November 1, 2019.

The following individuals applied for a vacancy: None.

The Boards & Commissions Committee recommended reappointing Mr. Hildebrand and Ms. Rosjford.

Vice-Mayor Wisler moved to reappoint Pete Hildebrand and Catherine Rosjford to each serve an additional three-year term, terms to expire November 1, 2022, or until their successors have been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 41 – PAGE 153

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Closed Session

At 5:16 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(1). The statutory authorization is contained in N.C.G.S. 143-318.10 (e); and (2) To consult with an attorney employed by the City about an administrative procedure and the handling of a claim with respect to which the attorney-client privilege between the City and its attorney must be preserved. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 5:58 p.m., Councilman Young moved to come out of closed session. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 5:58 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – November 26, 2019 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branhan; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 12, 2019

B. RESOLUTION NO. 19-260 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY AN EASEMENT AT RICHMOND HILL PARK ON CITY-OWNED PROPERTY TO DEPENDABLE HOUSE BUYER, LLC.

Action Requested: Adoption of a resolution authorizing the City Manager to execute an access easement to Dependable House Buyer LLC over City-owned property at Riverview Church Road.

Background:

- The City of Asheville owns 150 acres of property known as Richmond Hill Park. An existing gravel and soil road runs through the western-most portion of Richmond Hill Park and is currently used to access several adjacent homes. It has been in use for over twenty years as documented in Plat Book 98, Page 195, however no formal easement exists between the City and the homeowners.
- The City of Asheville commissioned a survey of the property in 2005. That survey is provided as Exhibit A and shows the area of the existing access road.
- A local developer (Dependable House Buyer LLC) has approached the City with a request for a formal access easement and a willingness to repair the road and maintain it. He purchased 4.8 acres of land in the land-locked neighborhood.
- The road is on a part of the park that is not in use for recreation. Parks and Recreation was consulted by the Real Estate Division and they have no objections to the access easement.
- The City is not interested in maintaining this road according to Public Works and Transportation Departments and it will remain open to the general public as a condition of the easement.
- The developer's surveyor has estimated that the road would be approximately 1,050 feet long and 45' wide, making the permanent easement 47,250 square feet or 1.085 acres.
- The developer has offered to pay $9,000 for the easement and perform maintenance and repair of the road. Recent land sales in the area, including the developer's purchase of 4.8 acres of land for $65,000, indicate that this is a reasonable offer for the easement.

Council Goal(s):

- A Well Planned and Liveable Community

Committee(s):
- Not Applicable

Pro(s):
- This access road will be improved and maintained with no cost to the City.
- This existing road will be established as legal access.
- Developer is paying for the access easement.

Con(s):
- This easement will grant permanent easement rights within a City-owned park but the access use does not interfere with the park's recreational uses.

Fiscal Impact:
- The City will have no financial responsibility associated with maintenance of the road.
- Compensation for the easement will benefit the General Fund.

Motion:
- Motion to approve a resolution authorizing the City Manager to convey a non-exclusive access easement to Dependable House Buyer, LLC.

RESOLUTION BOOK NO. 41 - PAGE 154

C. RESOLUTION NO. 19-261 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH BEVERLY GRANT/BARNHILL JOINT VENTURE TO ADD TO THE SCOPE OF THE CONSTRUCTION PROJECT ADDITIONAL INFRASTRUCTURE IMPROVEMENTS FROM THE RIVERSIDE DRIVE RAILROAD CROSSING TO HILL STREET

Action Requested: Adoption of a resolution authorizing the City Manager to execute a change order not-to-exceed $1,800,000 with Beverly Grant/Barnhill Joint Venture to add to the scope of the construction project additional infrastructure improvements from the Riverside Drive railroad crossing to Hill Street.

Background:
- Value engineering of the RADTIP back in June 2017 included eliminating proposed "jughandles" at the Riverside Drive railroad crossing and an associated retaining wall that would have cost $2,461,000. These jughandles were designed to improve the safety of bicycles crossing the Norfolk Southern rail lines in both directions through a more perpendicular crossing.
- Since eliminating these proposed improvements, city staff and the engineering consultants for this project have explored alternative methods of providing safe bicycle crossing without the need to build a cost prohibitive retaining wall for the northbound bicycle traffic. Southbound bicycle traffic will have a dedicated jughandle crossing if this change order is approved.
- The design alternative selected for northbound bicycle traffic that can be implemented within the existing RADTIP budget involves building a narrowed 10' vehicle lane with a wider 6' wide bicycle lane that transitions to a shared vehicle/bicycle facility ("sharrows") at the Riverside Railroad crossing. This design allows a bicyclist to cross the tracks at a more perpendicular angle.

Vendor Outreach Efforts:

- DBE participation on this project is currently tracking at 6.7% to date. This change order is anticipated to include 9% in DBE participation.

Council Goal(s):
- A well-planned and livable community
- Transportation and Accessibility
- Smart City.

Committee(s): Staff has presented this information to the following stakeholders and committees prior to bringing this recommendation to Council.
- Asheville Bicycle and Pedestrian Task Force - October 17, 2019
- Multimodal Commission - September 25, October 30, 2019

Pro(s):
- Makes bicycle crossings safer at a location that has a history of documented injuries.
- Provides safe pedestrian access to newly constructed bond funded sidewalks at Hill Street.
- Provides much needed stormwater infrastructure in an area that historically ponds water on a routine basis.
- Utilizes available TIGER VI grant funding thereby reducing the local funding required to make improvements.
- All improvements can be funded using available project contingency.
- Continues to deliver on the original commitments of RADTIP, providing pedestrian and bicycle connectivity from Hill Street to the North to Amboy Road to the South of the RAD.
- This work will be completed by Aug. 2020 within the same timeframe of the original construction schedule.

Con(s):
- Does not include the "ideal" jughandle bicycle crossing design for the northbound bicyclists.
- In order to take advantage of the remaining TIGER grant funds, Federal Highway Authority (FHWA) requires that this contract addition be negotiated with the current contractor and not competitively bid.

Fiscal Impact:
- The funding required to add this scope back into the construction contract is available within the contingency of the already approved project budget. No additional funding is required. The approval of this not-to-exceed $1,800,000 change order plus the current contract value of $31,532,920.54 will bring the total contract value to not-to-exceed $33,332,920.54

Motion:
- Motion to adopt a resolution authorizing the City Manager to execute a change order for not-to-exceed $1,800,000 with Beverly Grant/Barnhill Joint Venture to add to the scope of the construction project additional infrastructure improvements from the Riverside Drive railroad crossing to Hill Street.

Mr. Michael Soule and Clark Mackey, representing Asheville on Bikes, thanked City Council for these improvements but also urged City Council to work towards making infrastructure improvements north on Riverside Drive safe for people in all modes of transportation.

Vice-Mayor Wisler noted that staff is still working on problems associated with the railroad crossing.

RESOLUTION BOOK NO. 41 - PAGE 155

D. RESOLUTION NO. 19-262 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH GREYBEARD FENCING SOLUTIONS FOR THE RAY L. KISIAH PARK FENCING IMPROVEMENTS

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a construction contract with Greybeard Fence Solutions of Mars Hill, NC, in the amount of $184,939 and to further authorize change orders up to the contingency amount of $18,494 (10%) for Ray L. Kisiah Park fencing improvements.

Background:

- The project upgrades were approved in the GO Bond and will allow for the replacement of outdated facilities including sports field fencing and amenities.
- This project will improve the appearance, usefulness, and safety of facilities, and help the department implement the Parks, Recreation, Cultural Arts Master Plan adopted by City Council in 2009.
- Three bids were received and opened on October 30,2019:
    - Greybeard Fencing Solutions, Mars Hill, NC $184,939
    - Seegars Fencing, Woodruff, SC $245,465
    - Asheville Contracting Co. Inc., Candler, NC $408,000 (HUB-Women Owned Business)

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned business through solicitation processes which include posting on the State's Interactive Purchasing System, targeted outreach with the City's Business Inclusion Manager, and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Greybeard Fencing Solutions, Mars Hill, NC was found to be the lowest responsible/responsive bidder for this project.

Council Goal(s):

- A Clean and Healthy Environment & A Well-Planned and Livable Community.

Committee(s):

- Recreation Advisory Board (November 10) - project status update

Pro(s):

- Addresses needed infrastructure and safety improvements and delivers on ballfield improvements identified in the approved 2016 Bond Referendum.
- The facility will be under construction for 8-10 weeks during the off-season to minimize impacts to programs.

Con(s):

- None

Fiscal Impact:

- Funding for this contract exists within the approved GO Bond Capital Budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a construction contract with Greybeard Fence Solutions of Mars Hill, NC, in the amount of $184,939 and

to further authorize change orders up to the contingency amount of $18,494 (10%) for Ray L. Kisiah Park fencing improvements.

RESOLUTION BOOK NO. 41 - PAGE 156

E. RESOLUTION NO. 19-263 - RESOLUTION AUTHORIZING procurement of the CANDIDATE PHYSICAL ABILITY TEST EQUIPMENT FROM SOLE SOURCE VENDOR CPAT DISTRIBUTION INC. FOR THE ASHEVILLE FIRE DEPARTMENT

Action Requested: Adoption of a resolution authorizing the procurement of the Candidate Physical Ability Test equipment from sole source vendor CPAT Distribution, Inc.

Background:

- Through the Asheville Fire Department's accreditation process with Center for Public Safety Excellence, it was recommended for AFD to administer a nationally validated physical ability test for firefighter candidates. The Human Resources Department has supported this recommendation.
- To utilize a validated physical ability test means an outside organization has evaluated the test for its applicability to the job of a firefighter in the Asheville Fire Department
- The Fire Service Joint Labor Management Wellness/Fitness Initiative Task Force between the IAFF and the IAFC was tasked with addressing the issue of physical performance in the fire service.
- The Candidate Physical Ability Test (CPAT) was developed to be a fair evaluation system in the selection of firefighters to ensure that all firefighter candidates possess the physical ability to complete critical tasks effectively and safely.
- Their development of CPAT to obtain a diverse pool of candidates who are physically capable of performing the tasks required by firefighters has become the standard for entry level firefighter physical ability testing.
- Based on the standard established by the Task Force, the Asheville Fire Department will utilize the CPAT to ensure it is adhering to the industry's best practices for a validated physical ability test.
- The Asheville Fire Department holds the Candidate Physical Ability Test Program License. To maintain the license, the Department is required to obtain a specified set of equipment to administer the test. Some of this equipment is only manufactured for and distributed by CPAT Distribution, Inc.
- The cost of the equipment from CPAT Distribution, Inc. is approximately $20,000.

Vendor Outreach Efforts:

- Due to the need for compatibility with the Candidate Physical Ability Test, CPAT Distribution, Inc. is the only manufacturer and distributor of this equipment.

Council Goal(s):

- Smart City
- Thriving Local Economy

Committee(s):

- Public Safety Committee - October 31, 2019 - Approved

Pro(s):

- Implementing the CPAT furthers the City's goal of equity and inclusion in the recruiting process.
- Allows the Department to meet the recommendation from the Center for Public Safety Excellence to utilize a nationally validated physical ability test.

- Reduces the risk of liability to the City from possible litigation over implicit bias in physical ability testing.

Con(s):
- None

Fiscal Impact:
- Funding for this purchase is already included in the Fire Department budget.

Motion:
- Move to adopt a resolution authorizing the procurement of the Candidate Physical Ability Test equipment form sole source vendor CPAT Distribution, Inc.

RESOLUTION BOOK NO. 41 - PAGE 157

F. RESOLUTION AUTHORIZING EXCHANGE OF REAL PROPERTY LOCATED ON SOUTH MARKET STREET FOR PROPERTY LOCATED ON BEAUMONT STREET

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT DONATION AND CONVEYANCE OF REAL PROPERTY ADJACENT TO CITY-OWNED PROPERTY AT 161 S. CHARLOTTE STREET FROM FIFTY FIVE SOUTH MARKET, LLC.

These items have been removed from consideration at this meeting.

G. ORDINANCE NO. 4781 - ORDINANCE CHANGING THE NAME OF THE TREE COMMISSION TO URBAN FORESTRY COMMISSION AND SUPPORT BY THE DEVELOPMENT SERVICES DEPARTMENT

Action Requested: Adoption of an ordinance changing the name of the City's Tree Commission to the "Urban Forestry Commission" and be supported by the Development Services Department.

Background:
- In 1965, the City of Asheville adopted Ordinance Number 1677, establishing the Asheville Tree Commission.
- The Tree Commission has advised Council with respect to the planting, replacement, and removal of trees in the City.
- The Tree Commission has determined that its name should be changed to the Urban Forestry Commission as urban forestry is now the common term used to describe the ways in which c ties manage their forest assets.
- Staff is further recommending that Section 2-161 of the City Code be modified to allow the City Manager to appoint the appropriate staff to serve as support for the Commission.

Council Goal(s):
- A well-planned and livable community

Committee(s):
- Boards and Commissions Committee (recommended approval on August 27, 2019)

Pro(s):
- Will modernize the Tree Commission's name.
- Will increase flexibility with respect to staffing support.

Con(s):
- None noted.

Fiscal Impact:
- None.

Motion:
- Move to adopt an ordinance changing the name of the City's Tree Commission to the "Urban Forestry Commission" and be supported by the Development Services Department.

ORDINANCE BOOK NO. 33 - PAGE 5

H. RESOLUTION NO. 19-164 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR APPRENTICESHIP AND INTERNSHIP PROGRAM GRANTS, AND IF AWARDED, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION TO FUND THE APPRENTICESHIP AND INTERNSHIP PROGRAMS FOR FISCAL YEAR 2020-21

Action Requested: Adoption of a resolution authorizing the City Manager to apply for the North Carolina Department of Transportation (NCDOT) Apprenticeship and Internship Grant Program and if awarded, authorize the City Manager to enter into an agreement with NCDOT to fund the Apprenticeship and Internship Programs for Fiscal Year (FY) 2020-21.

Background:
- The NCDOT announced during the week of November 11th the availability of funding for the State's Apprenticeship and Internship program for students seeking to work with public transportation agencies in the state of North Carolina.
- During FY 2019-20, the City of Asheville's Transportation Department applied for and received grant funds to sponsor an apprentice or intern to work with staff in the Transportation Department interested in learning more about public transportation.

Council Goal(s):
- A well-planned and livable community
- Transportation and accessibility

Committee(s):
- None - Finance & Human Resources Committee cancelled November 26, 2019, meeting

Pro(s):
- Provides funding for an apprenticeship or internship position within the Transportation Department.
- Grant funds supplements funding for apprenticeship and/or internship positions for FY 2020-21.

Con(s):
- The required 10% local match of $5,503.30.

Fiscal Impact:
- The total grant funding being requested for the Fiscal Year 2020-21 NCDOT Apprenticeship and Internship Programs is estimated to be $55,053. The City's required 10% local match is $5,503.30, and the State grant would be approximately $49,549.70.

Both the State grant and the City's local match will need to be budgeted in the FY 2020-21 Transit Services Budget.

Motion:

- Motion to approve a resolution authorizing the City Manager to apply for and accept funding from NCDOT Grant Program and if awarded, authorize the City Manager to enter into an agreement with the NCDOT to fund the Apprenticeship and Internship Program for FY 2020-21.

RESOLUTION BOOK NO. 41 - PAGE 157

I. RESOLUTION NO. 19-265 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH J. BRADY CONTRACTING INC. TO COMPLETE AN EMERGENCY REPAIR OF HVAC UNITS AND CONTROLS IN THE THOMAS WOLFE AUDITORIUM

ORDINANCE NO. 4782 - BUDGET AMENDMENT TO COMPLETE AN EMERGENCY REPAIR OF HVAC UNITS AND CONTROLS IN THE THOMAS WOLFE AUDITORIUM

Action Requested: Adoption of a resolution authorizing the City Manager to amend the contract with J. Brady Contracting, Inc. in the amount of $50,000 to complete an emergency repair of Heating Ventilation and Air Conditioning (HVAC) units and controls in the Thomas Wolfe Auditorium, and budget amendment in the amount of $50,000 from USCC fund balance.

Background:

- The main heating element in the Thomas Wolfe Auditorium seating area has failed, leaving the venue at 50% capacity for heating. Additionally, in the past several months numerous air conditioning coils have failed leaving the venue at roughly 25% capacity for cooling.
- An immediate repair is necessary, if the last remaining unit fails the venue is at risk of closing and potentially cancelling events.
- A timely repair is possible within the next six weeks if a current contract with J.Brady Contracting Inc. is amended and a transfer of $50,000 is made from the U.S. Cellular Center's appropriated fund balance by November 27th.
- Staff intends to announce potential transformative enhancements to the Thomas Wolfe Auditorium in December, 2019.

Vendor Outreach Efforts:

- Not Applicable; amendment of a current contract.

Council Goal(s):

- A Thriving Local Economy
- A Clean and Healthy Environment

Committee(s):

- None.

Pro(s):

- Repairs help ensure the Thomas Wolfe Auditorium remains open for the near future.
- Repairs allow for guests at events at the Thomas Wolfe Auditorium to enjoy performances in a comfortable environment.

Con(s):

- This repair enhances controls of cooling and heating, however does not address the physical aspects of the cooling system in the seating chamber.

Fiscal Impact:

- U.S. Cellular Center operating fund balance will be reduced by $50,000. Total fund balance will remain above the 16% minimum recommended by policy.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment to the construction manager-at-risk contract with J. BRADY CONTRACTING, INC., in the amount of $50,000.00, for a total maximum price of $4,031,264.79 to complete HVAC repairs at the Thomas Wolfe Auditorium within the U.S. Cellular Center Facility Renovation and HVAC Modernization contract; and adopt a budget amendment in the amount of $50,000 from USCC fund balance.

RESOLUTION BOOK NO. 41 - PAGE 158
ORDINANCE BOOK 33 - PAGE 7

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilman Young moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO PERMANENTLY CLOSE AN UNOPENED ALLEY KNOWN AS LENNOX COURT

RESOLUTION NO. 19-266 - RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED ALLEY KNOWN AS LENNOX COURT

Streets Division Manager Chad Bandy said that this is the consideration of a resolution to permanently close an unopened alley known as Lennox Court. This public hearing was advertised on November 1, 8, 15 and 22, 2019.

Background:

- N. C. General Statute Sec. 160A-299 grants cities the authority to permanently close streets and alleys.
- The Jewish Community Center has petitioned the closure and owns one adjacent property, 236 Charlotte Street (PIN # 9649-54-9870).
- This closure allows maximum land use potential for further development in accordance with Living Asheville - A Comprehensive Plan for our Future.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Multimodal Transportation Committee -August 28, 2019 - Recommended closing the right of way as long as pedestrian access is intact. This condition has been met.

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con(s):

- None

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Mayor Manheimer opened the public hearing at 5:12 p.m.,

Mr. Warren Suggs spoke in support of the closing.

Mayor Manheimer closed the public hearing at 5:13 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved to permanently close an unopened alley known as Lennox Court. This motion was seconded by Councilman Kapoor and carried unanimously.

RESOLUTION BOOK NO. 41 – PAGE 160

B. **PUBLIC HEARING TO PERMANENTLY CLOSE TWO UNOPENED RIGHTS-OF-WAY KNOWN AS POND ROAD AND LANCE LANE LOCATED OFF LONG SHOALS ROAD**

RESOLUTION NO. 19-267 - RESOLUTION TO PERMANENTLY CLOSE TWO UNOPENED RIGHTS-OF-WAY KNOWN AS POND ROAD AND LANCE LANE LOCATED OFF LONG SHOALS ROAD

Streets Division Manager Chad Bandy said that this is the consideration of a resolution to permanently close two unopened rights-of-way known as Pond Road and Lance Lane located off Long Shoals Road. This public hearing was advertised on November 1, 8, 15 and 22, 2019.

Background:

- N.C. General Statute Sec. 160A-299 grants cities the authority to permanently close streets and alleys.
- James Wilson with Long Shoals Development (PIN # 9644-99-5794) has petitioned for the closure. Adjoining property owners Cane Creek - Vistas LLC (PIN #9644-99-5598), Karen Fraser and Gordon B Fraser Trust (PIN #s 9644-99-3427, 9644-99-3772) have joined this petition.
- This closure allows maximum land use potential for further development in accordance with Living Asheville - A Comprehensive Plan for our Future.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Multimodal Transportation Committee - 8/28/19 - Recommended closing the right of way by unanimous vote

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goal to promote sustainable high density infill growth that makes efficient use of existing resources

Con(s):

- None

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Mayor Manheimer opened the public hearing at 5:14 p.m., and when no one spoke, she closed the public hearing at 5:14 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved to permanently close two unopened rights-of-way known as Pond Road and Lance Lane located off Long Shoals Road. This motion was seconded by Councilman Kapoor and carried unanimously.

RESOLUTION BOOK NO. 41 – PAGE 162

C. PUBLIC HEARING TO CONSIDER AMENDMENTS TO ARTICLE VIII OF THE UNIFIED DEVELOPMENT ORDINANCE IN ORDER TO PERMIT "CAMPGROUNDS" AND "ACCESSORY DWELLING UNITS" IN THE HIGHWAY BUSINESS ZONING DISTRICT

Principal Planner Shannon Tuch said that this is the consideration of amendments to Article VIII of the Unified Development Ordinance in order to permit "Campgrounds" and "Accessory Dwelling Units" in the Highway Business Zoning District. This public hearing was advertised on November 15 and 22, 2019.

Action Requested: Adopt a zoning text amendment to amend the UDO *Table of Permitted Uses* to add Campgrounds and Accessory Dwelling Units (ADUs) as a permitted use ("P") in the Highway Business (HB) zoning district.

Background:

- On July 26, 2019, Drew Crawford (DIYTINY Inc.) submitted an application for a zoning text amendment, as allowed under UDO Sec. 7-7-2. Initiation of Amendments.
- The petitioner owns and manages a tiny home community on property located at 22 Burleson Rd., zoned HB. These tiny homes are mobile and on wheels, and are commonly referred to as "THOWs".
- The petitioner received a Notice of Zoning Violation (NOV) for establishing the tiny home community without any of the necessary permits.
- The petitioner filed an appeal of the NOV with the Asheville Board of Adjustment and was heard on July 22, 2019 & August 26, 2019. This appeal was unsuccessful and the Board of Adjustment upheld the city's issuance of the NOV.
- The petitioner is interested in the potential for THOWs to be used as permanent housing; however, (most) THOWs are not built under the NC State Building Code or certified through Housing and Urban Development (HUD). As a result, THOWs may not be occupied for more than 180 days. If occupied for more than 180 days, the use would no

longer be classified as a Campground and would be classified as some form of residential.

- The purpose of the HB zoning district is, *"to address the needs of commercial development along major thoroughfares"*. This may include high density, multi-family residential.

Campgrounds in HB

- THOWs are not approved for permanent housing and are regulated under the NC Department of Motor Vehicles for temporary or recreational use only.
- A group of THOWs would be classified as a "Camper-trailer park" and would be permitted anywhere a "Campground" would be permitted. Campgrounds are not a permitted use in HB.
- On January 9, 2018, the Asheville City Council adopted Ord. No. 4637 *"Ordinance Amending Chapter 7 of the Code of Ordinances of the City of Asheville to Define Lodging Types and Amend the Table of Uses"*. This ordinance clarified differences between different forms of lodging, and updated the Table of Permitted Uses (TOU) identifying in which zoning districts the different forms of lodging would be permitted.
- As a result of Ord. No. 4637, Campgrounds were removed as a permitted use in HB because the new comprehensive plan identifies a land use goal to prioritize moving away from suburban-style, corridor development towards multi-modal oriented, mixed-use, urban forms of development. Most HB zoned property was identified as "Urban Corridor" on the Future Land Use Map that was adopted as part of the plan.
- Ord. No. 4637 also amended the Table of Permitted Uses to add Campgrounds to the Lodging Expansion (LODG-EXP) zoning district. Other existing forms of lodging, such as Bed & Breakfasts and Boardinghouses, also experienced changes to the zoning districts in which these uses would be permitted.
- Campgrounds remain a permitted use in the Regional Business (RB), Commercial Industrial (CI), Resort (RES) and River (RIV) zoning districts.
- While the petitioner's property does not directly front on Tunnel Rd., most HB zoned property does and should this amendment be approved, it would allow Campgrounds in areas not suitable for recreating.

ADUs in HB

- ADUs are permitted in conjunction with a single family home and is subordinate in size and placement. A single-family home may only have one ADU.
- HB zoning is <u>not</u> intended to support low density single-family development, with or without accessory units.
- The Highway Business zoning district allows up to 35 units per acre and does not distinguish between primary and accessory dwelling units. Multi-family developments, along with multiple individual cottage-style units, would be freely permitted in the HB zoning district.
- The applicant has stated that the purpose of this request is to reduce building setbacks for accessory units against residential neighbors.

Comprehensive Plan Consistency:

- This proposal does <u>not</u> align with the *Living Asheville* comprehensive plan in that the plan identifies most HB zoned property as "Urban Corridor" on the Future Land Use map which prioritizes multi-modal access, transit facilities, and building and parking placement that enhances the pedestrian experience over the traditional car-oriented, suburban style of development. It is also important to note that the plan also describes the need to, *"Develop a comprehensive study of all lodging types and their impact on the community in order to evaluate policy options related to these different uses. In the interim, continue enforcement of illegal short-term vacation rentals*".

- The plan further identifies the need for all elements of the built environment, including housing, to create sustainable living environments; and, for this housing to be safe and healthy.

Council Goal(s):

- This proposal does not directly align with Council adopted goals. Opportunities for new businesses and/or development is generally tied to the goal of a *Thriving Local Economy.*

  (Note: because THOWs cannot be classified as housing, goals specific to increasing the supply of housing do not apply).

Committee(s):

- The petitioner was heard by the Housing & Community Development Committee on June 18, 2019, and spoke on the subject of tiny homes on wheels being a useful and beneficial form of permanent or semi-permanent housing.
- The petitioner was heard by the Planning & Zoning Commission on September 4, 2019, and November 7, 2019, and was denied unanimously by the Commission on both dates.

Pro(s):

- Provides more flexibility to owners of property zoned HB and broadens opportunities for camping as a form of lodging and/or constructing ADUs.

Con(s):

- The proposed changes are inconsistent with the *Living Asheville* comprehensive plan and the purpose statements for HB included in the UDO.
- The proposed change would apply to <u>all</u> HB zoned properties with no site specific review or mitigation considered.
- The proposed change would allow for a low-cost investment that establishes an interim use that may keep these strategically located properties with good infrastructure underdeveloped for an extended period of time.
- Underdeveloped properties may further discourage investment in adjacent properties where the city is seeking to encourage redevelopment and investment.
- The impacts of lodging on the larger Asheville community are not well understood (a study regarding hotels is currently in process).
- Uncertified units that have not received safety inspections should not/may not be used as housing, particularly for individuals who have limited housing options.
- Most HB zoned property fronts directly onto, or is not far from, a thoroughfare and may be a less hospitable environment for a Campground.

Fiscal Impact:

- There is no anticipated fiscal impact to this proposal.

Staff Recommendation:

- Staff does <u>not</u> support the proposed zoning text amendment to change the Table of Permitted Uses for the HB zoning district to: 1) Add Campgrounds - primarily because it is inconsistent with the *Living Asheville* comprehensive plan where the plan calls for property along primary corridors to be developed at a higher intensity and with an urban form - *Campgrounds* and/or *Camper-trailer* parks are rural-suburban in nature; and 2) add *Accessory Dwelling Units* as a permitted use in the HB zoning district primarily because an option to allow multiple units on an HB zoned property already exists and ADUs apply to low density single-family development only, and does not support commercial development more appropriate to highway corridors.

Ms. Tuch explained that the Highway Business District, by right, already allows for high density residential use, either in the form of attached multi-family dwelling units or as individual cottage units. Both are broadly allowed in the Highway Business District and the Highway Business District can support multiple dwelling units. There is nothing to prevent the construction of units subject to all of the applicable standards.

Ms. Tuch said that as an alternative to this text amendment, she recommended the applicant continue his efforts of exploring a pathway to constructing his units under HUD certification program or under the North Carolina Building Code. We already have an overlay that allows for manufactured housing which can be expanded in the future if desired, or we can look to see if it was appropriate to adopt a different zoning classification for tiny home communities provided they can meet the HUD certification standard or the North Carolina Building Code standard.

Mayor Manheimer opened the public hearing at 5:20 p.m.

Ms. Audra Schroeder spoke in support of this text amendment and reviewed with Council a chart showing financing for a tiny home vs. a regular home.

Ms. Amelia Schroeder spoke in support of this text amendment and hoped that Asheville will set an example of tiny homes as affordable housing.

Mr. Drew Crawford, DIYTiny, explained in detail his request and urged Council to (1) recognize that scope and size matters and discuss ADU's and where cottage development can be located; (2) write special use district rules for "Residential Campground" as a zoning use; and (3) establish tiny houses as a bridge between rental and ownership for affordable housing.

Mayor Manheimer closed the public hearing at 5:42 p.m.

Mayor Manheimer explained that people can put ADU's (or small homes) to properties now in residentially zoned areas. Ms. Tuch explained that one of the challenges with this conversation is that when we talk about tiny homes on wheels, this is a recreational unit and regulated under the N.C. Dept. of Motor Vehicles. It is not classified as housing - not a dwelling unit, regardless of what someone's intent may be. We cannot put it in the category of housing.

Councilwoman Mayfield and Councilman Young hoped that staff will continue to work on this option for affordable housing. They would not be supportive of this one change because they felt we need to look at it in a larger context.

Vice-Mayor Wisler moved to deny the proposed wording amendments to Article VIII of the UDO and find that the proposed amendments are inconsistent with the city's comprehensive plan in that, 1) campgrounds, defined as areas for temporary occupancy for recreational use, are not consistent with the vision for Urban Corridors, and 2) Accessory Dwelling Units, which generally accompany low density single family development, are not consistent with the support of commercial development encouraged in the HB zone and therefore, the action to deny is reasonable and in the public interest. This motion was seconded by Councilman Kapoor and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION AMENDING THE CITY OF ASHEVILLE'S LAND USE INCENTIVE GRANT POLICY

This item has been removed from consideration at this meeting.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Jody Williams and Ms. Teresa Newman, representing Help Asheville Bears, urged Council to work with the State Attorney's Office and N.C. Wildlife Commission to convict people using illegally using traps for bears or selling bear parts in Western North Carolina.

Ms. Sara Stroupe asked City Council to adopt a resolution in support of Asheville's military and veteran caregivers. Mayor Manheimer said that since the requested resolution has several asks, she instructed City Manager Campbell to follow-up with Ms. Stroupe to advise her what is already in existence and ways to build on it.

Several individuals urged City Council to pass the climate emergency resolution as written by the Sunrise Movement and place it on the December 10, 2019, City Council Agenda. The individuals then each read a passage of "ON - The (Burning) Case for a Green New Deal" by Naomi Klein.

Councilman Haynes supported the climate emergency resolution be placed on the December 12, 2019, agenda for City Council consideration. Councilwoman Mayfield said that the Sustainability Advisory Committee on Energy & the Environment continues to be open for discussion with the Sunrise Movement on the proposed resolution.

Closed Session

At 6:43 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.11(a)(1). The statutory authorization is contained in N.C.G.S. 143-318.10 (e); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, the handling or settlement of a claim regarding the following: Mayfair Partners, LLC v. City of Asheville 18-CVX-4870; and Gwen Alexander v. City of Asheville 18-CVS 2331. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 7:10 p.m., Vice-Mayor Wisler moved to come out of closed session. This motion was seconded by Councilman Kapoor and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:10 p.m.

Magdalen Bulleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – December 10, 2019 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

AGENDA CHANGE

Mayor Manheimer thanked the Sustainability Advisory Committee on Energy & the Environment (SACEE) for providing Council with a resolution declaring a climate emergency. She also thanked the Sunrise Movement for meeting with her earlier today to discuss the resolution. At the request of the Sunrise Movement, the climate emergency resolution which was recommended by SACEE resolution not be considered at this meeting in order to give them a little more time for conversation in order for the two groups to come to an agreement on a final resolution. She was hopeful that a resolution could be considered in one of the two Council meetings in January, 2020. She thanked SACEE and the Sunrise Movement for the work that has already been done and the work that will be forthcoming.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON NOVEMBER 26, 2019

B. RESOLUTION NO. 19-268 - RESOLUTION ADOPTING THE 2020 CITY COUNCIL MEETING SCHEDULE

Summary: The following schedule of the meetings of the Asheville City Council for 2020 be, and the same is, hereby established as follows: City Council Formal Meetings - 5:00 p.m. - 2nd and 4th Tuesdays of each month - Council Chamber – 2nd Floor - City Hall Building, Asheville, N.C.

The following meetings are hereby cancelled: Tuesday, July 14, 2020; Tuesday, August 11, 2020; and Tuesday, December 22, 2020.

RESOLUTION BOOK NO. 41 - PAGE 164

C. MOTION APPROVING THE FISCAL YEAR 2020-21 BUDGET CALENDAR

Action Requested: Motion to adopt the Fiscal Year 2020-2021 Budget Calendar.

Background:

- As a part of the Fiscal Year 2020-2021 Operating and Capital Budget development process, which began internally in October, staff is proposing a budget schedule which encompasses the following:
    - An initial budget worksession with City Council in January 2020;
    - A series of budget worksessions with City Council in March and April 2020;
    - Formal presentation of the City Manager's Proposed Budget on May12, 2020; and
    - Budget adoption on June 9, 2020.

Council Goal(s):
- A Financially Resilient City
- A Connected and Engaged Community

Committee(s): None

Pro(s):
- Provides City Council, staff, and the community with a calendar of upcoming dates related to development of the FY 2020-2021 budget.

Con(s):
- None.

Fiscal Impact:
- None.

Motion:
- Motion to adopt the Fiscal Year 2020-2021 Budget Calendar.

D. ORDINANCE NO. 4783 - ORDINANCE ENACTING A THROUGH TRUCK PROHIBITION ALONG ROYAL PINES DRIVE FROM SWEETEN CREEK ROAD TO HENDERSONVILLE ROAD IN SOUTH ASHEVILLE

Action Requested: Adoption of an ordinance enacting a through truck prohibition along Royal Pines Drive in South Asheville.

Background:
- The City of Asheville Code of Ordinances Section 19-60 regulates trucks traveling along designated residential streets.
- Large trucks are routinely using Royal Pines Drive as a "shortcut" between Sweeten Creek Road and Hendersonville Road.
- Large trucks should not be using Royal Pines Drive as a "shortcut" since there are no destinations along Royal Pines Drive for large trucks.

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- None

Pro(s):
- Prohibits through trucks from using Royal Pines Drive.
- Keeps through trucks on US numbered routes.
- Eliminates delay to the traveling public.

Con(s):

- None

Fiscal Impact:

- The cost of installing and maintaining truck prohibition signs is included in the current operating budget.

Motion:

- Motion to approve an ordinance enacting a through truck prohibition along Royal Pines Drive from Sweeten Creek Road to Hendersonville Road in South Asheville.

ORDINANCE BOOK NO. 33 - PAGE 8

E. RESOLUTION NO. 19-269 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE LICENSE AGREEMENT WITH MAPLE CREST, LLC, AND THE HOUSING AUTHORITY FOR THE REIMBURSEMENT OF COSTS ASSOCIATED WITH SOIL REMEDIATION, STORMWATER IMPROVEMENTS AND OTHER CONSTRUCTION RELATED ACTIVITIES THAT SUPPORT THE FUTURE DEVELOPMENT OF PROPERTY AT 319 BILTMORE AVENUE

Action Requested: Adoption of a resolution to authorize the City Manager to amend the license agreement with Maple Crest LLC and the Housing Authority for the reimbursement of costs associated with soil remediation, stormwater improvements and other construction related activities that support the future development of property at 319 Biltmore Avenue.

Background:

- The City entered into a Memorandum of Understanding with Duke Energy in January 2017 for property located at 319 Biltmore Avenue and later entered into an Option to Purchase the property in October 2017 in order to redevelop the property for an affordable, mixed income community. In 2018, the City developed site concepts and performed pro-forma analysis for affordable housing on 319 Biltmore and is taking next steps to market the site for redevelopment. The site is one of the "High Impact Sites" included within the Affordable Housing Bond program.
- The adjoining property is known as Lee Walker Heights and the Housing Authority, in partnership with Mountain Housing Opportunities, Inc. is currently in the process of construction for the major redevelopment of Lee Walker Heights.
- On July 22, 2019 the City entered into a license agreement with Maple Crest, LLC (a joint venture of the Housing Authority and Mountain Housing Opportunities) to allow the construction of a new roadway and earthwork improvements on property located at 319 Biltmore, in connection with the redevelopment of Lee Walker Heights.
- Site work is underway at 319 Biltmore, and there are certain infrastructure improvements, such as the relocation of an existing stormwater line and environmental remediation, that would benefit the future development of 319 Biltmore.
- These site improvements are outside of the current scope of the Lee Walker Heights redevelopment, however significant cost and time savings would result if the City were to contract with Maple Crest to perform these improvements at this time, prior to the installation of the new roadway to connect Lee Walker Heights to Biltmore Avenue.
- Under the current License Agreement, Maple Crest agreed to cover the costs of environmental remediation, including soil remediation, at 319 Biltmore, up to $64,100.00 and the City agreed to cover environmental costs that exceed that cap, but those costs were not known at the time.

- Utilizing bond funds (of the $15M dedicated to City-owned land), staff is requesting $400,000 be allocated for infrastructure improvements to support future affordable and mixed income housing development at 319 Biltmore Avenue, which includes a 10% contingency for any overage. This funding will reimburse the following expenses:
    - Additional Soils remediation estimated at $100,000
    - Stormwater Relocation & Replacement estimated at $300,000
- The reimbursement will be paid to the Housing Authority for lender requirements and accounting purposes.

Council Goal(s):
- Well Planned and Livable Community
- Quality Affordable Housing

Committee(s):
- None.

Pro(s):
- Soils remediation and stormwater relocation are needed to deliver development-ready conditions at 319 Biltmore Avenue
- Significant time and cost savings for performing the work now, prior to the installation of the new roadway to connect Lee Walker Heights to Biltmore Avenue

Con(s):
- None

Fiscal Impact:
- The City will expend $400,000 of Affordable Housing Bond Funds to support the development of affordable and mixed income housing on City-owned land.

Motion:
- Motion to adopt a resolution that authorizes the City Manager to amend the license agreement with Maple Crest LLC and the Housing Authority for the reimbursement of costs associated with soil remediation, stormwater improvements and other construction related activities that support the future development of property at 319 Biltmore Avenue.

RESOLUTION BOOK NO. 41 - PAGE 165

F. RESOLUTION NO. 19-270 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE EASEMENT AGREEMENTS OR ABANDON EASEMENTS ON BEHALF OF THE CITY UNDER CERTAIN CIRCUMSTANCES

Action Requested: Adoption of a resolution to authorize the City Manager to execute easement agreements or abandon existing easements on behalf of the City under certain circumstances.

Background:
- To improve efficiency, it is recommended that the City Council consider delegating authority to the City Manager to execute easement agreements or abandon existing easements on behalf of the City under certain circumstances.
- The situations would not involve the expenditure of City funds, nor relinquish needed City property rights. By allowing these instruments to be executed at the staff level, the parties involved can expedite the process and further streamline Council agendas by removing non-controversial items which have no fiscal impact.

- If approved, the Manager would Execute easements under the following general guidelines:
    - No monetary compensation is warranted or paid
    - City receives consideration in the form of sufficient non-monetary public benefit (Ex: easement allowing utility provider to install a street light)
    - The utility or value of City land upon which the easement is being granted will be unaffected and not devalued. (Determination based upon an analysis by City Real Estate staff and any other affected City Departments).
- If approved, the Manager would Abandon City easements under the following general guidelines:
    - The easement is no longer needed for City operation or services (Ex: abandoning a waterline easement after a City project has replaced and relocated the waterline to a new location).
    - The easement has little or no value to the City (Determination based upon an analysis by City Real Estate staff and any other affected City Departments).

Council Goal(s):
- Well Planned and Livable Community

Committee(s):
- None

Pro(s):
- Will allow the City to more quickly and efficiently grant or abandon easements

Con(s):
- None

Fiscal Impact:
- None

Motion:
- Motion to adopt a resolution that authorizes the City Manager to execute easement agreements or abandon existing easements on behalf of the City under certain circumstances.

RESOLUTION BOOK NO. 41 - PAGE 166

G. ORDINANCE NO. 4784- BUDGET AMENDMENT IN EACH OF THE CITY'S ANNUAL OPERATING FUNDS TO APPROPRIATE FROM RESTRICTED AND ASSIGNED FUND BALANCE THE REQUIRED BUDGET AUTHORIZATION FOR PRIOR YEAR CONTRACTS, PURCHASE ORDERS, AND OTHER CARRY-OVER APPROPRIATIONS THAT ROLLED FORWARD TO FISCAL YEAR 2019-20

Action Requested: Technical budget amendment in each of the City's annual operating funds to appropriate from restricted and assigned fund balance the required budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to Fiscal Year (FY) 2019-20.

Background:
- As part of its ongoing operations, the City enters into various contracts and purchase order agreements throughout the fiscal year.

- Budget funds are encumbered for the full amount of the expected purchase.
- These contracts and purchase orders are often not fully completed and paid in one fiscal year.
- North Carolina General Statutes provide authorization for local governments to reserve the unexpended portion of these prior year commitments and roll those budgets forward to the new fiscal year.

- As a part of the FY 2018-19 annual audit, staff identified prior year commitments and carry-over appropriations to roll forward to FY 2019-20.
  - These dollar amounts were deducted from the unassigned fund balance amounts that were reported in the Comprehensive Annual Financial Report (CAFR).
  - The technical budget amendment will provide authorization to officially appropriate these amounts in the FY 2019-20 budget for each of the City's annual operating funds. It is standard practice for staff to bring forward this technical budget amendment each year at the same City Council meeting in which the external auditors present the annual audit results.

Council Goal(s):
- A Financially Resilient City

Committee(s):
- None

Pro(s):
- Provides budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to FY 2019-20.

Con(s):
- None.

Fiscal Impact:
- There is no impact on unassigned/available fund balance in the City's operating funds.

Motion:
- Motion to adopt a technical budget amendment in each of the City's annual operating funds to appropriate from restricted and assigned fund balance the required budget authorization for prior year contracts, purchase orders, and other carry-over appropriations that rolled forward to FY 2019-20.

ORDINANCE BOOK NO. 33 - PAGE 9

H. RESOLUTION NO. 19-271 - RESOLUTION CALLING FOR A PUBLIC HEARING ON JANUARY 14, 2020, TO ISSUE LONG-TERM (20 YEAR) GENERAL OBLIGATION BONDS RELATED TO THE 2016 BOND REFERENDUM

INTRODUCTION OF BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS RELATED TO THE 2016 BOND REFERENDUM

Action Requested: Resolution setting a public hearing on January 14, 2020, to receive public comments on the proposed General Obligation (GO) Refunding Bond financing for the refinancing of existing debt; and introduction of Bond Order authorizing the issuance of General Obligation Refunding Bonds related to the 2016 Bond Referendum.

Background:

- In May, 2018, Council authorized the issuance of a General Obligation Bond Anticipation Note in an amount not to exceed $23,000,000.
- Since that time, the City has drawn down $15.6 million and hopes to draw on the remaining amount available over the next few months with an emphasis on affordable housing initiatives.
- In order to refund the principal, the City intends to issue long-term, fixed-rate GO Bonds in early March, 2020. Such an issuance requires a public hearing.

Council Goal:

- Financially Resilient City

Committee(s):

- None

Pro(s):

- Converts GO funding from short-term variable-rate debt to long-term, fixed-rate bonds.
- Spreads capital costs over longer term to better match assets' lives.

Con(s):

- None

Fiscal Impact:

- Annual debt service payments will increase because long-term fixed rates are higher than short-term variable rate debt. This increase is included in the City's long-range financial model for issuing and paying-off debt. The final amounts of the new debt service payments will be determined on the bond sale date.

Motion:

- Motion to authorize staff to proceed with the process and set a public hearing on January 14, 2020, and after receiving public comment regarding the financing, that Council proceed with final approvals for the financing on January 28, 2020.
- Motion to introduce Bond Order authorizing the issuance of General Obligation Refunding Bonds related to the 2016 Bond Referendum.

RESOLUTION BOOK NO. 41 - PAGE 167

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Young and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. FISCAL YEAR ENDED JUNE 30, 2019, AUDIT REPORT

Ms. Becki King, City Controller, who introduced Mr. Mark Snyder, and Mr. Robbie Bittner, representing RSM , who reported on the Fiscal Year ended June 30, 2019, audit report, summarizing that the City has received an unmodified "clean" (highest level of assurance) rating.

B. MANAGER'S REPORT

City Manager Campbell said that she would provide Council with an update of Council's priorities and initiative over the next several Council meetings. Regarding transit number, she said that she will discuss them as part of the City Council budget worksession on January 14, 2020, at 3:00 p.m. in the Council Chamber.

City Manager Campbell was pleased to announce that the City of Asheville employee parking lot on Marjorie Street will now be open at 4:30 p.m. on City Council meeting dates for the public to park while attending the City Council meeting.

Sustainability Update

Sustainability Officer Amber Weaver provided Council with a history of commitment to sustainability initiatives; leaders in the climate resilience; NC Local Government and Duke Energy Climate Collaborative; Work to incorporate equity and climate justice into policies, practices and procedures; policies and letter of support on state, federal, national and global carbon mitigation and climate commitments; and support and collaborate with nonprofits while achieving sustainability initiatives.

She reviewed the 11 resolutions regarding sustainability.

Regarding the carbon reduction goal, the goal is 4% annual carbon reduction for municipal operations until an 80% carbon reduction is reached based on 2008 emissions. Key accomplishments include (1) Carbon Disclosure Project = Grade B; (2) 5 LED lighting upgrades; (3) 1st PV Array being installed at the ART Station; (4) Building Automation System upgrades at the Municipal Building and U.S. Cellular Center; (5) 5 electric buses; and (6) all Electric LEED Certified Fire Station.

Regarding the 100% renewable energy goal, the goal is 100% renewable energy for City operations by 2030 and support Buncombe County's community-wide goal by 2042. Key accomplishments include: (1) completion of the 100% Renewable Energy Roadmap for Municipal Buildings; (2) Green Source Advantage RFP w/Buncombe County; and (3) Aggregated Solar RFP with Buncombe County.

Regarding the climate resiliency, the City of Asheville's climate resilience assessment was a collaborative effort with UNC-Asheville's National Environmental Modeling and Analysis Center. Led by the Office of Sustainability, this initiative is designed to help the City be prepared for and hopefully lessen the impacts of future extreme weather and climate change. Key accomplishments include: (1) Climate Resilience Assessment was adopted as part of the Comprehensive Plan, Living Asheville; (2) Climate Resilience Resource Guide; and (3) GARE's Racial Equity Toolkit was utilized in the creation of the Climate Resilience Resource Guide.

Regarding local, state and utility partnerships, the goal is establishing a joint City, County, and Utility Energy Innovation Task Force. Key accomplishments include (1) eliminating the need for a 190 MW peaker unit; (2) creation of the Blue Horizons Project; (3) 19 MW utility-scale battery storage; (4) development of the State's first two utility-scale microgrids; (5) enrollment of over 600 homes in Duke EnergyWise energy conservation program; (6) weatherization of over 400 low-income homes; (7) participation in the Environmental Defense Fund Cities Initiative; (8)

NC Local Government & Duke Energy Climate Collaborative; and (9) NC Executive Order 80: Address Climate Change and Transition to a Clean Energy Economy.

Regarding the Food Policy Action Plan, the goal is that the Food Policy Action Plan addresses food security, food emergencies and urban farming. Key accomplishments include continued partnership with Asheville-Buncombe County Food Policy Council and Bountiful Cities - $30,000 (a) AVL Edibles Map; (b) create garden signage; (c) Food Preservation Workshop; (d) Maintenance Plan Dr. Carver Edible Park; and (e) management and oversight of the AVL Community Gardens.

Regarding the waste reduction goal, the goal is establishing a long-term waste reduction goal of 50% municipal solid waste reduction by 2035. Key accomplishments include (1) continued partnership with Asheville Greenworks - $30,000 (a) Compost Demonstration Workshops; (2) Adopt A Spot Program; (3) Asheville Housing Authority Recycling Education Workshops; (4) Neighborhood Recycling & Waste Reduction Education Outreach; (5) Waste Audits; (6) 2019 Food Waste Summit; and (7) NC DEQ Grant: promoting the Recycle Right and Anti-contamination Campaign.

Ms. Weaver then reviewed the southeast sustainability statistics.

City Manager Campbell acknowledged that we know we have a lot more to do but these are things we are doing. We have challenges and we expect, through the next several months, to balance all of the complementary interests.

Vice-Mayor Wisler noted that we continue to have sustainability as a core value.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER THE CONDITIONAL ZONING OF 1 SOUTH TUNNEL ROAD FROM REGIONAL BUSINESS DISTRICT TO MIXED USE EXPANSION/CONDITIONAL ZONE TO ALLOW A MIXED-USE DEVELOPMENT THAT INCLUDES RESIDENTIAL, RETAIL, SERVICE AND ENTERTAINMENT USES

At the request of the applicant's attorney, Councilman Kapoor said that pursuant to Rule 19 (f) of the Asheville City Council Rules of Procedure he moved to defer consideration of the motion considering the conditional zoning request for 1 South Tunnel Road from Regional Business District to Mixed Use Expansion/Conditional Zone for a period of up to 100 days or until such time as a motion to revive consideration is adopted, whichever is earlier. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

B. PUBLIC HEARING TO CONSIDER A LAND USE INCENTIVE GRANT TO SUPPORT AFFORDABLE HOUSING UNITS AT ASHELAND/COXE AVENUES

RESOLUTION NO. 19-272 - RESOLUTION GRANTING A LAND USE INCENTIVE GRANT TO SUPPORT AFFORDABLE HOUSING UNITS AT ASHELAND/COXE AVENUES

At the request of Mayor Manheimer, Councilman Young moved to recuse Mayor Manheimer from participating in this matter (Land Use Incentive Grant) and the following matter (Conditional Zoning) due to a conflict of interest. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At this time, Mayor Manheimer handed the gavel over to Vice-Mayor Wisler to preside over the meeting and left the meeting room.

Community Development Program Director Paul D'Angelo said that this is the consideration of (1) a resolution granting a land use incentive grant to support affordable housing units at Asheland/Coxe Avenues.

Action Requested: Request/application by Tribute Companies for a Land Use Incentive Grant (LUIG) to support affordable housing units at a mixed-use, mixed-income development at Asheland / Coxe Avenues.

Review:

- Tribute companies has applied for a Land Use Incentive Grant for their development at Asheland & Coxe per the LUIG policy adopted by City Council and amended on October 22, 2019.
- The development consists of 488 rental apartments with 10% (49) of the homes proposed for 80% Area Median Income (AMI) for 20 years.
- This project is composed of four sites located within the Asheville Central Business District.
    - 172 Asheland Avenue parcel (PIN# 9648-38-0052)
    - 185 Coxe Avenue parcel (PIN# 9648-37-2825)
    - 5 Federal Alley parcel (PIN# 9648-37-1928)
    - 99999 Coxe Avenue Parcel (PIN# 9648-37-2643)
- The developer estimates a total development cost of $45M.
- Tax Value of the property, to be based on Buncombe County Tax Assessment estimate, is $90M post completion.
- The project, as presented to staff, meets the following Eligibility Requirements:
    - The proposed development consists of two or more dwelling units for rent;
    - At least 10% of the units will meet the affordability standards set by the City of Asheville for households earning 80% or less of the AMI.
    - The affordable units will be affordable to and leased to income-eligible households for at least 20 years.
    - The proposed development must be located inside the city limits.
    - The proposed development must be located to provide residents convenient access to jobs, schools and services.
    - The proposed development must be 70% residential in use based on square footage not to include a parking structure if applicable.
- Per the LUIG Scoring Matrix and based upon the policy, the project will receive 30 total points for affordability and an additional 50 points for location for a total score of 80 points. Per the policy, this will equal 16 years of grants in the amount of the City Property Taxes payable on the Ashland / Coxe Development.

Proposal:

- Affordable Rental Housing
    - The proposed project will provide forty-nine (49) units affordable to households at 80% or less of median income for an affordability period of twenty (20) years. Under this category, the project qualifies for 20 points.
- Rental Assistance
    - The proposed project will accept 20% of the final number of affordable units as Housing Choice Vouchers / Rental Assistance in the community, currently 10 vouchers. Under this category, the project qualifies for 10 points.
- Superior locational efficiency

- The proposed project is located within .25 mile of a 1/2 hour transit stop served by an existing sidewalk , within the Central Business District, within 1 mile from job or urban center, and within a .5 mile from a Transportation Amenity. Under this category, the project qualifies for 50 points.

- Staff has scored the project with 80 points, which qualifies the project for sixteen years (16) of Land Use Incentive Grant.

Council Goal(s):
- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):
- Housing & Community Development - November 26, 2019 - passed unanimously with a cap of $80,000 per affordable unit grant
- Finance & HR Committee - December 10, 2019

Staff Recommendation: Staff recommends approval with a cap of $80,000 per affordable unit grant.

Pro(s):
- The proposed project will provide 49 affordable rental housing units to households earning 80% or less of AMI;
- The proposed project will have an affordability period of twenty (20) years;
- The proposed project addresses the pressing need for affordable one-bedroom apartments (49);
- The proposed project should have a significant economic impact. Construction wages and material purchases will positively affect the local and regional economy;
- 49 affordable units located in the central business district (walkability score of 81 - very walkable) provides options for our downtown community workers who fall within the 80% AMI incomes.

Con(s):
- Cost estimates are not yet fully developed, and project costs as presented may change as it moves towards development.

Fiscal Impact:

Grant - full tax value grant
- The parcels have a combined current tax value of $4.1 million and pay taxes of approximately $17,585 annually.
- Under the estimated Tax Value of $90M post-completion, the annual city tax will be approximately $386,010.
- The difference is $368,425 which would be granted to the property owner annually after payment for 16 years.
- For 20 years and 49 affordable units at 80% AMI, the city will grant back a total of $5,894,800 over the 16 years of the LUIG which equals $120,302 per affordable unit of subsidy which is higher than the current estimate of up to $80,000 in subsidy for 80% AMI homes as suggested by our Lord Aeck Sargeant consultants.
- In years 17-20 of the affordability period, the City will receive the approximate $386,010 annually in city tax revenue, or a total over the 4 years of $1,544,040 in property taxes. Please note the City will still receive property taxes of approximately $17,585 in years 1 - 16.

Grant - tax value grant capped at $80,000 per unit

- At a cap of $80,000 per affordable unit, for 20 years and 49 affordable units at 80% AMI, the city will grant back a total of $3,920,000 over the 16 years of the LUIG or $245,000 per year, years 1 - 16.
- In years 17-20 of the affordability period, the City will receive the approximate $386,010 annually in city tax revenue, or a total over the 4 years of $1,544,040 in property taxes. Please note the City will still receive property taxes of approximately $141,010 based on the $245,000 cap.

Councilman Kapoor said that the Finance & Human Relations Commission met earlier in the day and recommended approval the LUIG at an amount not to exceed $80,000 per affordable unit. As part of the meeting discussion, there was a direction to ask staff to investigate a potential policy change of adjusting a cap based on inflation amount as it related to tax and value.

Mr. Wyatt Stevens, attorney for Tribute Companies, said that his client has been in active discussions with the City about this opportunity. This LUIG grant will enable them to have 49 affordable units to families making less than 80% AMI for 20 years. He said this is a remarkable project and could not happen without the partnership with the City. He reiterated his concern about the cap of $80,000 over 16 years and flagged for Council that they may need to come back for reconsideration of that cap in the future.

Vice-Mayor Wisler opened the public hearing at 5:47 p.m., and when no one spoke, she closed the public hearing at 5:47 p.m

Vice-Mayor Wisler said that members of Council have previously received a copy of the resolution and it would not be read.

Councilman Kapoor moved to approve the Land Use Incentive Grant to the Tribute Companies for the Asheland / Coxe Development for an amount not to exceed $80,000 per affordable unit with the direction to staff to review possible LUIG policy changes of adjusting a cap based on inflation amount as it related to tax and value. This motion was seconded by Councilman Young and carried unanimously (with Mayor Manheimer being recused from voting).

RESOLUTION BOOK NO. 41 - PAGE 170

PUBLIC HEARING TO CONSIDER CONDITIONALLY ZONING PROPERTY LOCATED AT 172 ASHELAND AVENUE, 185 AND 99999 COXE AVENUE AND 5 FEDERAL ALLEY FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS DISTRICT EXPANSION/CONDITIONAL ZONE FOR THE CONSTRUCTION OF A MIXED-USE DEVELOPMENT

ORDINANCE NO. 4785 - ORDINANCE TO CONDITIONALLY ZONE PROPERTY LOCATED AT 172 ASHELAND AVENUE, 185 AND 99999 COXE AVENUE AND 5 FEDERAL ALLEY FROM CENTRAL BUSINESS DISTRICT TO CENTRAL BUSINESS DISTRICT EXPANSION/CONDITIONAL ZONE FOR THE CONSTRUCTION OF A MIXED-USE DEVELOPMENT

Urban Planner Jessica Bernstein said that this is the consideration of (1) a resolution granting a land use incentive grant for 172 Asheland Avenue, 185 and 99999 Coxe Avenue and 5 Federal Alley; and (2) an ordinance to conditionally zoning property located at 172 Asheland Avenue, 185 and 99999 Coxe Avenue and 5 Federal Alley from Central Business District to Central Business District Expansion/Conditional Zone for the construction of a mixed-use development. This public hearing was advertised on November 29 and December 6, 2019.

Action Requested: Conditional zoning petition for property currently zoned Central Business District (CBD) to Central Business District Expansion Conditional Zone (CBD EXP CZ)

Project Location and Contacts:

- The project site consists of four parcels with a combined area of approximately 4.43 acres, located at 172 Asheland Avenue, 185 and 99999 Coxe Avenue and 5 Federal Alley (PINs 9648.37-2643, 9648.38-0052, 9648.37-1928 and 9648.37-2825) that are owned by Asheland Properties LLC and South Slope Holdings LLC.
- Petitioner: Tribute Investment & Development Inc; Contact: Warren Sugg.

Summary of Petition:

- The proposal is for a new mixed-use development containing approximately 488 residential units, approximately 86,000 square feet of office and commercial space and 973 structured parking spaces in five buildings.
- The petition includes a rezoning via conditional zoning from Central Business District (CBD) to Central Business District Expansion Conditional Zone (CBD EXP CZ) due to the size of the project.
- The site is located in an identified Opportunity Zone, which is intended to drive long-term capital into low-income communities by using tax incentives to encourage private investment.
- On October 23, 2018, City Council passed a resolution to "work with Opportunity Fund Investors and take a proactive approach to offer guidance in Opportunity Zone investments that promote Equitable Growth, Development without Displacement and Healthy Communities of Opportunity for all residents in and around Opportunity Zones."
- Asheland and Coxe Avenues are both key pedestrian streets and the site spans both the intermediate and tallest height zones in the Central Business District (145 feet and 265 feet, respectively). The buildings range in height from five to seven stories due to grade changes across the multiple frontages (maximum building height shown as 80 feet).
- The proposal includes 12 foot wide sidewalks on Coxe Avenue and a 10 foot wide sidewalk on the Federal Alley project frontage, both with street trees in grates. The applicant is also proposing to construct a six-foot wide sidewalk along the section of Federal Alley that connects to Coxe Avenue, off of the project site.
- The Asheland Avenue frontage provides a 10 foot sidewalk behind a five foot grass strip and street trees in planters within the hardscaped plaza proposed with this design.
- There are a variety of urban courtyard spaces at different levels to make up the 70 to 85 foot grade change between the Asheland and Coxe Avenue frontages and includes both areas open to the public and office/commercial visitors as well as privately controlled spaces for residents.
- Vehicular access to the development is via two driveways into the parking structure, one from Asheland and one from Federal Alley. The project also includes two additional curb cuts (one on Asheland Avenue and one on Coxe Avenue) to provide off-street trash and loading access. There is also a parallel loading space proposed along Asheland Avenue.
- There is a portion of an existing unopened right-of-way that dead-ends within the project site. The closure of this right-of-way section will follow the City's process, which will necessitate separate action by City Council.
- Design and operational standards for downtown projects are all met, providing active pedestrian-friendly uses along the ground level of all three facades, street wall step-backs, compliant fenestration on all facades, use of materials to break up building mass and a large structural connector art piece on Coxe Avenue.
- The project triggered the requirement of a Traffic Impact Study which is reviewed by both the City of Asheville and the NC Department of Transportation. Conditions accompany this project related to mitigating traffic congestion and increasing safety and usability for pedestrians and transit users.
- While only roughly 35 trees are required by code, the proposal includes the planting of an

additional 145+/- trees in efforts to create an "urban forest" effect on the site.

- The project includes a number of conditions, some of which are due to a lack of compliance with City standards and additional conditions meant to mitigate impacts or provide a public benefit:
    - The project dedicates 10 percent of the residential units as affordable at 80% AMI for 20 years.
    - Significant urban open space is designed throughout the site (which is not a requirement in the downtown) with a greater amount of landscaping than required by code.
    - The portion of the unopened right-of-way that is within the project site will follow the City's closure process including review by the Multimodal Commission and City Council.
    - The applicant will provide an upgraded transit shelter on the project site along Asheland Avenue and will provide a bench at the existing stop on the west side of Asheland.
    - The code limits a single standard driveway per development but due to the size of the development area, a total of four driveways are proposed.
    - Loading is not permitted on key pedestrian streets; a parallel loading pull-off space is proposed for Asheland Avenue.
    - The Asheland frontage includes a five foot grass strip with a 10 foot sidewalk (along with additional hardscaped space) as this corridor on the edge of downtown does not follow an urban streetscape or development pattern. 10 foot wide sidewalks are shown on Federal Alley with a six foot section connecting to Coxe Avenue.
    - The applicant is proposing to construct an additional sidewalk along Federal Alley to connect to Coxe Avenue.
    - Staff has recommended that the applicant upgrade the pedestrian crossing at Asheland and Hilliard Avenues to include accessible signals and push buttons as detailed in the conditions.
    - Upgrades will be provided for pedestrian crossings at the Asheland Avenue driveway. This will either be an upgraded pedestrian crossing with a hybrid beacon at Asheland and Morgan Avenues or the applicant will shift the driveway southward to align with the Morgan Avenue intersection where a fully-signalized crossing for both pedestrians and vehicles would be installed, as detailed in conditions six through eight.

Comprehensive Plan Consistency:

- This proposal is consistent with the Living Asheville Comprehensive Plan in that the Downtown Future Land Use category encourages mixed-use developments prioritizing pedestrian infrastructure, high-density residential, a variety of active commercial spaces and both market-rate and affordable residential options.
- Enhancing the urban tree canopy is a highlighted goal in the comprehensive plan section for Harmony with the Natural Environment, as well as incorporating green infrastructure into design.
- The proposal is aligned with numerous goals in the Livable Built Environment section of the plan, including the mix of uses, high density residential component with dedicated affordability, sidewalks, transit upgrade, structured parking and using creative design and urban open space for placemaking enhancements.
- Increasing the housing supply, especially in a walkable and transit-supportive location is a primary goal of the Resilient Economy section of the plan.

Compatibility Analysis:

- The proposal provides a mix of uses complementary to downtown and provides structured parking incorporated behind a liner building that activates a previously inactive right-of-way (Federal Alley).
- The design and materials break up the massing of larger structures and provide a variety of creative design features for placemaking and to reflect and respect each of the three different frontages.
- Widened sidewalks are provided on all frontages and active uses on the ground levels enhance the pedestrian realm. The open space connecting Asheland and Coxe Avenues incorporates both public and private areas, landscaping and creative stormwater treatment, making positive use of the significant grade change across the project site.
- Due to the design of the site and building elements, the structure and design is considered compatible in this urban location.

Council Goal(s):
- A Well-Planned and Livable Community
- Quality Affordable Housing
- Transportation and Accessibility

Committee(s):
- Technical Review Committee (TRC) - November 4, 2019 - approved with conditions
- Downtown Commission - September 13, 2019 - approved design review (6-0)
    - The Commission also held a separate discussion on impact issues and focused primarily on a desire to increase both the accessibility of the open space on the site and the contribution to affordable housing.
- Multimodal Commission for alley closure - not yet scheduled
- Planning & Zoning Commission - November 7, 2019 - recommended approval (7-0)

Staff Recommendation:
- Staff recommends approval of this project and finds that the mix of uses and project design is compatible with the requirements of the zoning district, downtown design standards and guidelines and the Living Asheville Comprehensive Plan in numerous ways as noted in the report.

Ms. Bernstein said that staff and the applicant have agreed to shift the driveway southward to align with the Morgan Avenue intersection where a fully-signalized crossing for both pedestrians and vehicles would be installed as shown on the site plan - alternate.

Councilwoman Smith was concerned with the already congested area at Morgan Avenue and Asheland Avenue with school related traffic, work related traffic and people travelling to and from the medical and social services on Asheland Avenue. This will impact our on-time services of our buses. She could not support this project without more information on this impact.

When Councilwoman Mayfield asked if there has been any discussion with the neighborhood about traffic calming measures on surrounding streets, i.e., Morgan Avenue, Ms. Bernstein was unaware of any discussion but that the Transportation Department has a process for traffic calming devices with neighborhoods. Councilwoman Mayfield said that if the neighborhood is interested in traffic calming devices, this might be an opportunity to make that a condition for the developer to pay for them, if the developer is agreeable.

Mr. Stevens, attorney representing Tribute Company, said that this client has agreed to add a condition that they would fund up to $30,000 for any traffic calming that is deemed necessary for that area.

Mr. Brian Cook, architect with the applicant, reviewed with Council in detail the site plan for the project, along with the different buildings and which floors would contain retail space, office space and apartments. He then reviewed with Council the parking deck, which will be well hidden within the project area.

Mr. Matt Sprouse, landscape architect for the applicant, highlighted some of the site conditions. On the 4.5 acre site, they have broken up the mass so spaces have air, light and plantings in the middle of the development. They will have three new vibrant streetscapes on Coxe Avenue, Federal Avenue and on Asheland Avenue, with a vibrant courtyard. They will bring back an urban canopy into the courtyard space, focusing on native trees, native shrubs, pollinators, etc. He said 37 trees are required for the project; however, they will be adding 145 more trees into the courtyard space. They are very aware of the stormwater issues happening on the south slope so there are some engineered innovative solutions. He urged Council to approve this project as they are trying to bring some new life into this area.

Mr. Chris Day, traffic engineer for the applicant, said that they are in agreement with City staff to align the driveway with Morgan Avenue with a fully signalized crossing. They analyzed that intersection with Morgan Avenue and found that as you drive north to Hilliard, that intersection (currently an "F") backs up and there are many folks who try to make a left onto Morgan Avenue and find their way to S. French Board to avoid that light. Two times a day that neighborhood receives that traffic. In the evening, 6% of the cars (55) are turning onto Morgan Avenue. There is also a significant amount of traffic going the opposite direction when school lets out. They had conversations with staff about this intersection, as well as the Hilliard/Asheland intersection (currently an "F"). The Hilliard/Asheland intersection will also have an "F" even if this project gets built. After conversations with Transportation staff, their recommendation was that since this is in the Central Business District area they should improve pedestrian safety. That includes creating a fully signalized intersection at Morgan/Asheland so it creates safer vehicular movements and safer pedestrian movements. The developer will also add pedestrian improvements to the Asheland/Hilliard intersection as well. While it is a fully signalized intersection, it does not have crosswalks for pedestrians. The developer will fund that improvement at that intersection. Based upon the data analyzed, the study suggests we are looking at 10 additional vehicles that would be interested in leaving this project in the evening and going straight into the Morgan Avenue neighborhood.

Councilwoman Smith said that it is a high priority of Council to make sure our transit is reliable, noting that traffic calming does not help with the congestion of traffic in the area. She felt his project does have merit; however, the vitality of downtown cannot override the quality of life for the people who are dependent upon our buses getting them to their destinations on time.

In response to Vice-Mayor Wisler, the City's Traffic Engineer said that generally traffic studies are focused on overall traffic operations, like how much is there a delay and capacity is affected by the project. It doesn't focus on if it is a single occupant vehicle or if it is affecting a transit bus. There was not a specific consideration on how bus performance would be affected. But, the study did focus a lot more than typical on pedestrian impacts and the factor for transit was the importance of providing at least the adjacent bus stop facilities. The Transportation Department has not raised any particular concerns about direct affect on transit.

Councilwoman Mayfield suggested signal preemption at the intersection. The City's Traffic Engineer said signal preemption needs to be looked at more systematically but our buses don't have the equipment associated with that. Councilwoman Mayfield said that since the project won't be built for approximately 3 years, we have 3 years to think about bus flow in this area.

Vice-Mayor Wisler opened the public hearing at 6:34 p.m.

Mr. David Nutter spoke in support of this conditional zoning and its prime location. He also was pleased that the private sector is helping with our affordable housing crisis.

Ms. Sharon Sumrall spoke in opposition of the project in that she felt that the project is massive. She expressed concerns about the trees, parking, stormwater, and small amount of affordable housing.

Mr. Michael Stratton felt that the parking garage is too large and we do not have a functional transit system.

Ms. Sandy Aldridge felt that on-time bus performance is important and that 10% of affordable units is not a lot.

Ms. Nina Tovish was pleased that the project provides infill and more trees than required. She was; however, concerned about the number of cars in the parking garage and suggested that only one car per apartment dwelling be allowed. That would encourage walkability and the use of public transit.

Mr. Joe Minicozzi spoke in support of the project and felt that we need to invest more in transit.

Vice-Mayor Wisler closed the public hearing at 6:49 p.m.

Mr. Stevens responded to several concerns raised, from the need for the 1,000 parking deck to their mitigation of traffic. He said that there is no evidence that this project will measurably harm the existing transit performance in that area, But, with respect to the new traffic signal, they will make sure that the new signal includes the necessary equipment so when the City buses have the equipment for signal preemption, the signal will be ready.

Councilman Kapoor spoke in support of the project. He felt there will be significant affordable housing and office space in the project. He also felt there will be opportunities to address transit, noting the issues will still exist if there is a project there or not.

Councilman Young felt this is a good project, but not a great project. He would prefer to see 60% AMI and deeper affordability. He was glad to see that Housing Choice Vouchers will be accepted. He agreed that we need to invest more into our transit system.

Councilwoman Smith believed that if the on-time bus performance issue was brought up before this meeting, the developer would have put more thought into it. She noted that the City's Traffic Engineer said that traffic studies do not focus on bus impacts. She felt we needed more time to discuss this point and if there is not a delay in the vote, she would not be able to support the project.

Vice-Mayor Wisler said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Kapoor moved to approve the conditional zoning request for the Coxe/Asheland Mixed-Use Development from Central Business District (CBD) to Central Business Expansion District (CBD EXP CZ) for the construction of a new mixed-use development, with the amendment to the B.1 Conditions that the applicant will fund any traffic calming measures which the City deems necessary as a result of the project up to $30,000, and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan, and meets the development needs of the community in that: 1) the

Downtown Future Land Use category of the Living Asheville Comprehensive Plan anticipates a mix of uses as included in this development; 2) the project enhances the pedestrian experience with widened sidewalks, active ground floor uses and intentional urban open space with portions that are accessible to the public; 3) the proposal incorporates affordable residential units; and, 4) the project is compatible with the surrounding area. This motion was seconded by Councilwoman Mayfield and carried on a 5-1 vote, with Councilwoman Smith voting "no". (with Mayor Manheimer being recused from voting).

ORDINANCE BOOK NO. 33 - PAGE 11

At this time, Mayor Manheimer re-entered the meeting and presided over the rest of the meeting.

C. PUBLIC HEARING TO CONSIDER A LAND USE INCENTIVE GRANT TO SUPPORT AFFORDABLE HOUSING UNITS AT THE VERDE VISTA PHASE II DEVELOPMENT

Community Development Program Director Paul D'Angelo said that this is the consideration of (1) a resolution granting a land use incentive grant to support affordable housing units at the Verda Vista Phase II development.

Action Requested: Request by CCC Verde Vista II LLC to utilize the Land Use Incentive Grant to support affordable housing units at the mixed income rental development known as Verde Vista Phase II.

Review:

- CCC Verde Vista II LLC has proposed the development of a second phase of the Verde Vista Apartments, located in east Asheville in close proximity to Swannanoa River Road and the Wal-Mart Supercenter. The developer intends to build 56 multifamily rental apartments on a 3.21 acre parcel (PIN# 9658-52-9309). Conditional Zoning approval was sought and given on May 28, 2019.
    - Among the conditions for approval listed in the exhibits (Ordinance No. 4744) was the commitment to 6 affordable units (10% of the total units). These units are to be offered at a rate not to exceed 80% of the Area Median Income (AMI) per the City of Asheville Community Development Division's affordable and workforce housing standards, posted annually. The affordability period is to run for 20 years from the date the Certificate of Occupancy is issued.
- The property is situated in close proximity to an Asheville Regional Transit (ART) bus stop, as well as a full service grocery and a number of potential employers. These are all features prioritized in the LUIG policy.
- The developer submitted a Land Use Incentive Grant (LUIG) application in September, prior to the LUIG policy update that occurred on October 22, 2019. Under the updated policy, no LUIG applications can be accepted for projects which have already received City Council approval where they have already committed to affordable housing. The developer has asked that their request be considered in relation to the policy effective at the time of their application which did not explicitly require that a LUIG be requested prior to other approvals by City Council.

Proposal:

- The property's location and commitment to affordable housing merits a score of 40 on the LUIG scoring matrix, resulting in an award period of 4 years.
- The current assessed value of the parcel is $335,600 (City Taxes of $1,439). The projected post-development value of the property will be determined by the Tax Value of the property, to be based on Buncombe County Tax Assessment. An estimate of post

construction value from the developer is $6.2M. Final valuation is determined by Buncombe County Tax Assessment. This would result in an annual grant award of $25,153. Over the 4 year award period, the total value of the LUIG award would amount to $100,612.

Council Goal(s):
- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):
- Housing & Committee Development - November 26, 2019 / Vote of 3 - 0 for denial of the application

Staff Recommendation: Staff recommends denial of this LUIG request because the developer already committed to providing 10% of the units (6 units) affordable to households at 80% AMI for a period of 20 years as part of their Conditional Zoning (Ordinance No. 4744) approved on May 28, 2019, without the need, or request at the time, for a land use incentive grant.

Pro(s):
- The proposed project will create 6 affordable rental housing units made available to households earning 80% or less of AMI for a period of 20 years.
- The project meets the criteria for a LUIG under the policy in place prior to October 2019.
- The proposed project addresses the City's stated priority for one-bedroom apartments.

Con(s):
- The award will commit City resources to a conditional zoning project. Prior to this application, these projects did not require fiscal support. This could establish a precedent for future projects, and place increased pressure on the City's budget.

Fiscal Impact:
- The city will grant approximately $25,153 of city property taxes annually for 4 years ($100,612 total) based on the improvement value of the property
- For 6 affordable units at 80% AMI for 20 years, this equals $16,768 per unit of subsidy which is well within the estimate of up to $80,000 in subsidy for 80% AMI homes as suggested by our Lord Aeck Sargeant consultants.
- In years 5-20 of the affordability period, the City will annually receive the full property tax amount of approximately $26,592.

In response to Councilwoman Mayfield, Mr. D'Angelo explained that the old LUIG policy said "unless granted an exception from the City Council for just cause shown, no grant would be allowed under this policy for projects which have received building permits." Language in the new policy says "or that had been through City Council with conditional zoning approval."

Mr. Robert W. Oast Jr., representing the developer, said that this is a good, strong project and was approved with conditions on May 28, 2019. In addition to the 56 units, 6 of which are affordable housing, there are other benefits, i.e., providing bus stop, transit facilities, license for the City to use River Ford Parkway, etc. He said staff's denial is only based upon the fact that the application was submitted after the conditional zoning was approved - not based on the merits of the project. He said they had no reason to know that the policy was changed and in fact, the policy did not change until after the application was submitted. He said that as Council knows, sometimes conditional zoning conditions are negotiated at the last minute and the inclusion of the affordable housing was similar to that. It was not discussed at the Planning & Zoning Commission meeting and the affordable units were not part of the original submission. It came up between the time the Planning & Zoning Commission recommended unanimous approval of

the project and when it got to Council. The condition for affordable housing was added because City Council asked for it. The weekend before the City Council public hearing he suggested to the developer that affordable housing be added to the project and suggested that the LUIG policy might help with the financial impact of that. He sent it to the developer to perform a financial analysis to make sure the numbers worked for him. He said the City was aware he was going to do this. The developer agreed to the inclusion of affordable housing. The availability of the LUIG was a key component of the developer's decision to provide the affordable housing and throughout this process no one said the timing of the application submittal would be an issue. This policy is supposed to encourage affordable housing where it might not otherwise be possible. This is just such a case and the policy worked exactly like it should have. Both the new and old policies allow Council to make exemptions for just cause shown to these timing requirements. He suggested that if Council agrees that the request was made after it should have been (and he contends that it was not), there is a provision that allows this application to be considered on its merits and that is all he asked. He urged Council for fair consideration of their request regarding the affordable units.

Councilwoman Mayfield was concerned that Mr. Oast discussed the LUIG with his client; however, failed to say anything about those conversations to City Council. In her opinion, from Council's perspective, Mr. Oast came forward and offered 6 affordable units without asking for a LUIG. She would feel differently about this had Mr. Oast said they were looking at a LUIG or that they might come back for a LUIG in the future.

Councilwoman Mayfield wondered how may conditional zonings were approved without a LUIG that have affordable units and how many of them might come back for a LUIG.

Councilman Young said that when a developer comes forward willing to put in affordable housing without City money is important to him and that plays into his consideration of the project. To come back to City Council for a LUIG after the conditional zoning has been obtained is not something he is willing to support.

Mr. Oast stressed that at the time the conditional zoning came before Council, it was not a requirement of the LUIG policy that the application for the LUIG be submitted before the conditional zoning was approved. If they had known that, they would have taken appropriate steps to make sure Council received them at the same time.

When Councilwoman Mayfield asked what will be the impact on the project if a LUIG is not approved, Mr. Oast said they are still thinking about that.

Mr. Tom Egen, with Mission Properties, said that affordable housing was not part of this project application. Mr. Oast contacted him to see if they received a LUIG could an affordable housing component be included in the project. It was his understanding that they had to get the LUIG grant approved prior to receiving their building permit. At this time, they don't have their building permit - they have held off on getting it because that was the policy. It was their intention all along to apply for a LUIG.

Councilman Young suggested the developer construct 6 additional units (for a total of 12) and then apply for a full LUIG. Mr. Egen replied that they didn't think that was a feasible option at this point. Their project has been completely vetted with their bank loan with the 10% affordable units, which included the LUIG.

Mayor Manheimer opened the public hearing at 7:36 p.m.

Ms. Nina Tovish recalled the conditional zoning public hearing on this item back in May. She didn't hear one mention of a possible LUIG. She hoped Council will support staff and their Committee recommendations of denying this request.

Mayor Manheimer closed the public hearing at 7:38 p.m.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Kapoor moved to deny the request by CCC Verde Vista II LLC to utilize the Land Use Incentive Grant to support the production of affordable housing units because the commitment to provide affordable housing was already made as part of the Conditional Zoning approval without the stated need for a land use incentive grant. This motion was seconded by Councilman Young and carried unanimously.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 19-273 - RESOLUTION APPROVING A HOUSING TRUST FUND LOAN AWARD REQUESTED BY ASHEVILLE AREA HABITAT FOR HUMANITY TO ALLOW THEM TO DEVELOP FOR-SALE AFFORDABLE HOMES AT SITES ACROSS THE CITY AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL DOCUMENTS NECESSARY TO GIVE EFFECT TO THIS APPROVAL

Due to a conflict of interest, Councilman Young moved to recuse Councilman Hayes from participating in the matter. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

Community Development Program Director Paul D'Angelo said that this is the consideration of a resolution approving a Housing Trust Fund Loan Award requested by Asheville Area Habitat for Humanity to allow them to develop for-sale affordable homes at sites across the City and authorizing the City Manager to negotiate and execute all documents necessary to give effect to this approval.

Background::

- In response to increased demand for for-sale housing available to low and moderate income households, staff approached Asheville Area Habitat for Humanity (AAHH) to explore their capacity for constructing single-family homes in Asheville neighborhoods within their larger project cycle.
- Both Staff and AAHH feel there is value in identifying and implementing a model that primarily utilizes local funding sources, and can operate with greater flexibility and at the infill scale, versus models dependent on competitive Federal funds. Should this effort prove successful, the opportunity exists to replicate similar projects in the future.
- Particular focus was given to Asheville neighborhoods that are threatened with displacement by rising home costs. Three of the sites currently identified are located in the Shiloh neighborhood.
- Along with the commitment to a Down Payment Assistance program, the City of Asheville's Community Development Division has sought to develop strategies to make homeownership available to households in Asheville who wish to attain housing stability and develop wealth, but would otherwise be challenged without some form of support.

Proposal:

- AAHH proposes to complete 8 homes and make them available for sale to households at or below 80% Area Median Income (AMI). Particular focus will be given to households at or below 60% AMI. Sale prices are expected to be in the approximate range of $190,000-235,000.
    - Of the 8 homes, 2 are existing structures acquired by AAHH. The Housing Trust Fund (HTF) investment in these two properties will be considered down payment assistance for the homeowner, and go in at closing.
    - The remaining 6 homes will be constructed on lots either currently owned by AAHH or to be acquired in the near future.
- AAHH requests a HTF loan in the amount of $860,000 which they will pair with $964,000 of their own equity. The balance of the $860,000 will be drawn upon as needed to complete each home.
- The loan fund will not accrue interest. This decision was made in accordance with AAHH, as any interest accrued during the construction period will affect home prices and add an additional burden to low to moderate income buyers.
- After homebuyer selection, qualification will be verified by Asheville Community Development staff, and a closing scheduled. The AAHH equity committed to each home will convert to a loan in first position secured by the property.
- Additional funding will be pursued from NCHFA's Self-Help Loan Pool, the City of Asheville's Down Payment Assistance program, and other potential sources. It is anticipated that $540,000 of the HTF loan will be paid back and returned to the HTF account. The remaining HTF dollars in each home will convert to a down payment assistance loan to be secured by a deed of trust, and will be repaid upon transfer or sale of the property by the homeowner.
- Upon home sale, affordability conditions tied to the AAHH first loan would mirror those for similar Habitat projects. Loan funds provided by NCHFA, DPA, and HTF would have repayment provisions consistent with each program's respective policy.
- It is anticipated that construction can begin shortly after loan closing, and homes may be available for sale by spring 2020. AAHH's development schedule calls for 5 of the homes be available for sale by fall 2020. It is suggested that the loan term be set for 3 years to allow for potential delays, with the ability to extend for 1 additional year upon mutual agreement by AAHH and Asheville CD Staff.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- Housing & Committee Development - November 26, 2019 - unanimously passed to Council

Pro(s):

- The project impacts a form of affordable housing that traditionally been difficult for the CD Division to sponsor without substantial HUD subsidy. The effort to take on this project acknowledges the threat of displacement in Asheville's neighborhoods.
- AAHH is an experienced partner and has a long track record of completing quality home projects on time and at cost. This project anticipates homes to become available for purchase within a short period of time.
- AAHH has the established staff and programs to prepare low-to-moderate income buyers for the full complexity of homeownership. It is the CD Division's goal that households supported by this project be able to successfully maintain homeownership.

Con(s):

- The full $860,000 principal would not accrue interest, and produce no program income at the conclusion of the program. All loans have an inherent risk which is traditionally reflected in an interest rate, meaning the City of Asheville would inherit part of the risk in this project without the promise of financial recourse.
- Even after repayment of the $540,000 construction portion of the loan, an amount estimated at $40,000 per home would remain outstanding. If combined with City-sponsored Down Payment Assistance funds (which are available at amounts between $25,000-40,000), it is conceivable that each home sale would require a City subsidy ranging between $65,000-80,000. This highlights the difficulty and expense of supporting affordable home ownership in the City of Asheville, and may be contrasted unfavorably with the amounts required to support some affordable rental units.

Fiscal Impact:

- The project would draw $860,000 from the City's Housing Trust Fund. Of this, at least $540,000 would be outstanding during a marginally risky construction period. Upon the sale of 8 homes, approximately $320,000 of HTF dollars would remain outstanding in the project.
- The loans, both to AAHH and the homeowners, would be structured to require no interest payments, preventing the receipt of program income.

Mr. Andy Barnett, Executive Director of Habitat for Humanity, thanked City staff for working with him to find ways to put a program together into a HTF that supports the creation of affordable home ownership units. We will be targeting households at and below 70% of AMI. Their typical AMI that they serve is well under 60% AMI. We will be working in infill neighborhoods - 6 of the 8 units have been acquired.

Councilman Young recalled when he talked about home ownership opportunities for individuals who are at 60% AMI. He was pleased to say this is the first project that we will hopefully approve for home ownership opportunities. There are individuals who have purchased homes from Habitat that are in the Housing Choice Voucher program where those Housing Choice Vouchers can be converted to help pay for their mortgage. We have a group of people who are trying to obtain home ownership and build generational wealth in some means and this will do that.

Councilwoman Mayfield appreciated Habitat's growing feasibility in different projects in different parts of the City.

When Mayor Manheimer asked for public comment, no one spoke.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Young moved to approve the request by Asheville Area Habitat for Humanity to borrow $860,000 from the Housing Trust Fund. This motion was seconded by Councilwoman Mayfield and carried unanimously (with Councilman Haynes being recused from voting).

RESOLUTION BOOK NO. 41 - PAGE 172

B. RESOLUTION ENDORSING THE DECLARATION OF A CLIMATE EMERGENCY AND EMERGENCY MOBILIZATION EFFORT TO RESTORE A SAFE CLIMATE

This resolution has been removed from this agenda for consideration.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Councilman Kapoor was pleased to announce that Senior Police Officer Justin Booth was awarded the Crisis Intervention Team Officer of the Year for 2019 from the National Alliance on Mental Illness Western Carolina.

Mayor Manheimer was pleased to announce City Manager Campbell was awarded the 2019 Champion in Real Estate from the Urban Land Institute.

Ms. Dawn Chavez, Executive Director of Asheville Greenworks, spoke about the City's tree canopy and their goal of 50,000 trees by the year 2040. At the suggestion of Vice-Mayor Wisler, Ms. Chavez said that she would put some thought into how the number of trees that citizens plant on their property can be accounted for in that goal.

Ms. Alex Lines said that the Sunrise Movement asked that the Sustainability Advisory Committee on Energy & the Environment's (SACEE) resolution regarding a climate emergency be removed from consideration at this meeting. She feels that the SACEE version is very far from alignment from the Sunrise Movement resolution on what they think is important on accountability and a timeline. She appreciated the opportunity to continue working together for a resolution to be placed on Council's next meeting agenda.

Mr. Chad Brooks spoke in support of Fire District Captain Joy Ponder and improper management.

Ms. Sarah Benoit, Ms. Matilda Bliss and Ms. Ashley McDermott also spoke in support of the Sunrise Movement's climate emergency resolution.

Mr. Joe Minicozzi and Mr. Reid Thompson spoke about the repeated trucks on Maxwell Street and the City's lack of enforcement.

Ms. Vicki Meath was disappointed the City has not released the updated numbers for the Transit Master Plan, noting that the first year of the Master Plan has not been funded yet. She hoped City Council will adopt a budget amendment to extend the evening service hours in January.

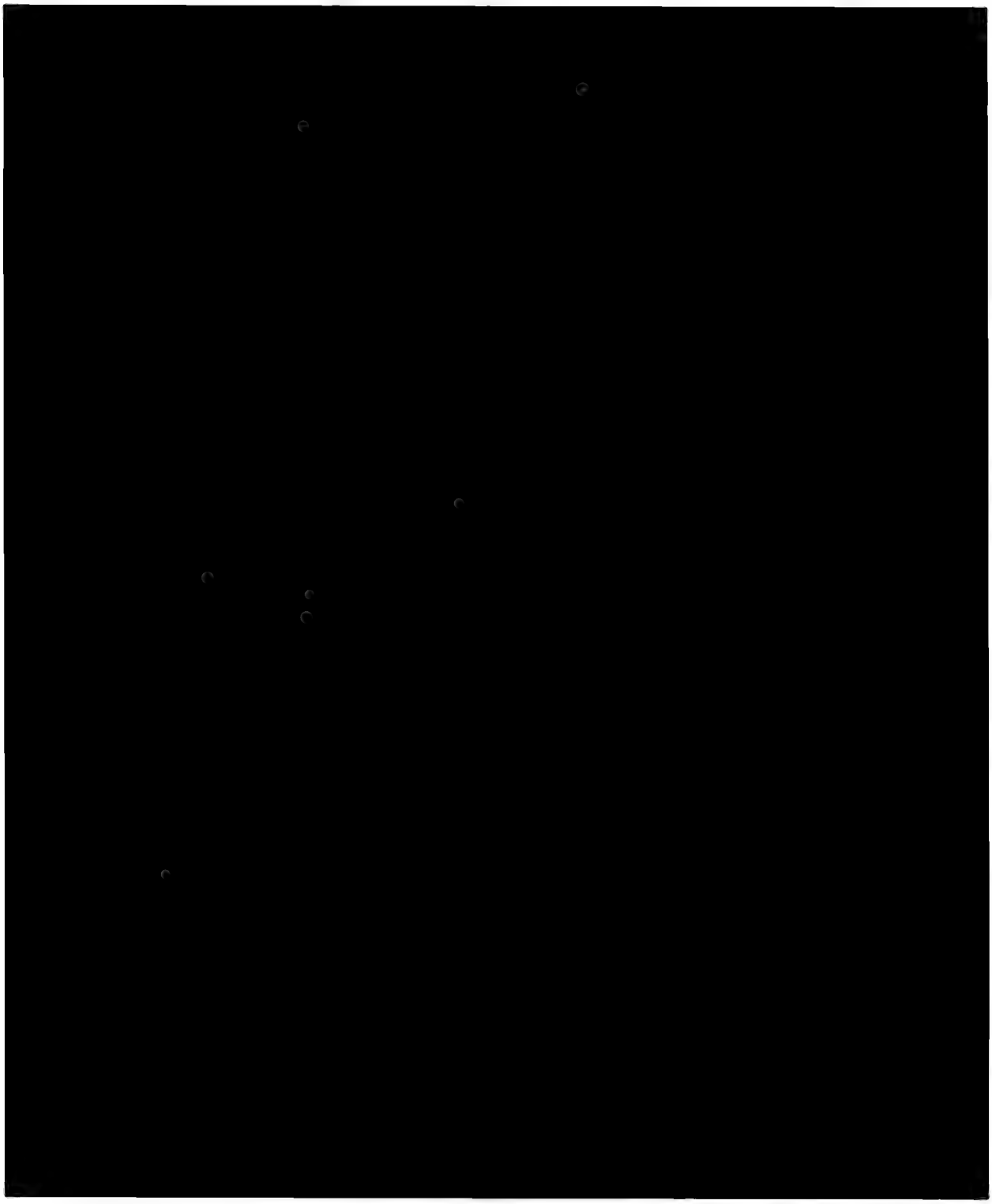
Ms. Sandy Aldridge noted that December 10 is "International Human Rights Day."

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:32 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR



BUNCOMBE COUNTY

CITY OF ASHEVILLE

CITY COUNCIL

MINUTES

VOLUME: 98

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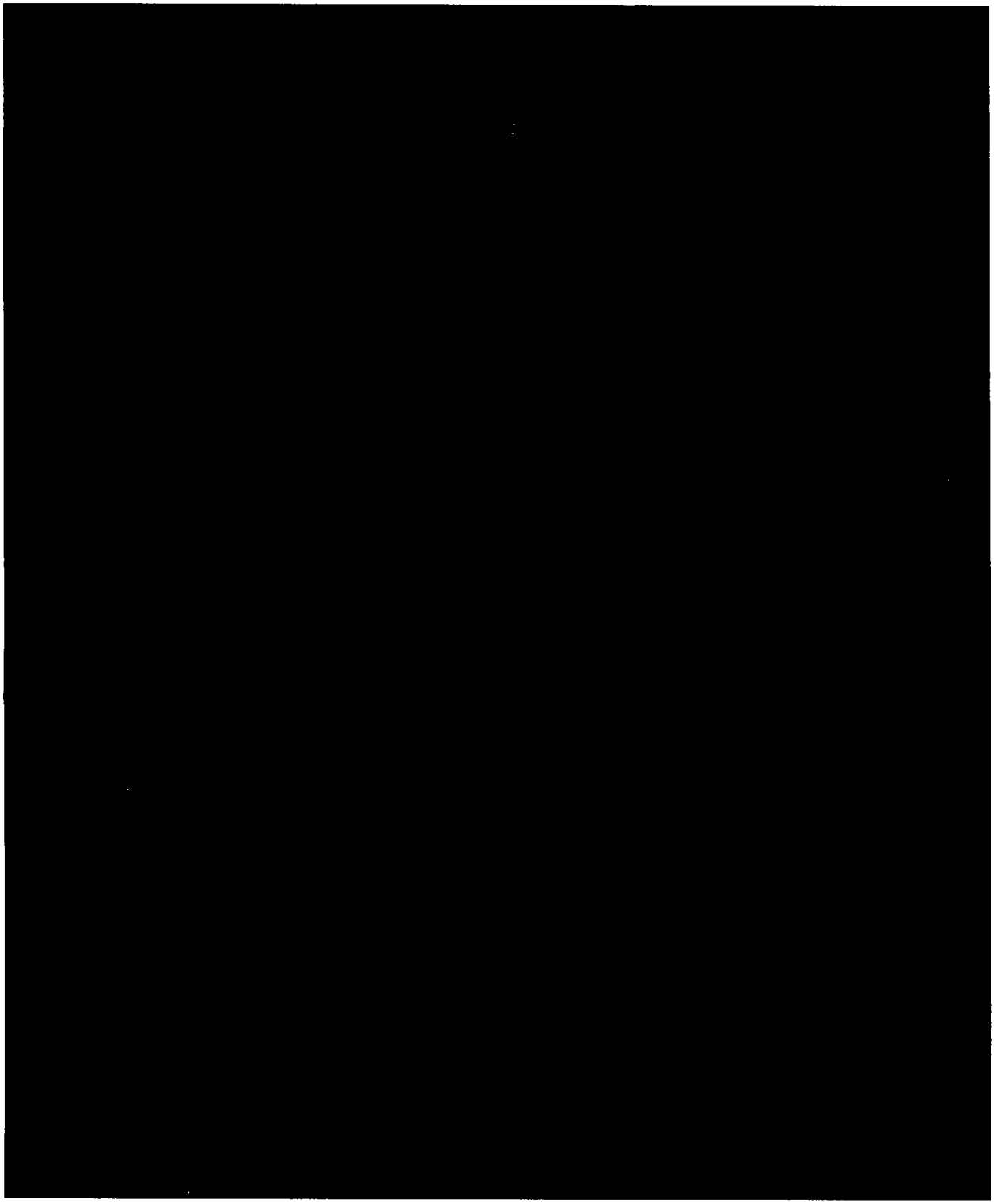

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Tuesday – January 14, 2020 - 3:00 p.m.

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilman W. Keith Young; City Manager Debra Campbell; and City Clerk Magdalen Burleson

Absent: Councilwoman Sheneika Smith

Budget Worksession

City Manager Campbell said that the goals of this worksession are to (1) provide current year update and financial context; (2) identify challenges and opportunities in next year's budget; and (3) obtain feedback to inform next steps in the budget process.

Budget Manager Taylor Floyd said the Fiscal Year 2019-20 General Fund budget is 52% property taxes, 21% sales tax, 7% utility taxes and 20% other. We are on target for General Fund revenues, We are also on target for General Fund expenditures (personnel cost management, utilities, fleet management/fuel; and health care.

Interim Human Resources Director Peggy Rowe updated Council on the compensation study. Consultants were engaged to analyze the City's salary and benefits package and to provide a recommendation to the City Manager. She reviewed the Phase 1 scope of work and the movement of salaries to $31,200. The City has a total of 1,256 full-time and regular part-time employees, with 93 earning less than $31,200. Departments with impacted positions include Capital Projects; Community & Economic Development; Parks & Recreation; Police; Public Works; Transportation; and Water Resources. The estimated annualized cost for adjusting salary for 93 employees including overtime, increase in cost of benefits, additional City contribution to the retirement system and life insurance premiums is $412,560. If $32,200 becomes the new wage floor, the shift causes additional compression as a group of employees' pay shifts upward. An additional 87 employees could potentially be impacted by the new wage increase. The cost to adjust for compression could be $30-196,000. There is likely to be pay compression in other pay grades. When Phase II of the total Compensation Study is complete, the following recommendations will be provided: (1) position compensation based on responsibilities; (2) adjustments for market and internal compensation inequities; and (3) adjustments to address pay compression in the current plan and the impact of new pay grades and ranges. In summary, Phase 1: initial identified positions to be adjusted to $31,200 year (a) supports commitment to adjust lower pay rates first; and (b) staff will provide additional information and options at Council retreat in February. Phase II timeline: (a) additional data collection including market analysis (January-March); (b) preliminary report (April-May); and (c) final report (May-June).

Budget Manager Floyd said that the current year General Fund summary shows revenues estimated at $133.4 Million and expenses at $132.6 Million, with a deficit of $0.8 Million. He then reviewed the Enterprise Fund status.

He said the Transit Fund status details show that transit is trending $500,000 over budget due to increased cost of fuel/electricity and paratransit service.

Paratransit details include (1) the Americans with Disabilities Act requires public transit agencies to provide equivalent services to people with disabilities; (2) door-to-door service is provided for eligible riders throughout the entire city, which is above and beyond federal requirements; and (3) City contracts with Buncombe County to provide services.

In October of 2019, City Council asked staff to monitor the budget to see if the last half of the 1st year of the Transit Master Plan (extended hours of operation) could begin this fiscal year. A cost analysis was prepared and considered (1) when would the extended hours of operation begin; (2) paratransit increase; (3) maintenance impacts; (4) ART staff increases (drivers/ dispatch/mechanics); (5) vehicle availability; (6) additional security needs at transit station; and (7) fuel increase plus increased fuel cost. The cost to extend the hours of operation to complete Year 1 of the Transit Master Plan (+$1.1 Million for full year): (1) extended hours of operation - $950,000; and (2) upgrade/purchase operational software - $150,000. Due to existing projected shortfall in Transit Fund of $500,000, cost to implement for partial year approximately $250-300,000, and logistical challenges of quick turnaround, it is unlikely for this fiscal year.

Regarding the next fiscal year budget development, the internal progress update is (1) facility and infrastructure maintenance identified as high priority by Management Team; and (2) departments completing development of budget proposals (operations & capital). The external progress update is (1) budget process information shared with Boards & Commissions; and (2) capital financing and forecast information shared with Finance & Human Resources Committee.

Preliminary revenue projections: (1) property tax growth to follow recent trends; (2) moderating sales tax growth; (3) additional Mission-HCA revenue ($2.2 Million); (4) minor growth in other revenues; and (5) current estimate: $5-6 Million additional revenue. Examples of expense increases include (1) full year of transit service improvements; (2) paratransit, fuel and electricity; (3) maintenance in River Arts District; (4) additional ongoing personnel costs; (5) annual capital debt model allocation; and (6) current estimate: $6-8 Million additional operating costs. The revenue growth is expected to be used up by ongoing operating cost increases.

Chief Financial Officer Barbara Whitehorn then reviewed the investments in short term (1-3 year) priority strategies. She then reviewed examples of strategic investments for review, in particular transit and capital. In the strategic investment funding, revenue growth is expected to be used up by ongoing operating cost increases. Additional revenue required to fund any of these new investments. Revenue options to be determined.

At the Council retreat, staff will affirm guiding principles, provide a 5-year forecast, provide a more detailed budget information; and show alignment with Council priorities.

City Manager Campbell, along with City staff, responded to various questions/comments from Council, some being, but not limited to: confirmation of information on Phase 1 of the Compensation Study and entire compression analysis organization-wide by the City Council retreat; are any of the 93 positions earning less then $31,200 vacant; explanation of paratransit services contracted with Buncombe County and why are we contracting with Buncombe County; does the County subsidize paratransit and will that continue; if we go fare free for public transit do we have to go fare free on paratransit; and what is the cost per person for a paratransit ride.

Councilwoman Mayfield said that to do the new things that she wanted to see done we need a new revenue source. She pulled together advocates, along with Councilman Young, to come up with a proposal to generate new revenue. A 3-cent tax increase for our future. Their plan is to restore our tree canopy; build a bus system for the 21st Century; and invest in renewable energy and affordability. We can fill the gap between our plans and our revenue through a 3-cent increase to property taxes. A 3-cent property tax increase will provide $4.5 Million. The plan will fund (1) hiring an Urban Forester & start-up costs - $100,000; (2) Urban Forest Master Plan and recurring tree-planting program - $200,000; (3) expand evening hours to 10:30 p.m. or later - $1 Million; (4) Year 2 of Transit Master Plan - $1.2 Million; (5) renewable energy & energy efficiency - $1.5 Million; (6) low-income weatherization via Blue Horizons - $250,000; (7) new Housing Voucher Pilot Project - $100,000; (8) additional Housing Trust Fund

allocation - $100,000; and (9) Asheville-Buncombe County Land Trust operating costs - $50,000. Vice-Mayor Wisler wondered how this proposal will affect renters.

Councilman Kapoor's main concern is providing basic services across the City. We have a duty to make sure that all of our residents are kept safe, that they can depend on having clean drinking water, that the roads they travel on are maintained, and that their tax dollars are being efficiently and effectively used to provide basic services. Despite the many good things that are happening across our City, we're seeing a heroin and drug needle litter crisis in West Asheville and downtown that's being accompanied by a significant jump in property crime; we've had several recent water outages caused by outdated water infrastructure that have hurt residents and local businesses; we have some of the worst roads of any city in the state and unmet capital needs of now over $600 Million including for building new fire stations; and we are having trouble hiring and keeping many of our City employees who provide the very services that our residents expect. To address these immediate problems, our next budget must have (1) funding to address the heroin and drug needle litter emergency; (2) funding to ensure that our water system infrastructure is dependable so that we prevent a public health disaster; (3) a responsible bond program that begins to fund our infrastructure and capital needs that have been ignored for years; and (4) funding for appropriate wage adjustments for our employees who deliver the services all of us depend on.

Mayor Manheimer noted that we do have capital needs around public safety and thought it might be time for another General Obligation Bond Referendum and perhaps that could include some environmental initiatives.

At 4:21 p.m., Mayor Manheimer adjourned the budget worksession.

Tuesday – January 14, 2020 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING JANUARY 21, 2020, AS "NATIONAL DAY OF RACIAL HEALING"

Mayor Manheimer read the proclamation proclaiming January 21, 2020, as "National Day of Racial Healing " in the City of Asheville. She presented the proclamation to Director of Equity Inclusion Kimberlee Archie, who then introduced Michael Hayes, Kasia Maatafale, Ponkho Bermejo and DeWayne Barton. Mr. Barton stated that we need to practice racial healing every day.

II. CONSENT AGENDA:

A. **APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 10, 2019**

B. **ORDINANCE NO. 4786 - ORDINANCE CHANGING THE POSTED SPEED LIMIT ALONG SEVERAL STREETS WITHIN THE CITY OF ASHEVILLE**

Action Requested: Adoption of an ordinance changing the posted speed limit along several streets within the City of Asheville.

Background:

- N.C. Gen. Stat. § 20-141 gives the City the authority to regulate speed limits within its corporate limits.
- City staff received requests from citizens to consider changes to the speed limits.
- City staff performed appropriate traffic-engineering studies along the various streets.
- Staff will bring speed limit changes to City Council on a quarterly cycle in an effort to improve the efficiency of the approval process.
- West Haywood Street, from Park Avenue North to Roberts Street will be changed to 20 miles per hour.
- The following streets will be changed to 25 miles per hour:
    - Asbury Road, from Wolfe Cove Road to Bassett Road
    - Bassett Road, from Wolfe Cove Road to Spooks Branch Road
    - Bearden Avenue, from Cumberland Avenue to Montford Avenue
    - Briarcliff Drive, from SR 3503 (Overlook Road) to Stancliff Drive
    - Buffalo Street, from Burton Street to a point 320 feet north of Ohio Street
    - Cameron Street, from Arlington Street to NC 694 (Town Mountain Road)
    - Creasman Place, from Selwyn Road to a point 550 feet north of Selwyn Road
    - Elizabeth Street, from Broadway to Cumberland Avenue
    - Fawn Drive, from Briarcliff Drive to Oakwilde Drive
    - Forsythe Drive, from Woodrow Avenue to North Street
    - Hampstead Road, from Manetta Road to Country Club Road
    - Hilliard Avenue, from West Haywood Street to SR 3548 (Clingman Avenue)
    - Oakwilde Drive, from Briarcliff Drive to a point 650 feet west of Stancliff Drive
    - Selwyn Place, from Selwyn Road to a point 300 feet north of Selwyn Road
    - Thompson Street, from US 25 (Hendersonville Road) to a point 750 feet north of Glendale Avenue
    - West Haywood Street, from Hilliard Avenue to Park Avenue North
    - West Street, from Forsythe Avenue to North Street
    - Windswept Drive, from College Street to Alexander Drive
- The Asheville Police Department concurs with the changes.

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- None

Pro(s):

- City staff has been able to respond favorably to citizen requests.
- The new speed limits will be consistent with streets of like characteristics and design.
- Based on the 85th percentile speeds, most drivers would adhere to the recommended speed limits on these streets.

Con(s):

- None

Fiscal Impact:

- The cost of installing and maintaining speed limit signs is included in the current operating budget.

Motion:

- Motion to approve an ordinance enacting (1) a 20 mph speed limit on West Haywood Street from Park Avenue North to Roberts Street; and (2) a 25 mph speed limit on Asbury Road, from Wolfe Cove Road to Bassett Road, Bassett Road, from Wolfe Cove Road to Spooks Branch Road, Bearden Avenue, from Cumberland Avenue to Montford Avenue, Briarcliff Drive, from SR 3503 (Overlook Road) to Stancliff Drive, Buffalo Street, from Burton Street to a point 320 feet north of Ohio Street, Cameron Street, from Arlington Street to NC 694 (Town Mountain Road), Creasman Place, from Selwyn Road to a point 550 feet north of Selwyn Road, Elizabeth Street, from Broadway to Cumberland Avenue, Fawn Drive, from Briarcliff Drive to Oakwilde Drive, Forsythe Drive, from Woodrow Avenue to North Street, Hampstead Road, from Manetta Road to Country Club Road, Hilliard Avenue, from West Haywood Street to SR 3548 (Clingman Avenue), Oakwilde Drive, from Briarcliff Drive to a point 650 feet west of Stancliff Drive, Selwyn Place, from Selwyn Road to a point 300 feet north of Selwyn Road, Thompson Street, from US 25 (Hendersonville Road) to a point 750 feet north of Glendale Avenue, West Haywood Street, from Hilliard Avenue to Park Avenue North, West Street, from Forsythe Avenue to North Street, and Windswept Drive, from College Street to Alexander Drive.

ORDINANCE BOOK NO. 33 - PAGE 20

C. RESOLUTION NO. 20-1 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING REPAIR AGREEMENT WITH SAFE INDUSTRIES FOR SERVICES RELATED TO THE REPAIR OF ASHEVILLE FIRE DEPARTMENT APPARATUS

Action Requested: Adoption of a resolution authorizing the City Manager to amend the existing repair agreement with Safe Industries related to the repair of Asheville Fire Department (AFD) Truck 9574 to increase the contract amount from $78,636 to $117,991.

Background:

- AFD Truck 9574 was involved in an accident on 1/17/2019.
- The contract for the original scope of work with Safe Industries for repairs was $78,636.
- During the completion of the original scope of work, Truck 9574 was discovered to have frame damage.
- Truck 9574 was inspected by a KME specialist, and it was determined the frame could be repaired instead of being replaced. The cost of these repairs is $39,354.86.
- The contract amount will go from $78,636 to $117,991.

Vendor Outreach Efforts:

- The truck was manufactured by KME, and purchased through the regional dealer, Safe Industries. The repair is being performed by Safe Industries, as they are the only KME repair vendor available to us. This allowed for original KME parts to be replaced with the same manufacturer's parts.

Council Goal(s):

- Smart City

Committee(s):

- n/a

Pro(s):

- Allows for Vendor to be paid for work performed.
- Allows for Truck 9574 to return to service, which will help AFD be prepared to meet the needs of the community.

Con(s):

- Increases expenditures under the contract.

Fiscal Impact:

- Costs for these services are included in the General Fund fleet allocations for the Department's vehicle repair and maintenance activities.

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend the existing repair agreement, from $78,636 to $117,991, with Safe Industries related to the repair of Asheville Fire Department Truck 9574.

RESOLUTION BOOK NO. 41 - PAGE 173

D. RESOLUTION NO. 20-2 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH AUSTIN CONSTRUCTION & GRADING FOR RAY L. KISIAH PARK PAVING AND BATTING CAGE IMPROVEMENTS

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a construction contract with Austin Construction & Grading of Horseshoe, NC, in the amount of $196,332.83 and to further authorize change orders up to the contingency amount of $19,633 (10%) for Ray L Kisiah Park Paving and Batting Cage improvements.

Background:

- Funding for these project upgrades were approved as part of the voter approved 2016 General Obligation (GO) Bonds and will allow for the replacement of outdated facilities including paving and sports field amenities.
- This project will improve the appearance, usefulness, and safety of facilities and are consistent with the department's Parks, Recreation, Cultural Arts Master Plan adopted by City Council in 2009.
- Seven bids were received and opened on December 12, 2019:
    - Austin Construction & Grading, Horseshoe, NC $196,332.83
    - Allison Contractors, LLC Hendersonville, NC $213,308
    - NHM Constructors, LLC Asheville, NC $228,491.23
    - Construction & Landscape Service, Inc., Marshall, NC $285,167
    - Owen Joseph, LLC, Arden, NC $305,673
    - Appalachian Paving & Concrete, Inc. Swannanoa, NC $313,000
    - Patton Construction Group, Inc, Asheville, NC $330,170

Vendor Outreach Efforts:

- Staff performed outreach to Minority and Women-Owned Business Enterprises (MWBE) through solicitation processes which included posting on the State's Interactive Purchasing System, targeted outreach with the City's Business Inclusion Manager, and requiring prime contractors to reach out to MWBE service providers for subcontracted services. Austin Construction is not a MWBE firm and will not be subcontracting with a MWBE.

Council Goal(s):
- A Clean and Healthy Environment & a Well-Planned and Livable Community.

Committee(s):
- Recreation Advisory Board (November 10, 2019) - project status update

Pro(s):
- Addresses needed infrastructure and safety improvements and delivers on ballfield improvements identified in the approved 2016 Bond Referendum.
- The facility will be under construction for eight to ten weeks during the off-season to minimize impacts to programs.

Con(s):
- None

Fiscal Impact:
- Funding for this contract exists within the approved GO Bond Capital Budget.

Motion:
- Motion to adopt a resolution authorizing the City Manager to enter into a construction contract with Austin Construction & Grading of Horseshoe, NC, in the amount of $196,332.83 and to further authorize change orders up to the contingency amount of $19,633 (10%) for Ray L Kisiah Park Paving and Batting Cage improvements.

RESOLUTION BOOK NO. 41 - PAGE 174

E. **RESOLUTION NO. 20-3 - RESOLUTION SETTING A PUBLIC HEARING ON FEBRUARY 11, 2020, TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS OAK STREET**

Action Requested: Adoption of a resolution to set a public hearing for February 11, 2020, for the closure of an unopened right-of-way known as Oak Street.

Background:
- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- Nettlewood Assoc LLC has petitioned the closure and owns three adjacent properties, 36,49, and 50 Peachtree Road, PIN #s 9656-10-0853, 9656-10-2829, and 9656-10-0957.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.

Council Goal(s):
- A well-planned and livable community

Committee(s):
- Multimodal Transportation Committee - October 30, 2019 - Recommended closing the right-of- way

Pro(s):
- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources.

Con(s):
- None noted.

Fiscal Impact:
- There will be no fiscal impact related to this closure.

Motion:
- Motion to adopt resolution of intent to set a public hearing on February 11, 2020, to close an unopened right-of-way known as Oak Street.

RESOLUTION BOOK NO. 41 - PAGE 175

F. RESOLUTION NO. 20-4 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE WITH PULLIAM STATE BUREAU LLC AT 9 WALDEN RIDGE FOR THE SOUTH ASHEVILLE POLICE RESOURCE CENTER

Action Requested: Adoption of a resolution authorizing the City Manager to execute a lease agreement for property at 9 Walden Ridge, Suite 20 for the South Asheville Police Resource Center.

Background:
- The Asheville Police Department (APD) is currently leasing space at 1 Pond Street from Skyland Fire and Rescue Corporation. The building is being sold to a new owner and APD's lease expires in June of 2020.
- The current facility does not meet APD's needs and a new location has been identified to serve as a South Asheville Police Resource Center.
- The property located at 9 Walden Ridge is a former N.C. State Bureau of Investigation office and includes private offices for supervisors, community/roll call room, work areas for patrol officers and ample parking.
- The owner of the property at 9 Walden Ridge, Pulliam State Bureau, LLC, has offered to lease to the City for the following terms:
    - Lease Area - 5,941 Square Feet
    - Initial term of 5 years with two options to renew for 5 years each.
    - Lease rate of $13 per square foot, which is at or below market value for South Asheville, (approx. $6,436 per month), with the City responsible for its share of insurance and taxes.
    - Escalation applied only at each renewal period at a rate of 10%.
    - Landlord to perform routine maintenance and repairs on outside walls, structural portions of interior walls and pipes, ducts etc. that serve the building.
    - The owner of the building has offered to make improvements such as the removal of unneeded equipment and the creation of additional work spaces to accommodate APD.
- A lease is preferred to a purchase of property in this case. Long-term capital and space planning is needed for a permanent location, with a potential to co-locate APD with other civic services to serve South Asheville.

Council Goal(s):
- A Well-Planned and Livable Community

Committee(s):
- None

Pro(s):

- With respect to the overall location, layout and functionality of the space, this property provides an improved work environment for Asheville Police Department employees compared to former location.
- The new space can accommodate more personnel to service the continued growth of the South District.
- This space provides the option to off-site some APD units currently working from overcrowded conditions in the downtown Municipal Building.
- The property is well-located for a South Asheville Resource Center, with good proximity to the service area.
- The new space has capacity for community meetings and interactions, which is currently not available in the existing space. The location is accessible via Asheville Transit and is within close proximity to other retail and commercial centers.
- The lease rate and terms are competitive.

Con(s):

- None

Fiscal Impact:

- Existing funding within APD's operational budget will cover the expenses for the remainder of the Fiscal Year 2020. Thereafter, funds will be budgeted in APD's base budget to pay for the lease expenses year over year.

Motion:

- Motion to approve the resolution authorizing the City Manager to execute a lease agreement for property at 9 Walden Ridge, Suite 20 for the South Asheville Police Resource Center.

RESOLUTION BOOK NO. 41 - PAGE 176

G. RESOLUTION NO. 20-5 - RESOLUTION AUTHORIZING THE SALE OF TWO FREIGHTLINER DUMP TRUCKS AND ONE JOHN DEER BACKHOE DEEMED SURPLUS CITY PERSONAL PROPERTY

Action Requested: Approval of a resolution authorizing the sale of two (2) Freightliner Dump Trucks and one (1) John Deere Backhoe deemed surplus City personal property.

Background:

- The Maintenance Division of the City's Water Resources Department identified one (1) 2010 Freightliner M2 Dump Truck, one (1) 2013 Freightliner M2 Dump Truck, and one (1) 2010 John Deere 410J Backhoe as surplus personal property, with no anticipation of utilization by the City.
- The estimated wholesale values depending on condition are as follows:
  - 2010 Freightliner M2 Dump Truck is approximately $28,000
  - 2013 Freightliner M2 Dump Truck is approximately $30,000
  - 2010 John Deere 410J Backhoe is approximately $30,000
- Historical bid sales have been higher than estimates. Bids will be solicited through GovDeals online auction.
- Pursuant to N.C.G.S. §160A-266, the Sale and Disposal of Personal Property valued at $30,000 or more must be approved by the City Council. The City's Purchasing Manager has authority to dispose of personal property valued at less than $30,000 by private negotiation and sale.

Council Goal(s):
- Financially Resilient Community

Committee(s):
- None

Pro(s):
- Prudent asset management
- Space utilization eliminates the need to store large, unused equipment
- Competitive process yielded market price

Con(s):
- None

Fiscal Impact:
- The dump trucks and backhoe are fully depreciated and the Water Resources Fund will recognize the entire amount as revenue from the sale of the assets.

Motion:
- Motion to adopt a resolution authorizing the sale of two (2) Freightliner M2 Dump Trucks and one (1) John Deere 410J Backhoe deemed surplus City personal property.

RESOLUTION BOOK NO. 41 - PAGE 177

H. RESOLUTION NO. 20-6 - RESOLUTION SETTING A PUBLIC HEARING ON FEBRUARY 11, 2020, TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY BETWEEN MIDWAY DRIVE AND WILLIS WAY

Action Requested: Adoption of a resolution to set a public hearing for February 11, 2020, for the closure of an unopened right-of-way between Midway Drive and Willis Way

Background:
- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- Ted and Jessica Leaven has petitioned the closure and owns both adjacent properties, 65 Ramoth and Midway Dr, PIN #s 7649-48-1087 and 9646-48-2076.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.

Council Goal(s):
- A well-planned and livable community

Committee(s):
- Multimodal Transportation Committee -December 11, 2019 - Recommended closing the right-of- way

Pro(s):
- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources.

Con(s):

- None noted.

Fiscal Impact:
- There will be no fiscal impact related to this closure.

Motion:
- Motion to adopt resolution of intent to set a public hearing on February 11, 2020, to close an unopened right-of-way between Midway Drive and Willis Way.

RESOLUTION BOOK NO. 41 - PAGE 178

I. RESOLUTION NO. 20-7 - RESOLUTION SETTING A PUBLIC HEARING ON FEBRUARY 11, 2020, TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY OFF FEDERAL ALLEY

Action Requested: Adoption of a resolution to set a public hearing for February 11, 2020, for the closure of an unopened right-of-way off Federal Alley

Background:
- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- Asheland Properties has petitioned the closure and owns two adjacent properties, 172 Asheland Avenue and 5 Federal Ally PIN#s 9648-38-0052and 9648-37-1928 and joined by South Slope Holdings LLC at 185 Coxe and 99999 Coxe Avenue PIN #s 9648-37-2825 and 9648-37-2643
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.

Council Goal(s):
- A well-planned and livable community

Committee(s):
- Multimodal Transportation Committee -December 11, 2019 - Recommended closing the right of way

Pro(s):
- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources.

Con(s):
- None noted.

Fiscal Impact:
- There will be no fiscal impact related to this closure.

Motion:
- Motion to adopt resolution of intent to set a public hearing on February 11, 2020, to close an unopened right-of-way off Federal Alley.

RESOLUTION BOOK NO. 41 - PAGE 180

J. RESOLUTION NO. 20-8 - RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE'S PARTICIPATION IN THE LOCAL GOVERNMENT CLIMATE LITIGATION AMICUS BRIEF PROJECT

Action Requested: Support of the City of Asheville's participation in the Local Government Climate Litigation Amicus Brief Project.

Background:

- The Sabin Center for Climate Law at Columbia Law School is seeking local government participation in its amicus, or "friend of the court", climate litigation project to challenge recent rollbacks by the Trump Administration of national climate protections that help safeguard municipalities from some of the worst impacts of climate change.
- This summer, the Administration finalized a rollback of the Clean Power Plan, America's first-ever national standards to reduce climate pollution from the power sector. The Administration's new plan, the "ACE" rule, sets no limits on climate pollution from the power sector and in fact is expected to increase pollution in numerous states.
- The Administration has also introduced the Safer Affordable Fuel-Efficiency (SAFE) Vehicles Rule which would result in a rollback of federal and state Clean Car Standards and lead to a significant increase in climate pollution.
- According to the Sabin Center, local governments can make a major contribution to pushing back against these rollbacks by participating as amici, friend of the court, in upcoming litigation challenges to these new laws.
- Participation will give the City an opportunity to review and comment on briefs written by the Sabin Center and also to provide information on how greenhouse gas reduction and renewable energy goals adopted by City Council are in direct conflict with, and would be negatively impacted by the new laws.
- Participation in the Amicus Brief Project has been discussed with staff from the Legal Department and they have indicated they will have the ability to assist the Sustainability Department in the review and comment on the briefs.

Council Goal(s):

- Equitable and Diverse Community
- A Clean and Healthy Environment

Committee(s):

- Sustainability Advisory Committee on Energy and the Environment unanimously passed support of City Council supporting the City of Asheville's participation in the Local Government Climate Litigation Amicus Project at their November 2019 meeting.

Pro(s):

- Supports Resolution 11-77 Establishing a Carbon Footprint Reduction Goal
- Supports Resolution 13-222 Clean Energy Economy
- Supports Resolution 17-119 Reaffirming City's Commitment to Paris Climate Agreement
- Supports Resolution 17-104 Encouraging a State Goal of 100% Renewable Energy by 2050
- Supports Resolution 18-279 Establishing a 100% Renewable Energy Goal for the City of Asheville

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Motion to adopt a resolution supporting the City of Asheville's participation in the Local Government Climate Litigation Amicus Brief

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Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilman Kapoor moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT - TRANSIT

City Manager Campbell introduced Assistant Transportation Director Jessica Morriss who said that City Council Strategy E.2 - Implement Year 1 recommendations of the Transit Master Plan (1-3 years), during the first half of Year 1, there has been a 25% service increase: route configurations, on-time performance improvements, added frequency, new routes and extended route, added stops, and new buses. These were all launched January 5, 2020.

The Transit Fund status details show that tranit is trending $500,000 over budget due to increased cost of fuel/electricity and paratransit service.

Paratransit details include (1) the Americans with Disabilities Act requires public transit agencies to provide equivalent services to people with disabilities; (2) door-to-door service is provided for eligible riders throughout the entire city, which is above and beyond federal requirements; and (3) City contracts with Buncombe County to provide services.

In October of 2019, City Council asked staff to monitor the budget to see if the last half of the 1st year of the Transit Master Plan (extended hours of operation) could begin this fiscal year. A cost analysis was prepared and considered (1) when would the extended hours of operation begin; (2) paratransit increase; (3) maintenance impacts; (4) ART staff increases (drivers/ dispatch/mechanics); (5) vehicle availability; (6) additional security needs at transit station; and (7) fuel increase plus increased fuel cost. The cost to extend the hours of operation to complete Year 1 of the Transit Master Plan (+$1.1 Million for full year): (1) extended hours of operation - $950,000; and (2) upgrade/purchase operational software - $150,000. Due to existing projected shortfall in Transit Fund of $500,000, cost to implement for partial year approximately $250-300,000, and logistical challenges of quick turnaround, it is unlikely for this fiscal year.

The Fiscal Year 2021 Transit Budget requests include (1) Base Budget (+$2.5 Million) (a) annualizes first portion of Year 1 (launched January 5, 2020); (b) increases paratransit cost; and (c) increases fuel/electricity cost; (2) Additional Service - Complete Transit Master Plan Year 1 (+$1.1 Million for full year (less if implemented after July 1, 2020) (a) add extend hours of operation - $950,000; and (b) upgrade operational software - $150,000; and (3) additional service - Transit Master Plan Year 2 (estimated +$1.1 Million for full year (less if implemented after July 1, 2020) (a) additional north and south crosstown route and added frequency on S3 and S6.

Transit summary (1) 1st half of Year 1 Transit Master Plan launched successfully on January 5, 2020; (2) projected shortfall of $500,000 in current fiscal year budget for transit; (3) not

likely to implement Year 1 half of Year 1 Transit Master Plan this fiscal year, but ... (4) Fiscal Year 2021 budget process will look at transit budget requests for completion of Year 1 and implementation of Year 2.

City Manager Campbell along with Ms. Morriss responded the various questions/ comments from Council, some being, but are not limited to: when can we expect to begin implementation of the full year of extended hours; explanation of the increase of paratransit costs with Buncombe County; what is the percentage of the budget for maintaining the same level of service; confirmation that if we move to fare free transit for regular service we have to by law have fare free transit for paratransit; confirmation that fare free transit will strain our system and not only for the loss of revenue; hope that Buncombe County might reconsider not eliminating their subsidy for paratransit and increase their participation so that we can improve our plan to increase service to the residents.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE PREVIOUSLY APPROVED CONDITIONAL ZONING (ORDINANCE NO. 4602) FOR THE RAD LOFTS PROJECT LOCATED AT 146 AND 179 ROBERTS STREET TO REVISE CONDITIONS RELATED TO AFFORDABILITY

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to amend a previously approved conditional zoning approval (Ordinance No. 4602) for the RAD Lofts Project (Urban Place/Conditional Zone) located at 146 and 179 Roberts Street, to revise conditions related to affordability. This public hearing was advertised on January 3 and 10, 2020.

Project Location and Contacts:

- The project site consists of two separate parcels with a combined area of approximately 3.26 acres located at 146 and 179 Roberts Street (PINs 9648-06-1956 and 9648-07-2183) that are owned by 146 Roberts LLC.
- Petitioner: Harry Pilos.

Summary of Petition:

- The project has gone through a number of approvals by City Council:
  - First approved on October 22, 2013 (Ordinance No. 4241) for a mixed-use development and conditional zoning from River and Commercial Industrial to Urban Place Conditional Zone
  - Amended on May 26, 2015 (Ordinance No. 4414) to revise conditions related to the mix of uses, increase parking and alter the number and massing of the buildings
  - Amended on January 10, 2017 (Ordinance No. 4548) to revise conditions related to the mix of uses, building size and amount of parking
  - Amended on July 25, 2017 (Ordinance No. 4602) to revise conditions related to building size, parking and mix of uses and to provide a wider range for these conditions to allow for some flexibility
- The mix of uses, site plan and building designs are not proposed to be changed with this amendment. They remain as shown and described in the conditions from the most recent approval.
- The applicant is only proposing a change to the condition governing the designation of affordable residential units as described in condition no. 8:
  - Current condition: Five percent of the units will be designated as affordable by the City's standards. The remaining 95% of the units will be leased at or below the City's published 2015 rates for workforce housing as a baseline, assuming

and including an annual increase of 3% calculated as of the date of completion of the project as indicated on the attached schedule B1-a. This condition is in effect for a period of ten years from initial CO (Certificate of Occupancy). The applicant will enter into an affordable housing deed restriction with the City to memorialize the aforementioned rent limits and period of affordability. The deed restriction shall be recorded by the applicant in the Buncombe County Register of Deeds prior to obtaining final CO.

- Proposed condition: At least ten percent of the total units (between 230 and 245 units) shall meet the City's standards for affordability at 80% AMI for a period of ten years from the issuance of the Certificate of Occupancy (CO). The rent and income shall follow the Affordable and Workforce Housing Standards determined annually by the City of Asheville Community Development Department.
- An Affordable Housing Deed Restriction will be provided by the City and filed and recorded by the applicant/property owner in the Buncombe County Register of Deeds prior to obtaining final CO. The applicant has stated that this request is due to difficulties securing financing for the project with the comprehensive restrictions on rents and balancing the more extensive affordability component with significant increases in construction costs that have occurred since the project was originally approved.

Comprehensive Plan Consistency:

- This proposal is consistent with the Living Asheville Comprehensive Plan in that the Traditional Corridor Land Use category encourages mixed-use developments prioritizing pedestrian infrastructure and multimodal access, buildings close to the street and higher residential densities.
- While a reduction, the amendment still contains a commitment to affordability, thus aligning with key goals in the *Resilient Economy* Plan section.

Compatibility Analysis:

- The mixed-use development proposal has been evaluated in previous reviews and determined to be compatible with the surrounding area and an ideal location for the uses proposed. This amendment does not impact the compatibility.

Council Goal(s):

- A Well-Planned and Livable Community
- Quality Affordable Housing
- Transportation and Accessibility

Committee(s):

- Technical Review Committee (TRC) - n/a
- Planning & Zoning Commission - December 4, 2019 - recommended approval (7-0)

Staff Recommendation:

- Staff consistently recommends maintaining as much commitment to affordability as the applicant is able to provide and supports this project's efforts to move forward to gain the 230-245 residential units and mixed-use development in this location.

In response to Mayor Manheimer, Community Development Programs Director Paul D'Angelo explained the difference between workforce housing vs. market rate housing.

There was considerable discussion amongst Council members and Mr. Harry Pilos, representing RAD Lofts, regarding the tools the City has available to reach 20% affordable

housing at 80% AMI for 20 years and Mr. Pilos' explanation of not taking advantage of the City's tools and keeping his request at 10% affordable housing at 80% AMI for 10 years.

Mr. Pilos said that this project is so much more than housing, noting that they have had to clean up this Brownfields site and pay $750,000 to replace the storm drain.

Mayor Manheimer opened the public hearing at 6:00 p.m.

Ms. Kristen Goldsmith felt the project is a mediocre project and does not meet our goals for affordability. She suggested Council deny this amendment.

Mayor Manheimer closed the public hearing at 6:03 p.m.

At the request of Councilwoman Mayfield, Mr. D'Angelo read Resolution No. 18-269 which recommitted Council's support for opportunity fund investment that promotes equitable growth, developments without displacement, and healthy communities of opportunities in Asheville's opportunity zones.

Councilman Young was disappointed that staff's recommendation as it does not align with Council's commitment on affordable housing nor does it align with the Council's support for opportunity zones. He felt this development promotes gentrification. The affordable housing workshop that City Council held last year provided information on the many tools the City has to incentivize affordability.

Mayor Manheimer said that the City's goal of 200 units per year was at 80% AMI with subsidy and this would bring on-line 23 units at 80% AMI, without a subsidy request. She felt we need to be clear in directing staff that if a private developer proposes a project that doesn't use our incentive policies then they should not recommend it. She didn't recall giving staff the direction to not recommend a project that doesn't use one of our tools. She recalled that the developer the City brought in who spoke at the affordable housing workshop explained to Council that private developers that do not have a subsidy cannot be expected to produce more than 10% of affordable units at 80% AMI. She asked that any future projects that are located in an opportunity zone that City staff acknowledge that fact in their staff report to Council.

In response to Councilman Kapoor, City Attorney Branham said that the law regarding rezonings for conditional purposes requires the Council to make three primary determinations: (1) that it is consistent with the approved area plans that are relevant to that particular project; (2) that it is a reasonable project; and (3) that it is in the public interest.

Councilman Kapoor said that this project meets our goal toward providing affordable housing. He felt that getting 23-24 affordable units even for 10 years is much more than we will have. He's not a developer, but it was clear to him from the affordable housing workshop, that it's not easy to get financing. With respect to staff recommendations, more information is better but he looks for their independent judgement as they are the professionals.

Councilwoman Mayfield said that projects that are in opportunity zones, that staff to flag that for Council and to include language the language from the resolution. She felt the resolution Council adopted would give them the leverage turn away projects that really were going to displace low income residents and not be a benefit to the community they are in. She felt this project is in the right place and thanked Mr. Pilos for trying to make this project happen.

Mr. Pilos said they have worked with staff for 6 years to create a model and they have always worked with him in good faith. He would now be willing to spend another month with staff, but he personally believed that the conclusion will be the same - without getting 95% of the

income stream restrictions lifted to go to market, he can't get the project done. He noted that this project goes way beyond just affordable housing - increase retail, activity, etc. He asked that this hearing be continued.

Vice-Mayor Wilser moved to continue this public hearing until February 25, 2020. This motion was seconded by Councilman Young and carried unanimously.

Councilwoman Mayfield said that we learned in the affordable housing workshop and in the City Council Housing & Community Development Committee that the City cannot meet our affordable housing needs alone. We need private developers to step up to the plate.

City Manager Campbell said that because we want to be clear in Council's direction, in March staff will be bringing forward for Council's consideration the priorities of the affordable housing workshop and benchmarks moving forward.

Councilwoman Smith supported staff providing Council with information on projects in opportunity zones in order to give Council all the information necessary to make an informed decision.

B. PUBLIC HEARING TO CONSIDER AMENDING THE 2019-20 ANNUAL ACTION PLAN FOR THE REALLOCATION OF AN ESTIMATED $723,208 IN FEDERAL HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS

RESOLUTION NO. 20-9 - RESOLUTION AMENDING THE 2019-20 ANNUAL ACTION PLAN FOR THE REALLOCATION OF AN ESTIMATED $723,208 IN FEDERAL HOME INVESTMENT PARTNERSHIP PROGRAM FUNDS

Community Development Programs Director Paul D'Angelo said that this is the consideration of a resolution amending the 2019-2020 Annual Action Plan for the reallocation of an estimated $723,208 in federal HOME Investment Partnership Program funds. This public hearing was advertised on December 13, 2019.

Action Requested: Adoption of a resolution authorizing the City Manager to submit an Amendment to the 2019-2020 Annual Action Plan for the HOME Investment Partnerships Program (HOME), enabling the City of Asheville and the Asheville Regional Housing Consortium to reallocate $723,308 for a total of $1,269,322 in 2019-20 HOME funds from the U.S. Department of Housing and Urban Development.

Review:

- The City has $723,308 in HOME funds available for reallocation.
- The Asheville Regional Housing Consortium received applications for HOME funds and made funding recommendations over two 2019 meetings (April 2019 and October 2019).
- HOME funds must be used for housing programs within the four-county Consortium area (Buncombe, Henderson, Madison, and Transylvania counties)
- Federal HOME Program and HUD regulations require a public hearing be held before substantial plan amendments can be adopted by the HOME Lead Entity, the City of Asheville.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- Asheville Regional Housing Consortium - October 31, 2019 - Approved unanimously

Pro(s):

- The proposed reallocation of $1,269,322 commits and puts toward viable projects federal HOME Program funding
- Approximately 170 affordable rental units will be created, 18 homeowners will be assisted with down payment assistance, and additional rental assistance will be supported in Henderson and Buncombe Counties. No project proposals were received in the reallocation for either Transylvania or Madison County projects.
- Funding recommendations reflect the carefully considered recommendations of the Asheville Regional Housing Consortium.

Con(s):

- None

Fiscal Impact:

- The Action Plan is fully funded from federal CDBG and HOME entitlement grants, unused funds from previous completed projects, and estimated program income. There is no other fiscal impact associated with this action.

Mr. D'Angelo responded to Vice-Mayor Wisler when she asked how this money became available for reallocation.

Mayor Manheimer opened the public hearing at 6:33 p.m.

Ms. Kasia Maatafale asked that the City's website be updated with the current Action Plan.

Mayor Manheimer closed the public hearing at 6:34 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved to approve a resolution authorizing the City Manager to submit an Amendment to the 2019-2020 Consolidated Action Plan for the HOME Investment Partnership Program. This motion was seconded by Councilwoman Smith and carried unanimously.

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C. PUBLIC HEARING ON ISSUANCE OF THE GENERAL OBLIGATION REFUNDING FUNDING BONDS

ADOPTION OF THE BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $23,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

RESOLUTION NO. 20-10 - RESOLUTION FOR THE ISSUANCE OF THE CITY OF ASHEVILLE, NORTH CAROLINA, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020A AND THE CITY OF ASHEVILLE, NORTH CAROLINA, TAXABLE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020B

Chief Financial Officer Barbara Whitehorn said that this is the consideration (1) To hold a public hearing; (2) adoption of Bond Order; and (3) adoption of a resolution for the issuance of

General Obligation (GO) Refunding Bonds for the refinancing of existing debt. This public hearing was advertised on January 3, 2020.

Background:

- In May, 2018, Council authorized the issuance of a GO Bond Anticipation Note in an amount not to exceed $23,000,000.
- Since that time, the City has drawn down $15.6 million on the loan and hopes to draw on the remaining amount available over the next month with an emphasis on affordable housing initiatives.
- In order to refund the principal, the City intends to issue long-term, fixed-rate GO Bonds in early March, 2020.

Council Goal:

- Financially Resilient City

Committee(s):

- None

Pro(s):

- Converts GO funding from short-term variable-rate debt to long-term, fixed-rate bonds.
- Allows City to pay off the debt over a longer time period and match the longer, useful life of the assets it funds.

Con(s):

- None

Fiscal Impact:

- Annual debt service payments will increase because long-term fixed rates are higher than short-term variable rate debt. This increase is included in the City's long-range financial model for issuing and paying-off debt. The final amounts of the new debt service payments will be determined on the bond sale date.

The bond order titled, **"BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $23,000,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA"** was introduced at the regular meeting of the City Council on December 10, 2019, and was published on January 3, 2020, with notice that the City Council would hold a public hearing thereon on January 14, 2020, at 5:00 p.m. or as soon thereafter as practicable.

At 6:38 p.m., Mayor Manheimer announced that the City Council would hear anyone who wished to be heard on the questions of validity of the bond order and the advisability of issuing the General Obligation Refunding Bonds, and when no one spoke, she closed the public hearing at 6:38 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the bond order and resolution and they would not be read.

Councilwoman Smith moved that the following bond order be adopted without change or amendment as previously introduced at the meeting of the City Council held on December 10, 2019, and for City Council to direct the City Clerk to publish a notice of adoption of the bond order as prescribed by The Local Government Bond Act. This motion was seconded by Councilman Young and carried unanimously:

BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $23,000,000
GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF ASHEVILLE, NORTH CAROLINA

WHEREAS, the City of Asheville, North Carolina (the "*City*") has previously issued its General Obligation Bond Anticipation Note, Series 2018 (the "*2018 Note*");

WHEREAS, the City Council of the City (the "*City Council*") deems it advisable to refund all of the outstanding principal amount of the 2018 Note;

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina requesting Commission approval of the bonds hereinafter described as required by the Local Government Bond Act.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Asheville, North Carolina, as follows:

Section 1. The City Council deems it advisable to refund the 2018 Note.

Section 2. To raise the money required to pay the costs of refunding the 2018 Note as set forth above, General Obligation Refunding Bonds of the City in one or more series (the *"Refunding Bonds"*) are hereby authorized and shall be issued pursuant to the Local Government Bond Act of North Carolina. The maximum aggregate principal amount of such Refunding Bonds authorized by this bond order shall be and not exceed $23,000,000.

Section 3. Taxes will be levied in an amount sufficient to pay the principal and interest of the Refunding Bonds.

Section 4. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 5. This bond order shall take effect on its adoption.

Councilwoman Smith moved for the adoption of a resolution for the issuance of City of Asheville, N.C. General Obligation Refunding Bonds, Series 2020A, and City of Asheville, N.C., taxable General Obligation Refunding Bonds, Series 2020B. This motion was seconded by Councilman Young and carried unanimously. (Order of vote corrected procedurally by ratification of resolution vote.)

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V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

Regarding the Civic Center Commission, the following individual applied for the vacancy: David Nutter. Since only one application was received and there are two vacancies, it was the consensus of Council to re-advertise for these vacancies.

Regarding the Human Relations Commission, the following individuals applied for a vacancy: Lisa Lemons, Susy Chandler, Melissa Ray, Sam Franklin. It was the recommendation of the Human Relations Commission and the Boards & Commissions Committee to postpone making appointments to this Commission until June, 2020.

Regarding the Recreation Board, the following individuals applied for the vacancy: Craig Ruhland, Matt Lutz and Madison Brightwell. It was the recommendation of the Recreation Board and the Boards & Commissions Committee to postpone making appointments to this Commission and re-advertise for the seat.

RESOLUTION NO. 20-11 - RESOLUTION APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Board of Adjustment.

The terms of Pratik Bhakta (Regular) and Daniel Summerlin (Regular) expire on January 21, 2020.

The following individuals applied for the vacancy: David Angelus and Rick Freeman.

The Boards & Commissions Committee recommended reappointment of Mr. Bhakta and Mr. Summerlin.

Vice-Mayor Wisler moved to reappoint Pratik Bhakta (Regular) and Daniel Summerlin (Regular) to each serve an additional three-year term, terms to expire January 21, 2023, or until their successors have been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

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RESOLUTION NO. 20-12 - RESOLUTION APPOINTING A MEMBER TO THE DOWNTOWN COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Downtown Commission.

Brent Campbell resigned as a member of the Downtown Commission, thus leaving an unexpired term until December 31, 2021.

The following individuals applied for the vacancy: David Angelus, Jeffrey Kellman, Sherree Lucas, Robin Raines, Brad Blackburn, Kimberly Levi and Joy Wilson.

The Boards & Commissions Committee recommended appointing Robin Raines.

Vice-Mayor Wisler moved to appoint Robin Raines as a member of the Downtown Commission to serve the unexpired term of Mr. Campbell, term to expire December 31, 2021, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

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RESOLUTION NO. 20-13 - RESOLUTION APPOINTING MEMBERS TO THE FIREMEN'S RELIEF FUND

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Firemen's Relief Fund.

The terms of Barbara Whitehorn and Raymond Tweed, as members on the Firemen's Relief Fund, expired January 1, 2020. Due to recent legislation, the term limits have been removed and now the members serve at the pleasure of Council or until they resign.

No one applied for the vacancy.

The Boards & Commissions Committee recommended reappointing Mr. Tweed and Ms. Whitehorn.

Vice-Mayor Wisler moved to reappoint Raymond Tweed and Barbara Whitehorn to each serve at the pleasure of City Council or until they resign. This motion was seconded by Councilman Haynes and carried unanimously.

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RESOLUTION NO. 20-14 - RESOLUTION APPOINTING A MEMBER TO THE METROPOLITAN SEWERAGE DISTRICT BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Metropolitan Sewerage District (MSD) Board.

The term of Esther Manheimer, as a member of the MSD Board expires on January 19, 2020.

No one has applied for the vacancy.

The Boards & Commissions Committee recommended reappointing Esther Manheimer.

Vice-Mayor Wisler moved to reappoint Esther Manheimer as a member of the MSD Board to serve an additional three-year term, term to expire January 19, 2023, or until her success has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

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RESOLUTION NO. 20-15 - RESOLUTION APPOINTING MEMBERS TO THE RIVERFRONT REDEVELOPMENT COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Riverfront Redevelopment Commission.

The terms of Darren Green (property/business owner), Tim Schaller (property/business owner in the Riverfront) and Carleton Collins (at-large member) expired on January 1, 2020.

The following individual applied for the vacancy: Kimberly Levi.

The Boards & Commissions Committee recommended reappointment of Darren Green (3-year term), Tim Schaller (3-year term) and Carleton Collins (1-year term).

Vice-Mayor Wisler moved to (1) reappoint Darren Green (property/business owner) and Tim Schaller (property/business owner in the Riverfront) to each serve an additional three-year term respectfully, terms to expire January 1, 2023, or until their successors have been appointed; and (2) appoint Carleton Collins (at-large member) to serve a one-year term, term to expire

January 1, 2021, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

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RESOLUTION NO. 20-16 - RESOLUTION APPOINTING MEMBERS TO THE SUSTAINABILITY ADVISORY COMMITTEE ON ENERGY & THE ENVIRONMENT

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Sustainability Advisory Committee on Energy & the Environment (SACEE).

The terms of Maggie Gulick, Anne Keller and Sonia Marcus (expertise in the field of energy management) expired on December 31, 2019.

The following individuals applied for the vacancy: Ron Edgerton, Chris Pelrine, Paul Schulman, Andrea Baty, Patricia Meason Williams, Jeffrey Vanderlip, Alison Ormsby, Dakota Lee Lathroop, Daniel Falkenstein and Kelsey Wood.

The Boards & Commissions Committee recommended reappointment of Maggie Gulick and Anne Keller and appointment of Alison Ormsby.

Vice-Mayor Wisler moved to (1) reappoint Maggie Gulick and Anne Keller to serve an additional three-year term respectfully, terms to expire December 31, 2022, or until their successors have been appointed; and (2) appoint Alison Ormsby (expertise in field of energy management) to serve a three-year term, term to expire December 31, 2022, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

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RESOLUTION NO. 20-17 - RESOLUTION APPOINTING MEMBERS TO THE URBAN FORESTRY COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Urban Forestry Commission.

The terms of Ed Macie and Patrick Gilbert, as members on the Urban Forestry Commission, expired December 31, 2019. In addition, Guillermo Rodriguez resigned, thus leaving an unexpired term until December 31, 2020.

The following individuals applied for the vacancy: Robert Brown, Patricia Strang, Karen MacNeil, Callie Warner and Noah Poulos.

The Boards & Commissions Committee recommended (1) reappointing Mr. Macie and Mr. Gilbert; and (2) re-advertise for the other vacant seat as requested by the Urban Forestry Commission.

Vice-Mayor Wisler moved to reappoint Ed Macie and Patrick Gilbert to each serve a three-term, terms to expire December 31, 2022, or until their successors have been appointed; and re-advertise for the third vacant seat. This motion was seconded by Councilman Haynes and carried unanimously.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Dan Glidden and Tim Birthisel urged Council to adopt a resolution urging congress to pass HR 763 - Energy Innovation and Carbon Dividend Act to address climate change.

Mr. Gary Holcombe spoke about the need for speed humps on Busbee View Circle.

Mr. Joe Minicozzi spoke about the traffic concerns on the residential street of Maxwell Street.

Ms. Vicki Meath spoke to Council about the need to fund and implement the Transit Master Plan, in particular advancing evening service hours.

Closed Session

At 7:00 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(1). The statutory authorization is contained in N.C.G.S. 143-318.10 (e) and N.C. Gen. Stat. sec. 160A-168; (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, the handling or settlement involving the following matter: City of Asheville v. Parkway Court, LLC COA 19-963. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3); and (3) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6). This motion was seconded by Councilwoman Mayfield and carried unanimously.

At 7:44 p.m., Councilman Kapoor moved to come out of closed session. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:44 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – January 28, 2020 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: Councilwoman Sheneika Smith

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 14, 2020

B. ORDINANCE NO. 4787 - ORDINANCE AMENDING THE FEES & CHARGES MANUAL TO ADJUST CURRENT RATES AND BOOKING POLICY FOR 8 RIVER ARTS PLACE

Action Requested: Adoption of an ordinance amending the fees and charges manual for Fiscal Year (FY) 2019-20 to adjust current rates and booking policy for 8 River Arts Place.

Background:

- In 2016, City Council Council approved a contract to renovate the facility and reaffirmed the community's vision for the space as follows: "For the facility to provide space for a highly visible information and wayfinding kiosk that supports the greater River Arts District by providing information about the district for visitors on arts and culture, shopping, studios, galleries, recreation opportunities, events, and restaurants. It is also intended to be a destination in its own right, with plans for a public-private-partnership lease, and to serve as flexible space for a gallery, office, studio, retail, or performance space that would be rented to private sector partners."
- After two years of operation of 8 River Arts Place (formerly 14 Riverside Drive) by the Strategic Development Office division, a request was made for the Harrah's Cherokee Center division to take over the event related operation of the property.
- Harrah's Cherokee Center staff begun handling booking, contracting, invoicing and oversight of special events held at the property beginning in October 2019
- As noted above, long term plans continue to work towards a public-private-partnership, with a goal of finalizing this process within the next one to two years. Harrah's Cherokee Center operation will continue until the process is complete.
- Current rate structures are not sustainable; often times not covering the staff related costs with the rental, let alone overhead and profit.

Council Goal(s):

- Smart City
- Connected and Engaged Community
- Thriving Local Economy

Committee(s):

- Civic Center Commission - December 3, 2019 - Recommended proposed rate and booking policy adjustments.
- Finance Committee - December 10, 2019 - Recommended proposed rate and booking policy adjustments for full council approval.

Pro(s):

- Covers Harrah's Cherokee Center staff time and basic materials.
- Adjust rates to be more in line with other event rental spaces in the community.

Con(s):

- Significant increase in rates.

Fiscal Impact:

- Minimal fiscal impact, creates a cost recovery system, but does not create true revenue generation.

Motion:

- Motion to approve an ordinance amending the fees and charges manual for Fiscal Year (FY) 2019-20 to adjust current rates and booking policy for 8 River Arts Place, effective for newly contracted events after February 1, 2020.

ORDINANCE BOOK NO. 33 - PAGE 22

C. ORDINANCE NO. 4788 - ORDINANCE AMENDING THE FEES & CHARGES MANUAL TO ADJUST CURRENT RATES AND BOOKING POLICY FOR THE HARRAH'S CHEROKEE CENTER

Action Requested: Adoption of an ordinance amending the fees and charges manual for Fiscal Year (FY) 2019-20 to adjust current rates and booking policy for the Harrah's Cherokee Center.

Background:

- Harrah's Cherokee Center staff has not adjusted rates in a significant way in over three years.
- Due to increased expenses including adjustments in temp/seasonal staff living wage rates increasing to a minimum of $13.65 per hour the majority of posted staff billable wages need to be increased.
- Staff recommends that we formalize 'Last Minute' events more formally in the Center's booking policy as these events usually have more expenses associated with them.
- Staff propose increasing base rental fee minimums on non-ticketed events. Non-ticketed events do not allow for the same potential revenue streams for the facility as ticketed events. Therefore, staff recommends that rental fees for non-ticketed events be higher than ticketed events.

Council Goal(s):

- Smart City
- Connected and Engaged Community
- Thriving Local Economy

Committee(s):

- Civic Center Commission - December 3, 2019 - Recommended proposed rate and booking policy adjustments.
- Finance Committee - December 10, 2019 - Recommended proposed rate and booking policy adjustments for full council approval.

Pro(s):

- Covers additional staff costs after living wage adjustments.
- affords for greater revenue opportunities with 'last minute' events to help cover additional costs incurred by the city in other departments.
- Adjust rates to be more in line with other event rental spaces in the southeast.

Con(s):

- Places Harrah's Cherokee Center staffing billable rates as the highest in the region of competing concert venues.

Fiscal Impact:

- Anticipated net increase in revenues of approximately $23,000 annually.

Motion:

- Motion to approve an ordinance amending the fees and charges manual for Fiscal Year (FY) 2019-20 to adjust booking policy and rates for the Harrah's Cherokee Center, effective for newly contracted events after February 1, 2020.

ORDINANCE BOOK NO. 33 - PAGE 28

D. RESOLUTION NO. 20-20 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BRYANT LAND AND DEVELOPMENT INDUSTRIES INC. FOR THE ENHANCEMENTS TO THE STATE STREET PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Bryant Land and Development Industries, Inc. in the amount of $1,281,068.20 plus a 15% contingency of $192,160.23 ($1,473,228.43 total) for the State Street Enhancement Project.

Background:

- The project includes the milling and resurfacing of State Street, repairs to the concrete sidewalk and pedestrian improvements at the intersections with Pennsylvania Avenue, Hanover Street, Short Michigan Avenue, and Wellington Street.
- These include improvements to ADA accessibility (all intersections), pedestrian signal heads (Hanover intersection), and pedestrian activated beacons (Pennsylvania and Wellington).
- Finally, a revised pavement marking plan has been designed for State Street.
- The project was advertised on November 1, 2019 and the bid opening was scheduled for December 3, 2019. Since the City did not receive a sufficient number of bids, the project was readvertised on December 4, 2019. The following bids were opened on December 17, 2019:

Bryant Land and Development Industries, Inc., Burnsville, NC	$1,281,068.20
Harrison Construction Company, Asheville, NC	$1,524,858.39
Rogers Group, Inc., Nasheville, NC	$1,591,391.95

- Construction is anticipated to start in mid-February and take four to six months.

Vendor Outreach Efforts:

- Staff performed outreach to Minority & Women-Owned Business Enterprise (MWBE) service providers through solicitation processes which included posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to MWBEs for subcontracted services.
- No MWBE submitted a bid to be the prime contractor on the project.

- MWBEs will be performing the guardrail installation, sign installation, and pavement markings. These items amount to 3.1% of the total project expenditures.

Council Goal(s):
- This action complies with Council's 2036 vision for transportation and accessibility.

Pro(s):
- Provides for the resurfacing of State Street which is a heavily traveled road that is in poor repair.
- Will make the sidewalk more ADA-compliant.
- Provides for safer pedestrian crossings of State Street.

Con(s):
- Construction will be disruptive to the neighborhood and to traffic. Efforts will be made to minimize disruptions.

Fiscal Impact:
- Funding is coming from the 2016 General Obligation Bond approved by Asheville constituents in November 2016. The total maximum cost of this contract, including contingency, is $1,473,228.43. This is approximately 4% of the Transportation bond funding.

Motion:
- Motion to adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with Bryant Land and Development Services, Inc. in the amount of $1,281,068.20 plus a 15% contingency of $192,160.23 for a total of $1,473,228.43 for the project known as State Street Enhancements.

RESOLUTION BOOK NO. 41 - PAGE 212

E. RESOLUTION NO. 20-21 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH FIRST BAPTIST CHURCH FOR CITY EMPLOYEE PARKING AT 5 OAK STREET

Action Requested: Adoption of a resolution authorizing the City Manager to execute a new lease agreement between First Baptist Church and the City of Asheville.

Background:
- The City of Asheville leases parking spaces from the First Baptist Church at 5 Oak Street to meet the growing need for City Hall employee parking,
- An initial lease agreement was signed in March of 2018 for one year and the City leased thirty parking spaces as a trial period to see if the spaces were used by City employees.
- When the City renewed it the following year, a decision was made to lease twenty spaces.
- At this time, almost all of the leased spaces are in use by City employees and the City is seeking to establish a new lease to extend the term for 20 spaces.
- The current lease will expire in February of 2020 and the City seeks a new lease with a term of two years and a price of $50.00 per space. With 20 spaces being leased, the monthly amount is $1,000 ($12,000 per year).

Council Goal(s):
- A Thriving Local Economy

Committee(s):

- None

Pro(s):

- This parking lot provides much needed extra parking for city employees.
- The $50 fee is below market rate in the downtown area.
- Because of the walk involved, the City has offered wellness points for employees using the parking spaces at the church.

Con(s):

- None.

Fiscal Impact:

- The Parking Services Fund is responsible for the rental amount of $12,000 per year under the terms of the lease.

Motion:

- Motion to approve the resolution authorizing the City Manager to execute a lease with the First Baptist Church.

RESOLUTION BOOK NO. 41 - PAGE 213

F. ORDINANCE NO. 4789 - BUDGET AMENDMENT IN FEDERAL TRANSIT ADMINISTRATION SECTION 5310 FUNDS TO FUND PASS-THROUGH GRANTS TO SUB-RECIPIENTS AND A PORTION OF THE CITY'S EXISTING PARATRANSIT AND ADMINISTRATIVE COSTS

Action Requested: Adoption of budget amendment in the amount of $332,174 in Federal Transit Administration Section 5310 funds to fund pass-through grants to sub-recipients and a portion of the City's existing paratransit and administrative costs. These funds are annual recurring funds that have been accounted for in the budget. These funds were previously anticipated and do not offset the current shortfall in the budget for paratransit services.

Background:

- At its March 12, 2019, meeting, City Council approved a resolution authorizing the City Manager to apply to the French Broad River Metropolitan Planning Organization for Section 5310 Funds, and to accept the grants and sign all the appropriate agreements with the French Broad River Metropolitan Planning Organization, Federal, and/or State agencies.
- The purpose of the Section 5310 funding program is to improve mobility for seniors and individuals with disabilities by removing barriers to transportation services and expand transportation mobility options.
- These are Federal Transit Administration (FTA) funds under Award # 1057-2019-3 for the Enhanced Mobility of Seniors and Individuals with Disabilities program that the City is the designated recipient for the region. The funds will be distributed to each of the applicants via an application process through the Metropolitan Planning Organization. The City is responsible for overseeing and disbursing the funds to the applicants. The chart below outlines the amount funded for each recipient.
- The budget amendment will provide expenditure authorization for the $332,174 in grant funds. The City's portion of the funds is used to support the existing City paratransit service and administrative costs.
- These funds were previously anticipated and do not offset the current shortfall in the budget for paratransit.

Subrecipient	Project	FTA Amount	Local Match (20% or 50%)	Total
City of Asheville	ADA Paratransit	$99,000	$19,800 (20%)	$118,800
Buncombe County	SEDTAP	$72,880	$14,576 (20%)	$87,455
Vocational Solutions	Vocational and Life Skills Training	$15,840	$3,148 (20%)	$18,988
Council on Aging	Volunteer Driver Program	$13,690	$13,690 (50%)	$27,380
Land of Sky Regional Council	Senior Companion Program	$32,340	$32,340 (50%)	$64,680
Vocational Solutions	Vocational and Life Skills Training	$4,950	$4,950 (50%)	$9,900
Buncombe County	RIDE Vouchers Program	$52,337	$52,337 (50%)	$104,674
Madison County	Transportation to Meal Sites	$7,920	$7,920 (50%)	$15,840
City of Asheville	Program Administration	$33,217	N/A	$33,217
	Total	**$332,174**	**$148,761**	**$480,934**

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- None

Pro(s):
- Project funding is provided by the FTA. Local match is 50% for operating projects and 20% for capital projects. Each sub-recipient is responsible for their local match.
- The City is provided $33,217 for administration purposes, which does not require a local match.

Con(s):
- None.

Fiscal Impact:
- The total grant award for the projects is $332,174 and will be funded with Federal Funds. As noted above, $33,174 will be reimbursed to the city for administrative costs, and Asheville's local match for the provision of the Americans with Disabilities Act paratransit services totals $19,800.

Motion:
- Motion to adopt a budget amendment in the amount of $332,174 in Federal Transit Administration Section 5310 funds to fund pass-through grants to sub-recipients and a portion of the City's existing paratransit and administrative costs.

ORDINANCE BOOK NO. 32 - PAGE 38

G. **RESOLUTION NO. 20-22- RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ADDENDUM #3 TO THE 2003 INTERGOVERNMENTAL AGREEMENT WITH BUNCOMBE COUNTY DATED SEPTEMBER 2, 2003, REGARDING THE DISTRIBUTION OF STATE 9-1-1 FUNDS**

Action Requested: Adoption of Addendum #3 to the 2003 Intergovernmental Agreement between the City and County dated September 2, 2003.

Background:

- The City and County executed an Intergovernmental Agreement on September 2, 2003, outlining the obligations between the County, as the Primary Public Safety Answering Point (PSAP), and the City, as the secondary PSAP. The purpose is to create a County and City consolidated call center; and provide clarity around the call center's expenditures.
- On December 13, 2005, the County and City executed an addendum to the 2003 Intergovernmental Agreement establishing a new completion date for the consolidated public safety communication center paid for by the County.
- On September 25, 2009, the City and County executed Addendum #2 to the 2003 Intergovernmental Agreement creating a joint agreement for the operation of the communication center.
- Since then, the State's 911 Board has determined that the City's operation meets the definition of a Secondary PSAP, and requires an agreement between the City and County for the County to receive and disburse the City's secondary PSAP funds for the City's benefit.

Council Goal(s):

- Smart City

Committee(s):

- None

Pro(s):

- Maintains the status quo regarding current 911 operations.

Con(s):

- None.

Fiscal Impact:

- No changes to the distribution of existing funds.

Motion:

- Motion to approve the resolution authorizing Addendum #3 to the Intergovernmental Agreement between the City and Buncombe County dated September 2, 2003 (9-1-1 funds)

RESOLUTION BOOK NO. 41 - PAGE 214

H. **RESOLUTION NO. 20-23 - RESOLUTION SUPPORTING THE FRENCH BROAD METROPOLITAN PLANNING ORGANIZATION DEVELOPMENT OF A REGIONAL TRANSIT FEASIBILITY STUDY**

Action Requested: Adopt a resolution of support for the French Broad River Metropolitan Planning Organization's development of a Regional Transit Feasibility Study

Background:

- The French Broad River Metropolitan Planning Organization (MPO) is the regional transportation planning organization for the Asheville region.
- In 2019, the MPO Board and Technical Committee voted to support the development of a regional transit feasibility study and to increase the dues of each member agency equally to support the cost of the study.
- The study will be completed over the next two fiscal years.
- The City budgeted half of the due increase in Fiscal Year (FY) 2020 Transportation Department budget and will include the remaining half in the base budget for FY 2021.
- The study is intended to provide a deeper understanding of the existing needs for regional transit, the existing conditions of current systems, and make recommendations as to the feasibility of creating regional transit services.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- The project will be managed by the MPO, including the contract and deliverables.
- The study will provide useful recommendations as to the need, costs, and implementation options for providing regional transit services.

Con(s):

- The City's MPO dues were increased by $2,107 to support the cost of the study (the increase is temporary and is only for the Regional Transit feasibility study).

Fiscal Impact:

- The City of Asheville's dues to the MPO were increased by $2,107 as a contribution toward the completion of the study. Half of this amount was budgeted in the Transportation Department FY 2020 budget and the second half will be included in the base budget request for FY 2021.

Motion:

- Motion to adopt a resolution of support for the French Broad River Metropolitan Planning Organization's development of a Regional Transit Feasibility Study.

RESOLUTION BOOK NO. 41 - PAGE 215

I. RESOLUTION NO. 20-24 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INSPECTION AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION FOR PEDESTRIAN PHASING AT THE INTERSECTION OF OVERLOOK ROAD AND PINCHOT DRIVE

Action Requested: Adoption of a resolution authorizing the City Manager to enter into and execute a review and inspection agreement with the N.C. Department of Transportation (NCDOT) for the NCDOT to perform design review and inspection of the addition of pedestrian phasing at the intersection of Overlook Rd and Pinchot Dr. and submit payment not to exceed the City Manager's Council authorized financial approval limit.

Background:

- The City has plans to construct a new sidewalk along NC 3503 (Overlook Rd.) between Pinchot Dr. and Briarcliff Dr. as identified in the 2016 Bond Referendum.
- The new sidewalk will tie into an existing sidewalk network and will connect a residential neighborhood to schools, a library, and other local destinations.
- The project includes pedestrian phasing and crosswalk at one intersection.
- The City has prepared the appropriate designs, added pedestrian phasing, and will be furnishing and installing the equipment and crosswalks.
- NCDOT will review and approve the designs and inspect the work during the construction phase which is currently scheduled to begin in Spring 2020.
- City Council is required to authorize all intergovernmental agreements by NCGS 160A-461.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- A new section of sidewalk will be constructed that will provide an important pedestrian connection between a neighborhood and local destinations, including three schools and a library.
- The pedestrian experience will be enhanced and made safer through signalized intersections with pedestrian phasing and crosswalks.
- The NCDOT will own and control the traffic signal (and associated equipment) and maintenance will be performed according to NCDOT's current policies and procedures.

Con(s):

- None

Fiscal Impact:

- The financial impact of this agreement is expected to be less than $30,000. Funds are budgeted for this project as part of the 2016 GO bond referendum.

Motion:

- Motion to authorize the City Manager to enter into and execute a review and inspection agreement with the N.C. Department of Transportation (NCDOT) for the NCDOT to perform design review and inspection of the addition of pedestrian phasing at the intersection of Overlook Rd and Pinchot Dr. and submit payment not to exceed the City Manager's Council authorized financial approval limit.

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Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Mayfield and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT

Investments in City Facilities and Services

City Manager Campbell reviewed Council's strategic priority of a Financially Resilient City (1) enhance City facilities and services to maintain high quality of life; and (2) invest needed financial and staff resources to address maintenance, new construction and operational needs.

She said that City Capital Improvement Projects include road maintenance, Martin Luther King Jr. Drive, traffic calming, bus shelters, traffic signal replacement, outdoor courts, playgrounds, Tempie Avery Montford Center, Mills Gap sidewalk, and Hill Street sidewalk. Capital projects under construction include (1) ballfields at Ray L. Kisiah and Shiloh; (2) traffic signals; (3) Richmond Hill Park restrooms; (4) greenway connectors at Elsie's Bridge and Reed Creek; (5) Jake Rusher Park; (6) Haywood streetscape; and (7) Augusta Barnett playground. Capital projects in design include the following (1) sidewalk projects - Airport Road, Fulton Street, Gerber Road, Johnston Boulevard, Overlook Road, Onteora Road, New Haw Creek Road, Patton Avenue, and Swannanoa River Road; (2) streets and greenways - Swannanoa River Greenway; and greenway connectors; and (3) Parks & Recreation - Wesley Grant Center; and Memorial Stadium.

Water Resources Maintenance and Investments

Water Resources Director David Melton said that regarding capital planning, (1) 5-year Capital Improvement Plan reviewed and adjusted annually; (2) Water Master Plan has a 30-year planning horizon; (3) 20 miles of water lines replaced annually; (4) track areas of need through GIS technology; (5) proactive decisions on where to invest in water system; and (6) balancing act in terms of impacts to water system. The balancing act consists of (1) making improvements at a rate that can be sustained by our system and customers; (2) mountain topography creates higher pressure and more breaks in some areas; and (3) safety - high pressure in some areas mean water must sometimes be shut off to make a repair. Regarding the North Fork Dam improvements, (1) dam will be able to better withstand inflow from severe storm events, as well as add attenuation capacity to the reservoir; and (2) expected completion by end of 2020. Regarding the North Fork Transmission Line Bypass, (1) $2.1 Million project - completed in November 2019; (2) installation of 1,700 feet of 36-inch transmission waterline with tie-ins to the existing 36-inch and 24-inch transmission lines; and (3) designed to protect our community from a system-wide water loss during a major flood. Regarding the Tunnel Road Waterline installation - $2 Million project involved installation of a 30-inch waterline where a 24-inch line was in place. Regarding Neighborhood Enhancement Projects, (1) replaced approximately 20 miles of old and aging water lines; and (b) completed in 2019. Regarding boil water advisories, (1) when a pipe gets down to low or no pressure for a repair, this triggers a Boil Water Advisory for the respective areas; (2) required by the state; (3) public health and safety are most important; and (4) especially vulnerable populations. He explained who gets an alter (1) the person whose name is on the combined utility bill; (2) people and businesses listed in the white and yellow pages; and (3) people and businesses who register online or through 2-1-1. When you receive a Boil Water Advisory, it means that contamination is possible but not confirmed. As a precaution, we recommend customers vigorously boil water for at least 1 minute before consumption or drink bottled water. Once tests confirm there is no contamination, we will contact you through AVL Alert. You should receive the "Lift" Alert through the same method you receive the "Boil Water Advisory" Alert, or (2) all "Advisories" and "Lifts of Advisors" are posted on the City's website. The City has updated the language on this webpage to be clearer; or (3) call Water Customer Service at 828-251-1122. He encouaged everyone to sign up for all alerts. If a contamination is found, a "Boil Water Notice" will be sent through AVL Alerts. The City of Asheville is partnering

with Buncombe County Health & Human Services to educate and work with businesses impacted by Boil Water Advisories.

City Manager Campbell and Water Resources Director Melton responded to various comments from Council, some being, but are not limited to: possibility that the County's Health Department reflect the City's boil water advisories; how does the City monitor vulnerable areas; how does the City balance the right amount of projects with acknowledging the impacts on the community.

IV. PUBLIC HEARINGS:

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 20-18 - RESOLUTION DISSOLVING THE ENERGY INNOVATION TASK FORCE AND ESTABLISHING THE BLUE HORIZONS COMMUNITY COUNCIL FOR THE PURPOSE OF ACHIEVING THE COMMUNITY-WIDE RENEWABLE ENERGY GOAL THROUGH THE BLUE HORIZONS PROJECT

RESOLUTION NO. 20-19 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO ISSUE A JOINT REQUEST FOR PROPOSALS FOR THE MANAGEMENT AND IMPLEMENTATION OF THE BLUE HORIZONS PROJECT AND THE BLUE HORIZONS PROJECT COMMUNITY COUNCIL

Councilwoman Mayfield said that the following are the Energy Innovation Task Force's (EITF) goals from 2016: (1) Avoid or delay the construction of the 190-MW/$100 million natural gas-fired peaker plant planned for 2023; and (2) Transition to a cleaner, affordable, and smarter energy future in WNC, rooted in community engagement and collaboration that is mutually beneficial to the community, customers, and Duke Energy. Using a chart, she showed the many organizations involved in the Blue Horizons Project.

Councilwoman Mayfield noted that the EITF accomplishments include (1) eliminated the need for the peaker plant; (2) two micro-grids with local support - the first utility-sale micro-grids in the state; (3) 19 MW of battery storage - more than anywhere else in North Carolina; (4) pilot programs approved by NCUC for Buncombe County - Fee for Service upgrades fr low-income families and cold climate heat pump pilot; (5) advanced metering infrastructure deployed in Buncombe County ahead of schedule; (6) New Clean Cities collaboration with Duke Energy to help cities reach their renewable energy goals; and (7) Blue Horizons Project launched in February 2018.

Mr. Sam Ruark-Eastes, Executive Director of Green Built Alliance, said that the Blue Horizons Project accomplishments include (1) significant increases in Energy Efficiency and Peak Demand Response programs; (2) Focus on multi-family energy efficiency; (3) 480 low-income homes weatherized since 2016; (4) Partnerships with Creation Care Alliance, Waste Reduction Partners, Community Action Opportunities, and Mountain Housing Opportunities furthered energy efficiency and solar in churches, multi-family housing, retirement communities, and businesses; (5) $370,000 in grants received; (6) 56 presentations, 57 community events, 4 interviews; and (7) Active and growing website and social media presence (a) 300 visits per month to website; and (b) 600 followers on Facebook.

City Sustainability Officer Amber Weaver provided a chart for the transition to Blue Horizons Project Community Council (BHPCC). She explained the BHPCC membership along with their roles and responsibilities. She then reviewed the scope of work and deliverables: (1) Support City and County in working towards 100% renewable energy for the community by 2042; (2) Continue core work of community engagement; (3) Conduct a series of listening sessions throughout the County to gather input for the community-wide renewable energy plan; (4) Scale up low-income weatherization work to 350 homes in FY 20-21, 450 in FY 21-22, and 550 in FY 22-23; (5) Develop programs to help businesses and residents install solar - Solarize Campaigns, low-income solar program; (6) Support the City and County to achieve their 100% renewable operational goal as quickly as possible; (7) Implement Cool Communities groups; and (8) Continue the collaborative partnership of the EITF through Blue Horizons Project Community Council.

Staff Report Information:

Action Requested: Adoption of a resolution to dissolve the Energy Innovation Task Force (EITF) and to create the Blue Horizons Project Community Council to advise the Blue Horizons Project and adoption of a resolution authorizing the City Manager to enter into an interlocal agreement with Buncombe County to issue a joint Request for Proposals (RFP) for a non-profit to implement the Blue Horizons Project.

Background:

- In March 2016, Council adopted Resolution 16-64 to establish a joint City, County, and Utility Energy Innovation Task Force (EITF) to address 1) prevention of Duke Energy's Peaker Plant, and 2) provide clean renewable energy for Western North Carolina.
- The EITF created and advises the Blue Horizons Project, a community campaign for energy efficiency and renewable energy.
- The EITF accomplished the initial goal of preventing the Duke Energy Peaker Plant and will dissolve as a City/County Task Force.
- The Blue Horizons Project will continue the work on Goal #2 - provide clean renewable energy for Western North Carolina - and be advised by a new community based advisory board to be known as the Blue Horizons Project Community Council.
- Elected officials and staff from both the City and County along with Duke Energy drafted a revised charter for the Blue Horizons Project which received support from both the EITF and the Sustainability Advisory Committee on Energy and the Environment (SACEE).
- A local nonprofit will manage the Blue Horizons Project and will provide staff support to the Blue Horizons Project Community Council. The City and County will have representation on this council.
- The City of Asheville will enter into an interlocal agreement with Buncombe County to give the authority to issue a joint RFP for a non-profit to implement the deliverables of the Blue Horizons Project.
- The City will have a role in selecting and negotiating the responsive bidder.
- The Blue Horizons Project Community Council will support the work of the City and County's 100% Renewable Energy Goals.

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- Energy Innovation Task Force (EITF), January 10, 2020 recommended approval
- Sustainability Advisory Committee on Energy and the Environment (SACEE), January 15, 2020, recommended approval

Pro(s):

- Establishes a new charter for the Blue Horizons Project now that the initial goal of delaying the Duke Energy natural gas peaker plant has been achieved.
- Re-commits the City and County to the support of the Blue Horizons Project

Con(s):

- None

Fiscal Impact:

- The Sustainability Office's adopted operating budget for the current fiscal year includes $205,000 to support the EITF. Sustainability staff have requested that same budget amount for Fiscal Year (FY) 2021 to support the Blue Horizons Project Community Council. Buncombe County has also requested funds for FY 2021 to support the Blue Horizons Project Community Council. If a responsive bidder is selected, a contract will be issued after FY 2021 has begun."

In response to Councilman Kapor, Councilwoman Mayfield said that Buncombe County has invested in the low income weatherization program, and they have made a similar commitment moving forward.

A resident was concerned about how this project addresses the warming of downtown Asheville and asked for information on the Cool Communities group.

Mayor Manheimer said that members of Council have been previously furnished with copies of the resolutions and they would not be read.

Councilwoman Mayfield moved to adopt a resolution dissolving the Energy Innovation Task Force (EITF) and creating the Blue Horizons Project Community Council to advise the Blue Horizons Project. This motion was seconded by Councilman Young.

Councilwoman Mayfield asked for a friendly amendment to her motion to read: "... adopt a resolution to dissolve the Energy Innovation Task Force and anticipate the establishment of the Blue Horizons Project Community Council to advise the Blue Horizons Project. Councilman Young accepted Councilwoman Mayfield's friendly amendment and the motion carried unanimously.

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Councilwoman Mayfield moved to adopt a resolution authorizing the City Manager to enter into an interlocal agreement with Buncombe County to issue a joint Request for Proposal (RFP) for a non-profit to implement the Blue Horizons Project. This motion was seconded by Councilman Young and carried unanimously.

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B. RESOLUTION NO. 20-25 - RESOLUTION ENDORSING THE DECLARATION OF A CLIMATE EMERGENCY AND EMERGENCY MOBILIZATION EFFORT TO RESTORE A SAFE CLIMATE

City Sustainability Officer Amber Weaver said that in 2017 Mayor Manheimer *reaffirmed* Asheville's commitment to uphold the Paris Climate Agreement on behalf of the City of Asheville; and while world leaders have recognized the urgent need to combat climate change by signing the Paris Agreement, the City of Asheville recognizes the need for a new strategy to address climate change. Today, City Council is the first community within North Carolina to publicly declare a Climate Emergency supporting efforts of The Climate Mobilization Campaign, the

Sunrise Movement and Extinction Rebellion. With adoption of City Council's declaration, Asheville joins 75 other US Governments representing over 25 million people; with a total of 1,327 global governments representing over 810 million people worldwide. Declaring Climate Emergency is the critical first step in acknowledging the systematic overhaul needed to address global warming. Through the work of The Sunrise Movement, Extinction Rebellion, and the City's Sustainability Advisory Committee, here are a few highlights within Asheville's Climate Emergency resolution: (1) The City declares that a climate and ecological emergency threatens our city, region, state, nation, civilization, humanity, and the natural world; (2) The City commits to an equitable and just citywide mobilization effort to reverse global warming that, if met with all necessary financial and regulatory assistance and authorization from State and Federal authorities, would end citywide greenhouse gas (GHG) emissions as quickly as possible and no later than 2030; (3) City Council supports staff efforts to consolidate the various separate sustainability goals and department initiatives into an updated Climate Justice Plan; (4) The City will incorporate the Climate Justice Plan into the Comprehensive Plan, *Living Asheville,* and all other plans as appropriate; (5) Through the City's Capital Improvement Plan and budget process, the City will identify the projects and funding needed to fulfill the City's existing 100% renewable and carbon reduction goals and address the current climate and ecological emergency; (6) Beginning in Fiscal Year 2021, the City will consider GHG emissions in its assessment of Capital Improvement Plan (CIP) Project requests and provide a sustainability impact statement for all new CIP projects included in the adopted Annual Budget; and (7) Furthermore, the City will work with business, land development, and other private sectors to identify and incentivize effective ways to reduce GHG emissions and meet the community-wide 100% renewable energy goal.

The following resolution is being recommended for adoption by the Sustainability Advisory Committee on Energy & the Environment (SACEE) and the Sunrise Movement: "WHEREAS, world leaders have recognized the urgent need to combat climate change by signing the Paris Agreement, agreeing to keep global warming "below 2°C above pre-industrial levels," and pursuing "efforts to limit the temperature increase to 1.5°C"; and WHEREAS, in 2016 Mayor Esther Manheimer signed the Paris Climate Agreement on behalf of the City of Asheville (the "City"); and WHEREAS, the loss of life and damage caused by current global warming demonstrates that the Earth is already too hot for safety and has resulted in the increased frequency and intensity of wildfires, floods, sea level rise, disease, drought, and extreme weather; and WHEREAS, according to the United Nations' Special Rapporteur on Extreme Poverty, a 1.5°C increase in global temperature could expose 500 million people to water poverty, 36 million people to food insecurity because of lower crop yields, and 4.5 billion people to heat waves; and WHEREAS, in October 2018, the United Nations released a special report which projected that limiting warming to even a 1.5°C target this century will require an unprecedented transformation of every sector of the global economy by 2030; and WHEREAS, the United States of America and other industrialized countries have disproportionately contributed to climate change and accordingly bear an extraordinary responsibility in rapidly solving this crisis; and WHEREAS, scientists have warned that we are currently overshooting our ecological limits and potentially driving the sixth mass extinction of species that could devastate much of life on Earth for millennia, and pose as great a risk to humanity as climate change, according to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services; and WHEREAS, restoring a safe and stable climate requires an emergency climate mobilization on a scale not seen since World War II in order to: (1) reach zero greenhouse gas ("GHG") emissions across all sectors of the economy, (2) rapidly and safely drawdown and remove all excess carbon from the atmosphere until safe, pre-industrial climate conditions are restored, and (3) implement measures to protect all people and species from the consequences of an abrupt climate breakdown; and WHEREAS, such necessary measures to restore a safe climate include: (1) a rapid and just phase-out of fossil fuels; (2) ending GHG emissions as quickly as possible to establish a zero-emissions economy; (3) a widespread effort to safely drawdown excess carbon from the atmosphere; and (4) a full transition to a regenerative agriculture system; and (5)

widespread conservation and restoration of ecosystems; and WHEREAS, justice requires that frontline and marginalized communities actively participate in the planning and implementation of this climate mobilization effort and equally benefit from the transition to a climate-safe economy; and WHEREAS, the scope and scale of action necessary to stabilize the climate and biosphere will require unprecedented levels of public awareness, engagement, and deliberation to develop and implement effective, just, and equitable policies to address the climate emergency; and WHEREAS, at present, the City does not currently have the local legislative authority to phase out fossil fuel production, power generation, or use within the City as a whole; and WHEREAS, the City adopted Resolution 11-77 to increase its Municipal Carbon Footprint reduction goal to 4% annually on April 12, 2011, and as of 2017 the City had achieved a 31% reduction; and WHEREAS, the City adopted Resolution 13-228 Supporting a Clean Energy Economy on October 22, 2013; and WHEREAS, the City adopted Resolution 15-200 for a Community Clean Energy Policy Framework on October 27, 2015; and WHEREAS, the City adopted Resolution 16-64 establishing a joint City, County and Utility Energy Innovation Task Force ("EITF") for the purpose of researching, prioritizing, recommending, and implementing recommendations to create energy efficiency, demand-side management and renewable energy opportunities to reduce energy use in Buncombe County on March 22, 2016; and WHEREAS, the work of the EITF and its partners successfully achieved, among other notable accomplishments, the long-term and likely permanent delay to the construction of an additional natural gas fired peaking power plant at Duke Energy's Lake Julian facility; and WHEREAS, the City adopted Resolution 17-119 supporting a state goal of 100% renewable energy by 2050 and increased protection for standing forests and the creation of green jobs on June 13, 2017; and WHEREAS, in 2018 Buncombe County and the City adopted Resolution 18-279 that committed the City to transitioning all municipal operations to 100% renewable energy by December 31, 2030, and a community energy use to 100% renewable energy goal by 2042; and WHEREAS, starting in 2018, the City initiated a climate resilience assessment in cooperation with the National Environmental Modeling & Analysis Center where representatives from all 14 City departments, along with community members and environmental sustainability experts, were assembled to discuss the latest climate science and develop a climate resilience strategy that would allow the City and community to adapt and become more resilient to climate change; and WHEREAS, in 2019 the City completed its resiliency process and released a Climate Resilience Resource Guide that provides strategies for community members to become more resilient to the extreme weather caused by climate change; and WHEREAS, in 2014, the City adopted Resolution 14-27, which committed the City to a 50% reduction in waste by 2035; and WHEREAS, in 2017 the City adopted Resolution 17-257, which established a Food Policy Action Plan to increase food access and distribution, support sustainable agriculture practices in locally grown foods, and expand community food education; and WHEREAS, in 2018, the City purchased five electric buses and adopted a Transit Master Plan that calls for a massive expansion of the City's transit system to better serve people who have to ride the bus and to give elective riders a viable option to driving; and WHEREAS, the above-listed resolutions and associated work plans collectively constitute a multifaceted response to the climate crisis we face; and WHEREAS, the City has been an environmental leader and must accelerate its efforts to create an ecologically regenerative local economy that is socially, racially, and economically just. The City must accomplish this task at emergency speed, through broad community mobilization and by advocating for the regional, national, and international efforts needed to reverse global warming and our current ecological crisis; and WHEREAS low-income communities and communities of color in Asheville and Buncombe County have historically faced unfair levels of displacement, violence, discrimination, and governmental apathy and underfunding; currently face unequal access to suitable housing, education, health services, and healthy food; and are projected to be more heavily impacted by the effects of climate change due to a lack of the funding and resources necessary for stability and resiliency. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: (1) The City declares that a climate and ecological emergency threatens our city, region, state, nation, civilization, humanity, and the natural world; and (2) The City commits to an equitable and just citywide mobilization effort to reverse global warming that, if met

with all necessary financial and regulatory assistance and authorization from State and Federal authorities, would end citywide GHG emissions as quickly as possible and no later than 2030. Further, the City commits to more deeply incorporate sustainability considerations into its departmental decision making and programs; and (3) The City recommits to its current annual and overall carbon and GHG reduction goals and recommits to evaluate these goals as necessary to identify additional adaptation and resilience strategies in preparation for intensifying local climate impacts; and (4) The City will continue to recognize that the full participation, inclusion, support, and leadership of community organizations, faith communities, youth, labor organizations, academic institutions, indigenous groups, and racial, gender, family, immigrant and disability justice organizations and other allies are integral to an equitable response and mobilization effort; and (5) The City recognizes the need for and supports additional public engagement throughout the city and county to discuss the current climate emergency and develop a plan to reach the community's renewable energy and GHG reduction goals. This outreach must ensure the voices of marginalized communities are included. This input will be incorporated into the city's Climate Justice Plan and the broader community wide plan. The city and SACEE commit to engaging community partners in holding an initial public input session in May 2020; and (6) The City will continue to utilize and revise the City's Comprehensive Plan, *Living Asheville*, as a tool to identify land use and zoning authority in order to reduce GHG emissions and adopt climate-adaptive land use strategies. The city will incorporate the Climate Justice Plan into the Comprehensive Plan and all other plans as appropriate; and (7) City Council commits to discussing how to generate the revenue needed to fund its carbon reduction, 100% renewable, waste, energy, transit, and urban forestry goals at its 2020 annual retreat; and (8) The City hereby recognizes that there is a global climate emergency which demands a massive-scale mobilization to halt, reverse, and address its consequences and causes, and supports the passage of legislation that would initiate a national emergency-speed mobilization to reverse global warming and the ecological crisis described in this Resolution, which could include, but not be limited to, H.Con.Res.52 and S.Con.Res.22, a carbon fee and dividend policy, cap and trade policy, or other similar comprehensive GHG emission reduction policy; and (9) The City commits to call on Buncombe County, sister North Carolina municipalities, the State of North Carolina, the United States Congress, the President of the United States, and all governments and people worldwide to declare a climate emergency and cooperatively initiate a climate mobilization to reverse global warming and the ecological crisis, and provide maximum protection for all people and species of the world; and (10) The City Council supports the delivery of this resolution to all relevant State and Federal agencies and elected representatives representing constituents within the City along with a request that all necessary support and assistance needed to effectuate this resolution be provided as soon as possible; and (11) The City will also continue to provide an annual Sustainability Management Report regarding its efforts to expand renewable energy use and maximize GHG emission reductions within each energy sector. As required by City Resolution 18-279 (100% Renewable Energy Resolution) the Sustainability Management Report will also indicate: (A) whether the City is on track to meet its renewable energy transition goals, and (B) whether adequate funding has been allocated by City Council to fund the necessary renewable energy transition goals; and (12) The City will engage with all relevant local, and state entities to identify the feasibility of and opportunities for gaining local authority to phase out fossil fuel production, power generation, and use within the City; and (13) Through the City's Capital Improvement Plan ("CIP") and budget process, the City will identify the projects and funding needed to fulfill the City's existing 100% renewable and carbon reduction goals and address the current climate and ecological emergency. When identifying funding needs, the City Manager will report to City Council whether existing funding is sufficient or if additional revenues will be needed; and (14) City Council supports staff efforts to consolidate the various separate sustainability goals and department initiatives into an updated Climate Justice Plan by December 2020; and (15) Beginning in fiscal year 2021 (which begins in 2020), the City will consider GHG emissions in its assessment of CIP project requests and provide a sustainability impact statement for all new CIP projects included in the Adopted Annual Budget Document; and (6) The City commits to keeping the concerns of vulnerable communities central to all climate program

planning processes and to invite and encourage such communities to actively participate in the development and implementation of the City's climate change mitigation and adaptation efforts. This engagement should result in real benefits for these communities without exacerbating the current lack of affordable housing within the City. Examples of such benefits include, but are not limited to, pollution reduction, healthier homes, and reduced energy costs; and (17) The City will work with business, land development, and other private sectors to identify and incentivize effective ways to reduce GHG emissions and meet our community wide 100% renewable energy goal."

Five individuals spoke in support of this resolution.

Councilman Haynes said that even though this took a little longer than he might have hoped, he acknowledged all the parties who assisted in moving this climate emergency resolution forward. The important roles played by members of the City, Amber Weaver and the Office of Sustainability; City Manager Campbell; and the Mayor and members of Council. Most of all he would like to commend The Sunrise Movement and its members for encouraging Council to pass a climate emergency resolution. Without the persistent efforts of this vitally important youth-led movement, this resolution would not have happened.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved for the adoption of Resolution No. 20-25. This motion was seconded by Councilman Haynes and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mayor Manheimer said that we have heard from the community about moving ahead with the Transit Master Plan's call for extended hours and at our last budget worksession we observed how we don't have any additional funds for this year. But, in recognizing that whenever we fund the next step of our transit service there is a lot of logistical work that has to be done before the service can come on-line. So, in the hopes of accelerating that process and looking forward to a fiscal year that does include a full-year funding for extended hours, discussion and direction will be given to the City Manager regarding extending transit's hours.

City Attorney Branham said that since this item is not on the formal agenda, City Council will need to make a preliminary motion to add this to the agenda.

Mayor Manheimer said that the format they used in the past when asking the City Manager to prepare something to bring back to Council is an informal head-nod, not technically amending the agenda.

Councilman Kapoor was uncomfortable in placing something on the agenda since some Council members have been having conversations surrounding this issue and some have not been informed. At this time, he doesn't know the content of what is being added to the agenda.

Mayor Manheimer said this is not a request to amend the budget or even put the issue on the agenda. This is looking at the logistics of what it will take to bring the service on line.

Councilwoman Mayfield moved to add this item to this agenda regarding direction to the City Manager regarding transit. This motion was seconded by Councilman Young.

Councilman Kapoor felt that Council should have some documentation in front of them in order for them to read it and know what is actually being requested.

Mayor Manheimer understood Councilman Kapoor's concern and said that we will add this to the February 11, 2020, agenda in order to give direction to the City Manager regarding extending transit hours.

At this time, Councilwoman Mayfield withdrew her motion.

Ms. Vicki Meath, Executive Director of Just Economics of Western North Carolina, along with 9 other individuals urged Council to adopt an amendment to implement extended transit hours in this fiscal year. If Council is planning to fund evening hours for the next fiscal year, staff will add the cost of evening service hours into the base budget for Fiscal Year 2021. Even if the allocation is a small amount, an amendment would get the changes in motion and staff can begin to take the next steps. In communication with Jessica Morriss, she indicated that there is a three month lag time between allocation and implementation. So in my understanding, if you make the allocation by April 1, the implementation could begin June 1. We have been fighting for extended evening hours since 2014. We made our advocacy objective for supporting funding for full implementation of the first year of the Transit Master Plan clear throughout last year's budget process, again in October, and continuously since.

Mr. Jonathan Wainscott voiced concern of the standing water and ice at the railroad bridge on Riverside Drive.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:49 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – February 11, 2020 - 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

Mayor Manheimer said that at Council's January 28, 2020, meeting she said that there would be an item on this agenda regarding direction to the City Manager regarding extending transit hours. She said she felt it would be more appropriate to have this discussion at Council's annual retreat on March 13, 2020. At that time, Council will give the City Manager direction on what they would like to see in the Manager's budget for Fiscal Year 2020-21.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING FEBRUARY 2020 AS "WOMEN VOTERS MONTH"

Councilwoman Manheimer read the proclamation proclaiming February 2020, as "Women Voters Month" in the City of Asheville. She presented the proclamation to Aiden Carson and Ruth O'Donnell, League of Women Voters of Asheville-Buncombe County Co-Presidents, who briefed City Council on some activities taking place during the month.

B. PROCLAMATION PROCLAIMING FEBRUARY 14, 2020 AS "TRAUMA INTERVENTION PROGRAM DAY"

Councilman Kapoor read the proclamation proclaiming February 14, 2020, as "Trauma Intervention Program Day" in the City of Asheville. He presented the proclamation to Denise Gonzalez, Crisis Team Manager of Trauma Intervention Program of Western North Carolina, and others who briefed City Council on some activities taking place during the day.

II. CONSENT AGENDA:

At the request of Councilman Haynes, Consent Agenda Item "K" was removed from the Consent Agenda for discussion and/or an individual vote.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JANUARY 28, 2020

B. RESOLUTION NO. 20-26 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE FREE ANNUAL TRANSIT PASSES TO BOARD MEMBERS OF CITY-MANAGED BOARDS AND COMMISSIONS

Action Requested: Adoption of a resolution to provide board members with free annual transit passes

Background:

- To provide board members of city managed boards (those that have a city employee staff liaison) with free annual transit passes.
- 238 annual passes to be issued in 2020.
- Annual passes have unlimited use on all ART (Asheville Rides Transit) bus routes.
- Annual passes expire at the end of the calendar year; new passes will be issued in January.
- The Clerk's Office will coordinate with the transit manager and committee staff liaisons to issue passes yearly.
- Board members will be required to return the annual pass at the end of their term, or at the time of resignation, so that the new (replacement) board member can have the pass.

Council Goal(s):

- Connected and Engaged Community
- Transportation and Accessibility

Committee(s):

- Boards & Commissions Council Committee- January, 14, 2020 - unanimous recommendation to forward to City Council

Pro(s):

- Incentive and perk for board members who volunteer their time to serve on a city committee.
- Increased ridership and awareness of public transportation.
- Aid to alleviate parking and transportation barriers for board members to attend meetings.

Con(s):

- Loss of revenue from annual passes distributed.

Fiscal Impact:

- If every member received an annual pass, the potential loss of revenue would be $52,360 (238 members x $220 fee); however, it is unlikely that all members will request an annual pass.

Motion:

- Move to adopt a resolution to provide annual transit passes to board and commission members.

RESOLUTION BOOK NO. 41 - PAGE 222

C. RESOLUTION NO. 20-27 - RESOLUTION SETTING A PUBLIC HEARING ON FEBRUARY 25, 2020, TO CONSIDER AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE TOWN OF FLETCHER DESIGNATING A NON-CONTIGUOUS AREA AS NOT SUBJECT TO ANNEXATION BY FLETCHER

Action Requested: Adoption of a resolution to set a public hearing for February 25, 2020, to consider an ordinance approving an annexation agreement between the City of Asheville and Town of Fletcher designating a non-contiguous area as not subject to annexation by Fletcher.

Background:

- The City has received a petition from property owner, Butel Two, LLC, to voluntarily annex a 2.01 acre property developed as a Holiday Inn and Suites and located at 9 Brian

Boulevard (PIN #9643-85-3550), near the airport, in Buncombe County which is non-contiguous to the primary corporate limits of Asheville (the "Property").

- N.C. Gen. Stat. sec 160A-58.1 permits a city to annex a non-contiguous area, however, if the area is closer to the primary corporate limits of another city/town than it is to the corporate limits of the city that is being asked to annex, then there must be an annexation agreement between the two municipalities which states that the city/town whose corporate limit is closer, will not seek to annex this area.
- It has been determined that the property for which annexation is requested is closer to the primary corporate limits of the Town of Fletcher than it is to the primary corporate limits of the City of Asheville, and therefore, the two municipalities would need to enter into an Annexation Agreement before the City could consider the requested annexation.
- N.C. Gen. Stat. sec. 160A-58.23 authorizes cities to enter into Annexation Agreements as long as they are of reasonable duration not to exceed 20 years and they are approved by ordinance of the governing board of each city.
- The Town of Fletcher has expressed its willingness to enter into an Annexation Agreement, valid for a period of 20 years, in which they agree not to seek to annex the Property. The Town of Fletcher considered an ordinance approving the agreement at its February 3rd Town Council meeting, at which time it was adopted unanimously.
- Approval of the Annexation Agreement by the City of Asheville does not bind it to annex the Property and the actual annexation would be considered at a later date and a separate public hearing. The property would also need to be rezoned (Lodging Expansion Conditional Zoning) in order to be annexed into the City. The annexation and rezoning process would be handled concurrently.

Council Goal(s):

- A connected and engaged community
- A well-planned and livable community

Committee(s):

- None

Pro(s):

- The Annexation Agreement with the Town of Fletcher would allow the City to annex the non-contiguous property if it so desires.
- The request to enter into an annexation agreement is a necessary step in order to be responsive to the petitioner's request for voluntary annexation.
- The annexation of the Property, if approved, will provide the City with new property tax revenue.

Con(s):

- None noted.

Fiscal Impact:

- If the property is annexed, the City would receive approximately $56,000 in property tax revenue based on the current value and tax rate.

Motion:

- Motion to adopt a resolution of intent to set a public hearing on February 25, 2020, to consider an ordinance approving an Annexation Agreement with the Town of Fletcher.

RESOLUTION BOOK NO. 41 - PAGE 223

D. RESOLUTION NO. 20-28 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH CAROLINA SPECIALITIES

CONSTRUCTION LLC, FOR THE JAKE RUSHER PARK IMPROVEMENTS PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Carolina Specialties Construction, LLC in the amount of $975,274, for the Jake Rusher Park Improvements project and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of 10% ($97,527.40).

Background:

- Jake Rusher Park has been identified to receive improvements in the approved GO Bond package. The neighborhood has provided input at several public meetings and the park is designed for the most desired amenities: restrooms, parking, and sports courts.
- Bids were advertised on December 19, 2019. The pre-bid meeting was held on January 7, 2020.
- The following four bids were received and formally opened on January 23, 2020:
    - Carolina Specialties Construction, Hendersonville NC $828,157 base bid - $975,274 with all alternates.
    - J. Bartholomew Construction, Hendersonville NC, $859,500 base bid - $990,500 with all alternates.
    - Patton Construction, Asheville NC, $890,570 base bid - $1,126,870 with all alternates.
    - Sossamon Construction, Gaffney SC, $1,001,123 base bid - $1,168,710 with all alternates.
- Alternates included 1) replacing existing deteriorating storm drainage; 2) providing one year maintenance for trees and shrubs; and 3) adding sports courts with fencing, furnishings, and goals; and 3) sidewalks to the courts.
- Carolina Specialties Construction was the lowest responsive, responsible bidder. The construction work will include all of the alternates and is estimated to take six to seven months.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned business through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. The low bidder is not a MWBE, but will be contracting with three MWBE subcontractors.

Council Goal(s):

- A well - planned and livable community.

Committee(s):

- A project update was given to the Recreation Advisory Board on January 13, 2020.

Pro(s):

- Provide needed park improvements for this South Asheville park.
- All bid alternates can be built with this bid.

Con(s):

- None

Fiscal Impact:

- Funding for this contract is included in the approved GO Bond Capital budget and annual Parks and Recreation Capital Improvements Program budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Carolina Specialties Construction, LLC., in the amount of $975,274 for the Jake Rusher Park Improvements project and further authorizing the City Manager to execute any change orders that may arise during the project up to the 10% contingency amount of $97,527.40.

RESOLUTION BOOK NO. 41 - PAGE 224

E. ORDINANCE NO. 4790 - ORDINANCE TO ENABLE THE CITY OF ASHEVILLE TO REGULATE AND ADMINISTER PARKING AT THE ASHEVILLE REGIONAL AIRPORT

Action Requested: Adoption of an ordinance to enable the City of Asheville to regulate and administer parking at the Asheville Regional Airport.

Background:

- The Greater Asheville Regional Airport Authority has requested in writing that the City of Asheville regulate and administer parking at the airport.
- Public Safety staff at the airport will issue the citations and submit them to the City.
- N.C. Gen. Stat. § 160A-301(d) gives the City the authority to regulate and administer parking on privately-owned public vehicular areas.
- Regulate means to apply the parking regulations of Chapter 19, Article V, Division 1 of the City of Asheville Code of Ordinances.
- Administer means to process the actual citations as they are submitted.
- The City of Asheville provided this service several years ago and has the capacity to resume performing this function.

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- Multi-Modal Transportation Commission - January 22, 2020 - Unanimously approved
- Planning & Economic Development - February 10, 2020 - Pending

Pro(s):

- Enables the City to provide a service to another entity.
- Provides a good partnership opportunity.
- Citation revenue will exceed administration expenses.

Con(s):

- None

Fiscal Impact:

- The cost to administer the program is about $3.50 per citation and the anticipated revenue per citation is $20.00. Revenue will exceed administration expenses.

Motion:

- Motion to approve an ordinance to enable the City of Asheville to regulate and administer parking at the Asheville Regional Airport.

ORDINANCE BOOK NO. 33 - PAGE 39

F. RESOLUTION NO. 20-29 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE N.C. DEPT. OF TRANSPORTATION - PUBLIC TRANSPORTATION DIVISION OF SECTION 5303 METROPOLITAN PLANNING PROGRAM ANNUAL FUNDS TO FUND A PORTION OF THE EXISTING TRANSIT PLANNING DIVISION PERSONNEL BUDGET, AND IF SUCCESSFUL, TO ACCEPT THE FUNDS

Action Requested: Adoption of a resolution authorizing the City Manager to apply to the North Carolina Department of Transportation (NCDOT) Public Transportation Division for the Fiscal Year (FY) 2020-21 Federal Transit Administration (FTA) Section 5303 Metropolitan Planning Program annual funds, which are used on a recurring basis to fund a portion of the existing Transit Planning Division personnel budget, and if successful, to accept the grant funds, and sign all the appropriate agreements, and include the revenue in the FY 2020-21 Budget.

Background:

- FTA Section 5303 Metropolitan Planning Program provides recurring funding for transit planning activities, including personnel.
- The City applied for and receives Section 5303 funding on a recurring basis. These funds are programmed annually to supplement a portion of existing transit division planning staff wages. The City receives $60,000 (80%) from FTA, and the City and NCDOT provide $7,500 each in matching funds (20%). Without these funds, the general fund would need to provide additional funding for transit personnel.
- Staff have applied for these funds since the application deadline was February 7, 2020 .
- If for some reason the Council does not authorize the application on February 11, 2020, staff will withdraw it.
- If awarded, staff will budget the funding in the proposed FY 20-21 transit administration budget to fund personnel.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Supplements funding for multiple transit planning positions.
- Enables the City of Asheville to leverage $67,500 in Federal and State funds to support transit planning activities.

Con(s):

- The City is responsible for half of the 20% local match, which is $7,500.

Fiscal Impact:

- The required local match in the amount of $7,500 will be included in the proposed FY 2020-21 Transit Operating Budget.

Motion:

- Motion to authorize the City Manager to apply to the North Carolina Department of Transportation (NCDOT) Public Transportation Division for the FY 20-21 Federal Transit Administration (FTA) Section 5303 Metropolitan Planning Program annual funds, which are used on a recurring basis to fund a portion of the existing Transit Planning Division personnel budget, and if successful, to accept the grant funds, and sign all the appropriate agreements, and include the revenue in the FY 2020-21 Budget.

RESOLUTION BOOK NO. 41 - PAGE 225

G. RESOLUTION NO. 20-30 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ADE PROJECT, LLC, FOR THE ASHEVILLE BUSINESS INCLUSION OFFICE TECHNICAL ASSISTANCE PROGRAM

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a general contract with ADE Project of NC, in the amount of $95,000, to provide small business development to MWBEs.

Background:

- At the end of 2018, the City received the results of the Disparity Study which reviewed the participation of minority- and women-owned businesses in City contracting. This study showed substantial disparities in certain areas of contracting, especially in the African American community.
- Council identified this work as a priority and approved funding for this effort in this year's budget.
- This contract is the result of a Request for Proposals (RFP) issued by the Asheville Business Inclusion Office. Four proposals were received. Two of the proposals were not qualified to perform the work because they did not have work experience in the Relevant Geographic Market Area (as defined by the Disparity Study).
- ADE Project was selected as the most qualified vendor to perform the work.
- The contractor will lead groups, design, and deliver high - quality technical assistance to the existing Relevant Market Area concentrating on small businesses and startups owned by African Americans as well as other minorities identified by the Disparity Study.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and targeted outreach by the City's Business Inclusion Manager.
- The consultant selected is an African American vendor.

Council Goal(s):

- A diverse community
- Thriving local economy
- A connected and engaged community

Committee(s):

- N/A

Pro(s):

- The disparity study provided substantial information that the City should prepare and better encourage the participation of minority- and women-owned businesses in its contracts, including sponsor workshops, training, and conferences that help minority- and women-owned businesses increase business experience and capacity to become actively involved in City contracting.
- ADE will provide such services on behalf of the City.
- The work will be done by an all African American led team of instructors.

Con(s):

- None

Fiscal Impact:

- Funding for this contract exists within the approved Economic and Community Development Department budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a general contract with ADE Project of NC, in the amount of $95,000, to provide small business development to MWBEs.

RESOLUTION BOOK NO. 41 - PAGE 226

H. RESOLUTION NO. 20-31 - RESOLUTION AMENDING THE 2020 CITY COUNCIL MEETING SCHEDULE TO ADD A WORKSESSION REGARDING AN UPDATE ON HOTEL DEVELOPMENT STANDARDS ON TUESDAY, FEBRUARY 25, 2020, AT 3:00 P.M. IN THE COUNCIL CHAMBER, LOCATED ON THE 2ND FLOOR OF CITY HALL

RESOLUTION BOOK NO. 41 - PAGE 227

I. RESOLUTION NO. 20-32 - RESOLUTION APPROVING THE ISSUANCE OF UP TO $17,850,000 MULTI-FAMILY HOUSING REVENUE BONDS BY THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE TO PROVIDE FINANCING FOR ARROWHEAD APARTMENTS TO SATISFY SECTION 147 (F) OF THE INTERNAL REVENUE CODE

Action Requested: Adoption of a resolution approving the issuance of bonds by the Housing Authority of the City of Asheville for Arrowhead Apartments

Background:

- The Asheville Housing Authority has requested approval of issuance of up to $17,850,000 in multi-family housing revenue bonds to provide financing for the acquisition and rehabilitation of the Arrowhead Apartments, a 116 unit development for seniors (62+) built in 1979 which is located in four residential buildings at 100 Cheerio Lane in Asheville.
- The project is, and will continue to be, 100% subsidized under the Project-Based Section 8 Housing Assistance Program ("HAP Contract") program of HUD and all units are affordable to and set aside for individuals with incomes at or below 60% of the AMI.
- The property will be acquired and renovated by Arrowhead Renewal LP, a North Carolina Limited Partnership, or an affiliated or related entity, via a 4% Low Income Housing Tax Credit ("LIHTC") syndication financed by tax-exempt bonds issued by the Housing Authority.
- The proposed rehabilitation scope will completely overhaul the unit interiors-upgrading kitchens, bathrooms, living spaces, appliance and fixtures. The rehabilitation will also address mechanical systems such as HVAC, elevators, plumbing, electrical as well as roofing. The proposed renovation is expected to cost more than $40,000/unit.
- The IRS Code Section 147(f) requires that any bonds issued by the Housing Authority for developments such as this have the approval of the plan of financing by City Council, following a public hearing with respect to such plan. On November 7, 2019, the Housing Authority held a public hearing, and there were no comments.
- This approval by City Council does not obligate the City in any way to issue or pay for the bonds, or for any other debt undertaken by Arrowhead Renewal LP in connection with this project.

Council Goal(s):

- An Equitable and Diverse Community

- A Well-Planned and Livable Community
- Quality Affordable Housing

Committee(s):
- None

Pro(s):
- The significant rehabilitation of an existing 116 unit affordable housing development for seniors.

Con(s):
- None

Fiscal Impact:
- As noted above, the approval of this bond issuance does not require City investment.

Motion:
- Motion to adopt the resolution approving in principle the issuance by the Housing Authority of the City of Asheville of up to $17,850,000 in multi-family housing revenue bonds for the acquisition and rehabilitation of Arrowhead Apartments.

RESOLUTION BOOK NO. 41 -PAGE 228

J. RESOLUTION NO. 20-33- RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS MERRITT PARK LANE AND SETTING A PUBLIC HEARING ON MARCH 24, 2020

Action Requested: Adoption of a resolution to set a public hearing for March 10, 2020, for the closure of a portion of an unopened right-of-way off Merritt Park Lane.

Background:
- N. C. Gen. Stat. Sec 160A-299 grants cities the authority to permanently close streets and alleys.
- The City of Asheville has petitioned for this closure which is associated with the sale of City-owned property at 360 Hilliard Ave. (PIN # 9648-18-3942) and 9999 Merritt Park Lane (PIN# 9648-18-3669) to Hilliard Park Apartments, LLC for an affordable housing development.
- An unopened portion of Merritt Park Lane crosses the Merritt Park Lane property and runs along its eastern border.
- Upon closure, all of the portion of the unopened right-of-way that crosses the Merritt Park property will become the property of Hilliard Park Apartments, LLC and all of the unopened right-of-way along the eastern border of the Merritt Park property will become the property of the City as agreed to by Hilliard Park.
- As part of the purchase agreement, Hilliard Park has agreed to construct a public greenway which will run along the western border of the 360 Hilliard property as well as the northern portion of the Merritt Park property where the unopened right-of-way currently exists. Upon completion, the greenway area will be deeded back to the City.
- This closure allows maximum land use potential for further development while complying with Living Asheville - A Comprehensive Plan for our Future. This is a multi-family residential building with 86 units, several of which are affordable units.

Council Goal(s):
- A well-planned and livable community

Committee(s):
- Multimodal Transportation Committee - January 22, 2020 - Recommended closing the right of way by unanimous vote.

Pro(s):
- The closure would allow for more efficient use of the existing adjacent properties.
- A portion of the closed right of way on the Merritt Park property will be constructed as a public greenway.
- Meets Council's goals to promote sustainable, high density infill growth that makes efficient use of existing resources

Con(s):
- None noted.

Fiscal Impact:
- There will be no fiscal impact related to this closure.

Motion:
- Motion to adopt resolution of intent to set a public hearing, March 10, 2020, to close an unopened portion of right-of-way off Merritt Park Lane.

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K. RESOLUTION URGING CONGRESSIONAL PASSAGE OF H.R. 763 - ENERGY INNOVATION AND CARBON DIVIDEND ACT TO ADDRESS CLIMATE CHANGE

At the request of Councilman Haynes, this item was removed from the Consent Agenda for discussion and/or an individual vote.

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Mayfield moved for the adoption of the Consent Agenda, without Consent Agenda Item "K". This motion was seconded by Vice-Mayor Wisler and carried unanimously.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

K. RESOLUTION NO. 20-34 - RESOLUTION URGING CONGRESSIONAL PASSAGE OF H.R. 763 - ENERGY INNOVATION AND CARBON DIVIDEND ACT TO ADDRESS CLIMATE CHANGE

Action Requested: Adoption of Resolution Urging Congressional Passage of HR763 Energy Innovation and Carbon Dividend Act to Address Climate Change.

Background:
- City Council passed Resolution 18-92 Federal Congressional Action to Adopt Legislation for a Carbon Fee and Dividend Policy to Address Climate Change per Citizens Climate Lobby recommendation in April 2018.

- HR763 imposes a fee on the carbon content of fuels, including crude cil, natural gas, coal or any other product derived from those fuels that emit greenhouse gases into the atmosphere.
- HR763 includes exemptions for fuels used for agricultural or non-emitting purposes.
- HR763 exempts fuel used by the Armed Forces.
- HR763 includes rebates for facilities that capture and sequester carbon dioxide.
- HR763 includes border adjustment provisions that require certain fees or refunds for carbon-intensive products that are exported or imported.
- Support of this resolution and the recent Climate Emergency Resolution adopted on January 28, 2020, acknowledges that climate change is a critical and issuing a carbon fee and dividend would be an effective way to address carbon reduction.

Council Goal(s):
- Equitable and Diverse Community
- A Clean and Healthy Environment

Committee(s):
- Sustainability Advisory Committee on Energy and the Environment unanimously approved the resolution at their November 2019 meeting.

Pro(s):
- Supports Resolution 18-92 Federal Congressional Action to Adopt Legislation for a Carbon Fee and Dividend Policy to Address Climate Change

Con(s):
- None

Fiscal Impact:
- None

Councilman Haynes said that he could not support the House Bill 763 which Council is being asked to endorse. Speaking to the Sustainability Advisory Committee on Energy & the Environment in October, a representative with the Citizens Climate Lobby described the Bill as a meatless bone. While it's true that it would do little to address the climate emergency, we are facing flaws that run much deeper than that. This Bill precludes the Environmental Protection Agency from regulating C02 emissions covered by the Bill for a period of ten years. Whether the Bill's targets are being met will be assessed in the year 2030 - the same year that last year's IPCC report says we need to have drastically reduced C02 emissions. Brett Harti of the Center for Biological Diversity stated "We don't have a decade to cross our fingers and hope a huge giveaway to fossil fuel companies gets us out of the climate crisis." It exempts the U.S.Military which is the largest institutional consumer of petroleum in the world. According to the Open Secrets website, 48 of the bill's co-sponsors have taken money from the oil and gas industry and the Electric Utilities industry. We can no longer allow the fossil fuel and utility industries to help write legislation ensuring their self preservation while their actions continue to move the planet towards irreversible catastrophic changes to the environment. At our previous meeting this Council unanimously passed a climate emergency resolution calling for bold actions to combat the climate crisis. HR 763 fails to meet that challenge. He could not support this endorsement.

Two individuals opposed the Bill.

Six individuals spoke in support of the Bill.

Councilwoman Mayfield moved to adopt a resolution urging congressional passage of HR763 Energy Innovation and Carbon Dividend Act to address climate change. This motion was seconded by Councilman Young and carried on a 6-1 vote, with Councilman Haynes voting "no".

RESOLUTION BOOK NO. 41 - PAGE 232

III. PRESENTATIONS & REPORTS:

A. NEIGHBORHOOD ADVISORY COMMITTEE UPDATE

Ms. Barber Melton, Chair of the Neighborhood Advisory Committee (NAC), said that NAC consists of 9 members, all appointed by City Council, with representation from neighborhoods throughout the City. The Committee was established in 2012 to improve communications between neighborhoods and the City Council and to submit reports concerning issues facing neighborhoods. The Committee acts as a sounding board for neighborhood issues and is a conduit to bring these issues, along with strategies for improvement, to City Council. They held two Issues Forums and are currently planning for a Festival of Neighborhoods on May 16 at Dr. Martin Luther King Jr. Park. Last year, NAC re-evaluated holding regional meetings due to diminished participation. Instead, they looked at holding issues forums on concerns mentioned in previous regional meetings and settled on the top two - traffic and noise in June and August respectively.

The main issues addressed by neighborhoods on the traffic issues forum included traffic calming/congestion, traffic enforcement, pedestrian/traffic safety, and I-26 related issues. City staff in Transportation, Police, Planning along with the N.C. Dept. of Transportation local Division 15 reviewed the issues. Comparisons were made on issues that are already in line for review and/or how the remaining traffic matters will be addressed, for example - some are part of the I-26 Connector Project, or the Tunnel Road Corridor Study. Follow-up made with all attendees on the issues addressed and next steps.

Regarding the noise issues forum, this issues forum was provided by the Development Services Department on results of the survey and meetings with groups and residents. All information regarding the noise ordinance revision can be found at bit.ly/NoiseOrdinanceCOA.

NAC has also began to invite neighborhoods to present at their regular monthly meeting about their history, successes and concerns. To date they have heard from Shiloh, Burton Street, West End/Clingman Avenue, Haw Creek, the Heart of Chestnut Hills, Asheville Housing Authority and Hillside Terrace (which is a newly registered neighborhood). Plans are to continue hearing monthly from neighborhoods for 2020. From the neighborhood invitation series, they have heard housing cost/gentrification/housing supply; traffic, parking; break-ins, crime and safety complaints; loss of community involvement/diminishing civic participation; and homeless issues/access to mental health services, job skill trainings. They observed that (1) people do care about and love neighborhoods; (2) people do want to help their neighbors; (3) people will work with city planners and the police; and (4) what people get out of their neighborhoods depends, in part, on what they put into them.

Two neighborhoods added Plans on a Page and/or registered with the City - Oakley neighborhood; and Hillside Terrace neighborhood. In addition, the Neighborhood Hero Award is given annually to neighborhood members or groups who continually do extraordinary work on behalf of their communities.

NAC has heard from or participated in the following last year: homestays, revenue diversification, infill, development notification tool, open space/tree save, noise ordinance, urban centers, the budget process, and advancing racial equity 101 training.

In response to Councilwoman Mayfield, Ms. Melton said that the effort of NAC in exploring ways to increase the capacity of neighborhood leaders is ongoing. She said that the Coalition of Asheville Neighborhoods and NAC work together as they are all out for the same thing - to make a better community.

On behalf of City Council, Mayor Manheimer thanked Ms. Melton and the entire Committee for their dedication and hard work.

B. MANAGER'S REPORT - EQUITY

City Manager Campbell said that this is another report in the ongoing series of updates on Council's strategic initiatives.

Director of the Office of Equity & Inclusion Kimberlee Archie, provided City Council with an equity & inclusion update. She outlined the 6 Council strategies related to equity & inclusion, along with the vision 2036. The Office of Equity & Inclusion fosters a fair and inclusive culture across city government, promotes equitable policies, practices and procedures, and facilitates improved human relations.

Embedding racial equity framework (1) Normalize (a) Training staff and boards and commissions; (b) Increase comfort talking about race/racism - Videos, Documentaries, Podcasts and post discussions; (2) Internal organizing - Internal organizing: Equity Core Teams, Interdepartmental Action Teams; (3) External organizing/ influence; Boards and Commissions, Buncombe County City Manager's Office, Safety + Justice; Western North Carolina DEC; Asheville-Buncombe County United Way; UNC- Asheville, Asheville City Schools; (4) Operationalize (a) Fiscal Year 2021 Budget Process; (b) City Property Disposition Policy; (c) Noise Ordinance Update; and (d) Urban Centers Rezoning.

She then reviewed how equity is embedded in the Council strategies as follows: (1) Council Strategy A.5: Expand partnership opportunities with Asheville City Schools through the Equity Collaboration to eliminate disparities in access to quality schools and other educational resources (a) Equity Collaborative; and (b) Staff as Equity Resource; (2) Council Strategy A.6: Develop and implement a strategy based on the NLC report to foster economic mobility (a) Position the City as a Model Employer; (3) Council Strategy A.1: Incorporate equity into hiring policies, practices and procedures, especially in public safety (on-going) (a) Progress with data collection; and (b) Piloting practice changes; (4) Council Strategy A.2: Expand diversity on City boards and commissions (on-going) (a) New application; and (b) Inclusion Survey; (5) Council Strategy A.3: Review city programming, facilities, staffing operations to enhance racial equity, with an emphasis on Parks and Recreation (on-going) (a) Develop Action Team to track performance; and (6) Council Strategy A.4: In partnership with others, participate in community dialogue and potential strategies to honor history and contributions of the African American community in Asheville (on-going) (a) Supporting AAHC on monument process; and (b) Increased Communication & Coordination. She reviewed the measuring impact and results; along with an analysis in decision-making policy-making.

Listening and being responsive and accountable to the Community's Vision of Racial Equity in Asheville, especially those most impacted by inequities and disparities - (a) Racial Healing mini-grants results; (b) Deepened Racial Equity Facilitators' Pipeline (mini-grant); and (c) Responsive and Inclusive African American Business Development. Black History IS American History Film Series & Discussions Feb 10, 17, 24 and 27; and they are Hosting Economic Inclusion in Southern Cities Learning Cohort May 2 - 4.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS OAK STREET

RESOLUTION NO. 20-35 - RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS OAK STREET

Streets Division Manager Chad Bandy said that this is the consideration of a resolution to permanently close an unopened right-of-way known as Oak Street. This public hearing was advertised on January 17, 24, 31 and February 7, 2020.

Action Requested: Adoption of a resolution to permanently close an unopened right-of-way known as Oak Street.

Background:

- N. C. Gen. Stat. Sec 160A-299 grants cities the authority to permanently close streets and alleys.
- Nettlewood Associates LLC (PIN # 9656-10-0957, 9656-10-0853, 9656-10-2829) has requested the closure. Nettlewood Associates LLC owns all adjoining parcels.
- This closure allows maximum land use potential for further development while complying with *Living Asheville - A Comprehensive Plan for Our Future*. The ultimate plan is a surgical center. The closure is being pursued prior to the sale of the property.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - December 11, 2019 - Recommended closing the right-of-way by unanimous vote.

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con(s):

- None noted.

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Mayor Manheimer opened the public hearing at 6:00 p.m., and when no one spoke, she closed the public hearing at 6:00 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Councilman Kapoor moved to adopt a resolution to permanently close an unopened right-of-way known as Oak Street. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

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B. PUBLIC HEARING TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY BETWEEN MIDWAY DRIVE AND WILLIS WAY

RESOLUTION NO. 20-36 - RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY BETWEEN MIDWAY DRIVE AND WILLIS WAY

Streets Division Manager Chad Bandy said that this is the consideration of a resolution to permanently close an unopened right-of-way between Midway Drive and Willis Way. This public hearing was advertised on January 17, 24, 31 and February 7, 2020.

Action Requested: Adoption of a resolution to permanently close an unopened right-of-way between Midway Drive and Willis Way.

Background:

- N. C. Gen. Stat.Sec 160A-299 grants cities the authority to permanently close streets and alleys.
- Ted and Jessica Leaven have requested the closure and own both adjacent properties, 65 Ramoth Road and Midway Drive, PIN #s 7649-48-1087 and 9646-48-2076.
- This closure allows maximum land use potential for further development while complying with *Living Asheville - A Comprehensive Plan for our Future*. The alley is between two parcels owned by the same owner. The owner is wanting to combine the two parcels into one. Part of the attached deck is in the right-of-way.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - December 11, 2019 - Recommended closing the unopened right-of-way by unanimous vote

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable, high density infill growth that makes efficient use of existing resources

Con(s):

- None noted.

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Mayor Manheimer opened the public hearing at 6:03 p.m., and when no one spoke, she closed the public hearing at 6:03 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved to adopt a resolution to permanently close an unopened right-of-way between Midway Drive and Willis Way. This motion was seconded by Councilman Kapoor and carried unanimously.

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C. PUBLIC HEARING TO PERMANENTLY CLOSE AN UNOPENED ALLEY OFF FEDERAL ALLEY

RESOLUTION NO. 20-37 - RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED ALLEY OFF FEDERAL ALLEY

Streets Division Manager Chad Bandy said that this is the consideration of a resolution to permanently close an unopened alley off Federal Alley. This public hearing was advertised on January 17, 24, 31 and February 7, 2020.

Action Requested: Adoption of a resolution to permanently close a portion of Federal Alley

Background:

- N. C. Gen. Stat. Sec. 160A-299 grants cities the authority to permanently close streets and alleys.
- Asheland Properties LLC (PIN # 9648-38-0052, 9648-37-1928, 9648-37-2825, 9648-37-2643) has requested the closure.
- This closure allows maximum land use potential for further development while complying with *Living Asheville - A Comprehensive Plan for Our Future.* This is for the Asheland/Coxe development. This is a wide portion of right-of-way. This will allow the wider sidewalk to be constructed out to Federal Alley.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - December 11, 2019 - Recommended closing the right-of-way by unanimous vote.

Pro(s):

- The closure will allow the Asheland/Coxe development to install sidewalk and trees along Federal Alley.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con(s):

- None noted.

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Mayor Manheimer opened the public hearing at 6:04 p.m.

A woman who works in the adjacent building said they are about to lose parking spots when the apartments come in. Any opportunities to support the employees downtown who help with tourism would be appreciated.

Mayor Manheimer closed the public hearing at 6:08 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved to adopt a resolution to permanently close a portion of Federal Alley. This motion was seconded by Councilman Kapoor and carried unanimously.

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V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

Regarding the Multimodal Transportation Commission, the following individuals applied for the vacancy: Dennis Wencel, Sandy Aldridge, Shannon Watkins and Amy Jones. At the request of the Multimodal Transportation Commission and the Boards & Commissions Committee, it was the consensus of Council to delay the appointment.

RESOLUTION NO. 20-38 - RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Civic Center Commission.

Kyle Smith resigned as a member of the Civic Center Commission, thus leaving an unexpired term until June 30, 2021. In addition, Sykes Lowe has resigned as a member of the Civic Center Commission, thus leaving an unexpired term until June 30, 2020.

The following individuals applied for the vacancy: David Nutter, Lee Arevian, John Ellis, Steven M. Howard, Tony Micocci and Mukunda Pacifici.

The Boards & Commissions Committee recommended appointment of John Ellis and Mukunda Pacifici.

Vice-Mayor Wisler moved to (1) appoint Mukunda Pacifici as a member of the Civic Center Commission to serve the unexpired term of Mr. Smith, term to expire June 30, 2021, or until his successor has been appointed; and (2) appoint John Ellis as a member of the Civic Center Commission to serve the unexpired term of Ms. Lowe, term to expire June 30, 2020, and then a full three-year term, term to expire June 30, 2023, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

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RESOLUTION NO. 20-39 - RESOLUTION APPOINTING A MEMBER TO THE RECREATION BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Recreation Board.

Mr. Justin Thompson resigned as a member of the Recreation Board, thus leaving an unexpired term until June 30, 2021.

The following individuals applied for the vacancy: Craig Ruhland, Matt Lutz, Madison Brightwell, Bryce Senz, Elizabeth Lafitte, Shannon Rupert and James Barney.

At the recommendation of the Recreation Board, the Boards & Commissions Committee recommended appointing Elizabeth Lafitte.

Vice-Mayor Wisler moved to appoint Elizabeth Lafitte as a member of the Recreation Board to serve the unexpired term of Mr. Thompson, term to expire June 30, 2021, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

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RESOLUTION NO. 20-40 - RESOLUTION APPOINTING MEMBERS TO THE URBAN FORESTRY COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Urban Forestry Commission.

Mr. Guillermo Rodriguez resigned, thus leaving an unexpired term until December 31, 2020.

The following individuals applied for the vacancy: Robert Brown, Patricia Strang, Karen MacNeil, Callie Warner, Noah Poulos, Catherine Murphy and Perrin de Jong.

At the request of the Urban Tree Commission, the Boards & Commissions Committee recommended appointing Perrin de Jong.

Vice-Mayor Wisler moved to appoint Perrin de Jong to serve the unexpired term of Mr. Rodriguez, term to expire December 32, 2020, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Ms. Vicki Meath and 5 individuals urged Council to adopt a budget amendment to extend evening transit hours in this fiscal year.

Mr. Ehren Cruz, representing LEAF Downtown, spoke to Council about helping them with a conflict with another event on August 9. Their event is on August 7-8 and they are unable to have their equipment, staging, etc. removed before the August 9 event begins.

Mr. Jonathan Wainscott was pleased to see that the problem about ice on Riverside Drive has been resolved.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:28 p.m.

Magdalen Burleson
CITY CLERK

MAYOR

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Tuesday – February 25, 2020 - 3:00 p.m.

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor (arrived in meeting at 3:55 p.m.); Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: None

Update on Hotel Development Standards

City Manager Campbell said this worksession will be an update on the hotel development standards. We have had the assistance of the Urban Land Institute (ULI) to respond to concerns and issues raised. We will provide information, along with recommendations from ULI and staff next steps around regulatory strategies. Staff will ask for City Council concurrence of their recommendations or if staff should be doing something differently.

Director of Planning & Urban Design Director Todd Okolichany said the purpose of this worksession is to get Council's concurrence on (1) Hotel development planning process; (2) Briefing book overview and highlights; (3) Urban Land Institute (ULI)Technical Assistance Panel Process (TAP) recommendations; and (4) Council concurrence on recommendations and priorities. He stressed they looked at hotel development as a land use.

He reviewed the hotel development study timeline which started on September 24, 2019, and in late summer of 2020 staff will present final regulatory changes to Council for review and discussion.

Questions answered through the TAP process were (1) What is the appropriate balance of hotels?; (2) How can Asheville leverage hotel development to meet city goals?; (3) Should the city consider special requirements for hotel development in certain areas?; and (4) How can the city work with hoteliers and other stakeholders to reduce negative impacts and better integrate hotels into the community?

He explained the Briefing Book covers all of these topics - Asheville geography, land use and demographics; Overview of relevant plans; Economic conditions, housing and taxation; Regulatory framework; Tourism history, vacation rentals and hotel development trends; and Hotel impacts. This report was prepared with the study questions in mind, and includes data that helped to inform ULI's recommendations. Hotel impacts included transportation and parking, water, sewer, community safety, economic, environmental and social impacts (e.g. displacement).

He reviewed the history and trends: Asheville has a long history as a tourism destination, and hotel development has increased at a faster rate in recent years. Asheville hotel demand remains strong based on high occupancy rates. Short term vacation rental growth also remains strong. Housing affordability continues to be a priority issue. Visitation continues to grow, with a majority of people coming from within the region for health care, entertainment, to eat, shop, etc. In the last 10 years, Asheville's population has grown by about 11% while hotels have increased by approximately 25%. Today, we have about 85 hotels and over 8,300 rooms. Hotel occupancy rates peak at over 80% during peak seasons (Summer and Fall), which is higher than national average) and reach at least 75% occupied throughout the year except during winter months (low is around 47% occupied). One short term vacation rental (STVR) for every four hotel rooms. Not everyone who visits Asheville is a tourist but may be visiting for other reasons. About 35% of visitors are overnight visitors that stay in area lodging - 65% are day trips.

Hotel impacts on water and sewer - On average, hotels use less water than similarly-sized residential uses. Wastewater system demand for hotels is comparable to residential uses. On average hotels use approximately 2,706 gallons per room/per month which is lower than other commercial uses and residential uses, which average 4,500 gallons per unit/per month. The wastewater system demand for hotels is comparable to residential uses, which require an allocation of 120 GPD/bedroom for residential units. The MSD Water Reclamation Facility is operating at approximately 50% capacity.

Hotel impacts on community safety - Hotels generally do not place a greater burden on public safety resources than other uses. Hotels represent a small portion of public safety budgets. Population growth and visitors indeed have an impact on the city's infrastructure and facilities. We clearly have many infrastructure needs and deferred maintenance. However, Asheville experiences these impacts from all types of development, not just from hotels. Our briefing report focused on the impacts of hotels compared to other land use types. Asheville's overall water system is currently at about 50% capacity. In 2018, the cost per call dispatched was $253. Hotel-related calls, therefore, cost the city approximately $658,000 in 2018, or 2% of the Asheville Police Department (APD) budget. AFD & APD: In 2018, the Asheville Fire Department (AFD) received about 900 calls related to hotels or less than one call per month per hotel, which translates to an annual cost of approximately $2,500 for hotel-related AFD service. Restaurants generated approximately 940 of AFD calls in 2018. Between 2014 and 2018, calls to the APD for hotel-related issues have averaged approximately 2% of all department calls.

Hotel impacts regarding economic: Hotel guests have a large positive economic impact on the city, especially on local businesses. Buncombe County ranks in the top four jurisdictions in the state for collections of occupancy taxes. Accommodations and food services wages are low but are higher than the state average. Visitor spending impacts local businesses. About half of visitor spending was on food and beverage and retail combined, and lodging accounted for 23.4% of visitor spending. Visitors to Asheville spent $2.0 billion in 2017, which generated $3.1 billion in total business sales, including indirect and induced impacts. Direct Impacts: Travelers create direct economic value within a discrete group of sectors (e.g. recreation, transportation). This supports a relative proportion of jobs, wages, taxes, and GDP within each sector. Indirect Impacts: These are generated by the purchase of goods and services from each directly impacted sector (e.g. food wholesalers, utilities). Induced Impacts: These are generated when employees whose incomes are generated either directly or indirectly by tourism, spend those incomes in the Buncombe County economy. Tourism in Asheville generated $368 million in overall tax revenues (including property, sales and occupancy taxes?) in 2017, including $199 million in state and local revenues. For every $1 spent on advertising, visitors spent $43 in the Asheville community. Wages: In Buncombe, the Accommodations and Food Services job sector is the lowest paying sector ($20,688), but is higher than the state average by 16%. When separating Food Services from hospitality, Accommodations wages are about 30% higher. Average wages in Asheville ($43,070) are low overall compared to the state ($47,200) and national averages ($51,960) due to lower wages in the highest paying job sectors (e.g. Professional, Scientific and Tech).

Hotel impacts regarding the environment: Tourism, like many industries, contributes to greenhouse emissions with the industry's largest contributors linked to transportation, shopping and food. According to a 2018 article published in the journal *Nature Climate Change*, tourism accounts for approximately 8% of greenhouse gas emissions, which contribute to climate change. The study found that the industry's biggest emissions contributors are transportation, shopping and food. According to the UN Intergovernmental Panel on Climate Change, aviation accounts for roughly 3.5% of all human related climate impacts. While 82% of Asheville visitors arrive by car, passenger counts at the asheville airport continues to grow (up 45% in May 2019 compared to May 2018).

Hotel impacts around traffic and parking: Hotels typically generate less vehicle trips than other uses. Parking requirements for hotels is typically less than other uses. Parking availability downtown continues to be a top issue. A 100 room hotel generates 836 trips per weekday including trips to restaurants and other tourism related activities, while 100 single family homes would generate 940 trips. In surveys completed in 2018 and 2019 by the Downtown Commission and Asheville Downtown Association, parking was cited as a top priority as well as a top concern.

Hotel impacts regarding social impacts: Social impacts are difficult to quantify. City staff are using tools to better understand and mitigate impacts of displacement (i.e. neighborhood vulnerability map and racial equity toolkit). The need for tourism to be developed and managed in a sustainable manner for both visitors and local communities is paramount. As pointed out in the opening statement of Living Asheville - There is a need to balance the needs of full time residents, second home owners, tourists and visitors that include housing, jobs, visitor accommodations and infrastructure improvements with the need to preserve the unique sense of place, culture and natural environment that make the city a desirable place to live and visit. While tourism and the associated hotel development are an economic engine for the community and have contributed to the emergence of Asheville as a vibrant city, having provided opportunities for small businesses and industry to grow and enhanced markets for makers and other creatives, the public policy question that the city seeks to address is, how can Asheville balance tourism and the needs of residents and businesses to ensure the authentic character and quality of life for all Ashevillians is not diminished. We are using more tools to understand and mitigate negative social impacts.

ULI recommendations - big ideas: Use tourism as a way to get what the community wants. Strengthen partnerships and build trust. Equip all stakeholders with facts. Invest in cultural and community assets for both residents and tourists. Tap into the pride and compassion of Asheville. Create predictability in the development review process.

ULI's recommendations are distributed amongst the following categories - revenue generating, planning, and regulatory.

ULI recommendations regarding revenue generating (1) Require lease of any city right-of-way needed during hotel construction - Transportation and Legal have already started a process to 1) update the ordinance to allow for penalties when lane closure permits are not adhered to; and 2) update the lane closure policy and fees. We anticipate bringing this forward before the end of the year. We are expecting to increase the fees (or license agreement) for parking, sidewalk, and lane closures so that the fee is dependent on the location, length of time, and area closed. This is similar to what other agencies do. (2) Utilize existing Business Improvement District (BID) framework - the ordinance passed in 2012; (3) Continue to explore a food and beverage tax - considered in 2018 for prepared food and beverages to be used for increased cleanliness in business districts, better public safety and improved sidewalk maintenance (for example). ULI suggested that it could be applied on a certain spending threshold (e.g. over $10); and (4) Renegotiate the tax split from the hotel occupancy tax.

ULI's recommendations regarding planning (1) Leverage and regularly update community visioning documents (a) Downtown Master Plan; and (b) Living Asheville; (2) Prepare a tourism management plan - this plan can develop solutions for sustainable tourism and manage this sector in a way that aligns with city goals; (3) Consider a Livability and Tourism Department (or a standing committee that meets regularly). The Tourism division serves as a liaison between the tourism industry and the city's residents, enforces the tourism ordinance and provides administrative support to the Tourism Commission; and (4) Help fund transit such as a circulator bus between key attractions.

ULI's recommendations regarding regulatory - (1) Establish zoning for hotels, including

criteria and standards; (2) Evaluate traffic impact analysis threshold - Transportation has started looking at this. Traffic Impact Analysis' (TIA) are now required to include comprehensive analysis of multimodal impacts, which is already in the code, but was not historically required. Consider having different TIA requirements depending on the location of the project. For example, projects in the Central Business District or other right-of-way (ROW)-restricted corridors will not likely be able to make intersection improvements, so rather focus more on pedestrian, bike, and transit facilities and safety; (3) Develop valet parking standards - This should include non-valet also. General loading and unloading and valet space should be included within the project site and not within the ROW with new construction. As with the Flatiron, it is not always possible to provide interior loading/unloading with an existing building. Therefore we need to revisit the current Unified Development Standards standard for this and revise as necessary. We also need an enforcement component to be included; (4) Evaluate current design guidelines; (5) Consider local historic district designation for downtown; and (6) Enact a Community Benefits Agreement as part of the development approval process.

Public benefit ideas include affordable housing; sustainability - green building, renewable energy, tree canopy, stormwater management, green infrastructure, recycling and/or composting; and stream mitigation; greenways; transportation demand management - day care (location sensitive), bicycle parking facilities, and transit passes; design review - restoration or preservation of historic structures; compliance with architectural review, and improved materials; public parking, public space; public art; shuttle service.

Staff is asking for Council's concurrence in the short-term to direct staff to pursue the following recommendations during the hotel moratorium: (1) Revenue generating: (a) Require license agreement for city right-of-way during hotel construction; and (b) Regulatory: (a) Re-establish hotels as a permitted use in select zoning districts and areas, including criteria and standards. (1) Incentivize public benefits; (2) Identify design improvements; (3) Evaluate traffic impact analysis threshold; and (4) Develop valet parking standards. It was the consensus of the Council for staff to move forward on these short-term recommendations.

Staff is also asking for Council's concurrence in the long-term to direct staff to investigate the remaining recommendations: (1) Revenue generating: (a) Business Improvement District (BID); (b) Food and beverage tax; and (c) Tax split from the hotel occupancy tax; (2) Planning: (a) Regularly update comprehensive plan and Downtown Master Plan; (b) Prepare a tourism management plan; (c) Consider a Livability and Tourism Department (or a standing committee); and (d) Identify sources and partners towards funding a circulator bus; and (3) Regulatory: (a) Evaluate and update current design guidelines; and (b) Consider local historic district designation for a portion(s) of downtown. Mayor Manheimer also felt that we should also be looking at the ¼ cent sales tax for revenue generating. It was the consensus of the Council for staff to move forward on these long-term recommendations with who will take the lead on some of the recommendations still to be determined.

It was the consensus of the Council for staff to move forward on these long-term recommendations.

Mr. Okolichany then reviewed the next steps as follows: February - March 2020 - Conduct additional research as necessary; March - April 2020 - Develop proposed zoning amendments; Spring 2020 - Public engagement on proposed zoning amendments; and Summer 2020 - Council approval of proposed zoning amendments.

There was considerable discussion/questions/comments raised by the Council. Mr. Okolichany responded to those questions/comments, with Council giving direction to obtain additional information on several issues along with more public input sessions.

Mayor Manheimer adjourned the worksession at 4:37 p.m.

Tuesday – February 25, 2020- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING FEBRUARY 11, 2020, AS "IANNUCCI'S PIZZERIA & ITALIAN RESTAURANT APPRECIATION DAY"

Councilman Kapoor read the proclamation proclaiming February 11, 2020, as "Iannucci's Pizzeria & Italian Restaurant Appreciation Day" in the City of Asheville. He presented the proclamation to Nick, Danielle and A.J. Iannucci, who thanked Council for this recognition.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 11, 2020

B. RESOLUTION NO. 20-41 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH AUSTIN CONSTRUCTION AND GRADING COMPANY FOR THE ELSIE'S BRIDGE GREENWAY CONNECTOR PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Austin Construction and Grading Company in the amount of $108,759.08, to construct the Elsie's Bridge Greenway Connector project.

Background:

- This project re-purposes a former road bridge to connect Depot Street to Ralph Street. The project includes construction of concrete trail path to include grading and erosion control, construction of concrete curb ramp and incidental concrete sidewalk, and refurbishment of bridge surface and installation of handrail.
- Development of this facility will enable the neighborhood to connect to the future Town Branch Greenway.
- Plans provide for a community garden on the corner of the City-owned property.
- Expected construction duration is 90 days.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and

requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- A MWBE, Asheville Fence (Asheville Contracting Company Inc.) of Candler, NC, is a named subcontractor for this project..

Council Goal(s):
- An equitable and diverse community
- A well-planned and livable community
- A clean and healthy environment

Committee(s):
- None

Pro(s):
- Development of this facility will enable the neighborhood to connect to the future Town Branch Greenway.
- Plans provide for a community garden on the corner of the City-owned property.

Con(s):
- None

Fiscal Impact:
- Funding for this contract is already included in the 2016 General Obligation (G.O.) Bond Program.

Motion:
- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Austin Construction and Grading Company in an amount not to exceed $108,759.08 to construct Elsie's Bridge Greenway Connector Project.

RESOLUTION BOOK NO. 41 - PAGE 241

C. RESOLUTION NO. 20-42 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PIEDMONT UTILITY GROUP INC. TO CONSTRUCT THE REED CREEK GREENWAY EXTENSION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Piedmont Utility Group, Inc. in the amount of $149,523.50, to construct the Reed Creek Greenway Extension Project.

Background:
- The Reed Creek Greenway Extension is an extension of existing greenway facilities behind a planned mixed-use building construction. The project includes construction of asphalt trail path to include grading and erosion control, construction of concrete curb ramps and incidental concrete sidewalk, entrance monuments, and installation of handrail.
- Development of the extension will ultimately span the stretch between Magnolia Avenue and Elizabeth Street.
- Expected construction duration is 90 days.
- The facilities behind the upcoming mixed-use building construction (from approximately West Chestnut Street bridge south to Elizabeth Street) will be constructed by the developer simultaneously with the building construction.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned business through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- No MWBE firms submitted bids with this prime contractor.

Council Goal(s):

- An equitable and diverse community
- A well-planned and livable community
- A clean and healthy environment

Committee(s):

- None

Pro(s):

- This project will extend the existing Reed Creek Greenway from Magnolia Avenue to Elizabeth Street.

Con(s):

- None

Fiscal Impact:

- Funding for this contract is already included in the 2016 General Obligation (G.O.) Bond Program.

Motion:

- City staff recommends that City Council adopt a resolution authorizing the City Manager to enter into a contract with Piedmont Utility Group, Inc. in an amount not to exceed $149,523.50 to construct Reed Creek Greenway Extension project.

RESOLUTION BOOK NO. 41 - PAGE 242

D. RESOLUTION NO. 20-43 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH HAZEN AND SAWYER FOR PROFESSIONAL SERVICES ASSOCIATED FOR PHASE 2 OF A WATER SYSTEM FLUSHING PROGRAM TO ADDRESS DISCOLORED WATER

Action Requested: Adoption of a resolution authorizing the City Manager to execute a professional services contract with Hazen and Sawyer for a not to exceed amount of $50,000 for the development of a Unidirectional Flushing Program Pilot Study.

Background:

- The Water Resources Department has identified the need for this project to address issues with discolored water that sometimes occurs after water main breaks or intermittent, large changes with system demand. The discolored water is a result of sediments, biofilms, and other deposits being scoured off the pipe walls when water velocities increase dramatically in a section of pipe. The dramatic increase in velocities is typically caused by main breaks and large demand changes.
- A Unidirectional Flushing (UDF) Program is designed to create water velocities in sections of pipe needed to scour the deposits from the pipe walls in a controlled manner by isolating customers, manipulating valves, and utilizing fire hydrants or blow-offs to discharge the water in an environmentally safe manner.

- Unidirectional Flushing is typically implemented over a percentage of the water system each year as a preventive maintenance measure. The methods of the UDF program can also be utilized during an emergency event where discolored water has been reported. Implementation of those methods will allow us to better isolate the issue to smaller parts of the system and to more effectively flush out any discolored water.
- This contract will allow the development of a pilot study to be implemented over two areas of the water system with pipes of various age and types to determine the effectiveness of removing deposits from pipes in the City of Asheville's water system. If the results of the pilot study are positive, a request for phase 2 of the program will be made to develop the program for the entire system.
- Selection of the two pilot areas will be a function of the contract. The process will incorporate input from staff and the engineer. Each pilot area will include approximately 25 miles or less of pipe in a geographically distinct and easily isolated section of the distribution system, one where city crews have conducted a valve assessment and one that has not been covered in the valve assessment program.
- Impact to customers will likely be possible discolored water. Customers will be notified prior to flushing. A "discolored water" template is being developed to utilize AVLAlerts for this exercise as well as normal system flushing. There will be the possibility of boiled water advisories during the flushing process which will be communicated prior to any flushing.
- The duration for the actual flushing will be a few weeks for each area. The duration for the complete pilot study will be determined based on estimates from the consultant with the limitation of not to exceed $50,000.

Vendor Outreach Efforts:

- Through a qualifications based selection process beginning in August of 2014, the City of Asheville Water Resources staff selected nine consulting firms to provide on-call professional services for an array of different types of water system General Projects. Hazen and Sawyer was one of the selected firms due to their expertise in areas of hydraulic modeling, water system analysis, and project development.
- The City of Asheville entered into a master agreement with Hazen and Sawyer on April 22, 2015 for on-call professional services for General Projects valid for three years with the option to renew for two additional years. On April 23, 2018, the City of Asheville executed a renewal master agreement with Hazen and Sawyer for the additional two years of on-call professional services.
- If approved, the proposed engineering services described here will be developed into a subcontract under the conditions of the master agreement.
- City of Asheville Water Resources staff determined that utilizing the on-call professional services for General Projects was the best method to deliver this project and Hazen and Sawyer was the most qualified of the on-call firms to develop the UDF program.
- No other vendor outreach was performed.

Council Goal(s):

- A Financially Resilient City, A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects to provide safe and reliable service.

- Hazen and Sawyer has successfully provided engineering services for other water system improvement projects. Their experience with our water system and expertise in hydraulic modeling and other areas needed to produce an UDF program will be critical to a successful UDF program.

Con(s):

- None

Fiscal Impact:

- The funding needed for the professional services agreement is currently allocated within the Water Resources Capital Improvements Project Fund.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a professional services contract with Hazen and Sawyer for the development of an Unidirectional Flushing Program Pilot Study for an amount not to exceed $50,000

Mr. Jonathan Wainscott spoke in support of this resolution.

RESOLUTION BOOK NO. 41 - PAGE 243

E. RESOLUTION NO. 20-44 - RESOLUTION AMENDING THE 2020 CITY COUNCIL MEETING SCHEDULE TO ADD A CITY COUNCIL RETREAT ON MARCH 13, 2020, BEGINNING AT 8:00 A.M. IN THE BANQUET HALL OF HARRAH'S CHEROKEE CENTER LOCATED AT 87 HAYWOOD STREET, ASHEVILLE, N.C.

RESOLUTION BOOK NO. 41 - PAGE 244

F. RESOLUTION NO. 20-45 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH IBI GROUP TO INCLUDE A FACILITY STUDY FOR THE ART TRANSIT GARAGE

Action Requested: Adoption of a resolution authorizing the City Manager to amend a professional services contract with IBI Group, PC in the amount of $79,750 to add a Facilities Study for the ART Transit Garage to the contract.

Background:

- In May 2019, City Council authorized the City Manager to enter into a contract in the amount of $278,000 with IBI Group, PC, Raleigh, NC, to conduct a facility study for the City's operations and maintenance (O&M) centers. The study includes a space needs assessment for Public Works, Fleet, Parks Maintenance, and Facilities Maintenance. The study will evaluate the costs associated with relocating these service facilities and the impact to City operations and services.

- The 2018 Transit Master Plan includes a projection for the year 2030 that increases the fleet from 26 to 52 buses and which would more than double the service hours. Additionally, it envisions a transition to 100% renewable energy within this timeframe.

- The existing Transit Garage at 360 W. Haywood Street is at capacity and cannot accommodate the projected increase in the bus fleet and service hours without an investment in facilities.

- A facility study is needed to evaluate the facilities costs associated with an expansion in transit services. The study will inform the City of the size of space required, potential cost for relocation, will help consider various maintenance delivery models, and life cycle costs associated with a new site if relocation were to occur. The study will include the funding requirements and budgetary cost estimates for a new location.

- This firm was selected by a staff committee using a qualifications based selection process. It is anticipated that the findings from the study will be available in September.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned business through solicitation processes which included posting on the State's Interactive Purchasing System and encouraging consultants to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. No MWBE firms submitted qualifications for consideration as the prime consultant.

Council Goal(s):

- Transportation and Accessibility, A Well-Planned and Livable Community, and A Financially Resilient City

Committee(s):

- None

Pro(s):

- Funds a key study critical to implementing the 2018 Transit Master Plan.
- Performs a key planning task essential for an organization with a large facilities portfolio.
- Considers possible efficiencies of facility co-location with other City operations.

Con(s):

- None

Fiscal Impact:

- The total cost for the ART Transit Garage study is a negotiated fee of $79,750. Funding for this study is already included in the adopted Transit Services Fund budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend a professional services contract with IBI Group, PC in the amount of $79,750 to add a Facilities Study for the ART Transit Garage to the contract.

RESOLUTION BOOK NO. 41 - PAGE 245

G. ORDINANCE NO. 4791 - BUDGET AMENDMENT TO ACCEPT PRIVATE DONATIONS TO PURCHASE K-9 BALLISTIC VESTS

Action Requested: Approval of a budget amendment in the General Fund in the amount of $5,000 to budget private donations to help purchase K-9 ballistic vests for the Asheville Police Department (APD).

Background:

- On October 11, 2019, a private donation was recorded in the amount of $4,000 which included a memo that the funds be used to purchase dog protective vests.
- On November 26, 2019, a private donation was recorded in the amount of $1,000 which included a memo that the funds be used to purchase dog protective vests.

- APD has researched different K-9 vests and received a quote to purchase 8 vests to outfit our entire K-9 team for a unit price less than the current state contract price of the chosen model of a vest.
- APD is requesting the ability to use the aforementioned donations to help fund the cost of the vests.

Council Goal(s):
- A Connected and Engaged Community

Committee(s):
- n/a

Pro(s):
- Provide protection to our service animals

Con(s):
- None

Fiscal Impact:
- The budget amendment will increase the City of Asheville's General Fund budget by $5,000.

Motion:
- Motion to adopt a budget amendment in the General Fund in the amount of $5,000 to budget private donations to help purchase K-9 ballistic vests for the Asheville Police Department.

ORDINANCE BOOK NO. 33 - PAGE 40

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Kapoor and carried unanimously.

III. PRESENTATIONS & REPORTS: None

IV. PUBLIC HEARINGS:

A. CONTINUATION OF PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE PREVIOUSLY APPROVED CONDITIONAL ZONING (ORDINANCE NO. 4602) FOR THE RAD LOFTS PROJECT LOCATED AT 146 AND 179 ROBERTS STREET TO REVISE CONDITIONS RELATED TO AFFORDABILITY

This public hearing was opened on January 14, 2020, and continued to this date. At the applicant's request, Councilman Kapoor moved to continue this public hearing until March 10, 2020. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

B. PUBLIC HEARING TO CONSIDER AN ORDINANCE APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE TOWN OF FLETCHER DESIGNATING A NON-CONTIGUOUS AREA AS NOT SUBJECT TO ANNEXATION BY FLETCHER

ORDINANCE NO. 4792 - ORDINANCE APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY OF ASHEVILLE AND THE TOWN OF FLETCHER DESIGNATING A NON-CONTIGUOUS AREA AS NOT SUBJECT TO ANNEXATION BY FLETCHER

Assistant City Attorney Jannice Ashley said that this is the consideration of an ordinance approving an annexation agreement between the City of Asheville and the Town of Fletcher designating a non-contiguous area as not subject to annexation by Fletcher. This public hearing was advertised on February 14, 2020.

Action Requested: Adoption of an ordinance approving an Annexation Agreement between the City of Asheville and Town of Fletcher designating a non-contiguous area as not subject to annexation by Fletcher.

Background:

- The City has received a petition from property owner, Butel Two, LLC, to voluntarily annex a 2.01 acre property developed as a Holiday Inn and Suites and located at 9 Brian Boulevard (PIN #9643-85-3550), near the airport, in Buncombe County which is non-contiguous to the primary corporate limits of Asheville (the "Property").
- N.C. Gen. Stat. sec 160A-58.1 permits a city to annex a non-contiguous area, however, if the area is closer to the primary corporate limits of another city/town than it is to the corporate limits of the city that is being asked to annex, then there must be an annexation agreement between the two municipalities which states that the city/town whose corporate limit is closer, will not seek to annex this area.
- It has been determined that the property for which annexation is requested is closer to the primary corporate limits of the Town of Fletcher than it is to the primary corporate limits of the City of Asheville, and therefore, the two municipalities would need to enter into an Annexation Agreement before the City could consider the requested annexation.
- N.C. Gen. Stat. sec. 160A-58.23 authorizes cities to enter into Annexation Agreements as long as they are of reasonable duration not to exceed 20 years (maximum time allowed by statute) and they are approved by ordinance of the governing board of each city.
- The Town of Fletcher has expressed its willingness to enter into an Annexation Agreement, valid for a period of 20 years, in which they agree not to seek to annex the Property. The Town adopted Ordinance No. 0-20-01 approving the Annexation Agreement at its February 3rd, 2020 Town Council meeting.
- Approval of the Annexation Agreement by the City of Asheville does not bind it to annex the Property and the actual annexation would be considered at a later date and following a separate public hearing. The property would also need to be rezoned (Lodging Expansion Conditional Zoning) in order to be annexed into the City. The annexation and rezoning process would be handled concurrently.

Council Goal(s):

- A financially resilient City

Committee(s):

- None

Pro(s):

- The Annexation Agreement with the Town of Fletcher would allow the City to annex the non-contiguous property if it so desires.
- The request to enter into an annexation agreement is a necessary step in order to be responsive to the petitioner's request for voluntary annexation.

- The annexation of the Property, if approved, will provide the City with new property tax revenue.

Con(s):

- None noted.

Fiscal Impact:

- If the property is annexed, the City would receive approximately $56,000 in property tax revenue based on the current value and tax rate. We will have information about the cost to serve this site by the time we consider the actual annexation.

Mayor Manheimer opened the public hearing at 5:11 p.m., and when no one spoke, she closed the public hearing at 5:11 p.m.

Vice-Mayor Wislerk moved to adopt an ordinance approving an Annexation Agreement with the Town of Fletcher designating the property at 9 Brian Boulevard, a non-contiguous area, as not subject to annexation by Fletcher. This motion was seconded by Councilman Kapoor and carried unanimously.

ORDINANCE BOOK NO. 32 – PAGE 41

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Closed Session

At 5:12 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.11(a)(1). The statutory authorization is contained in N.C.G.S. 143-318.10 (e) and N.C. Gen. Stat. sec. 160A-168; (2) to establish, or to instruct City staff concerning the position to be taken by or on behalf of the City in negotiating the price and other material terms of a proposed contract for the acquisition of real property by purchase; and (3) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including but not limited to, the handling or settlement involving the following matters: City of Asheville v. Parkway Court, LLC; and Robert Frost vs. City of Asheville. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Councilwoman Mayfield and carried unanimously.

At 6:55 p.m., Councilman Kapoor to come out of closed session. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:55 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

ANNOUNCEMENT

Mayor Manheimer expressed City Council's sincerest condolences to the family of Woodfin Town Manager Jason Young who passed away on March 9, 2020.

I. PROCLAMATIONS:

A. PROCLAMATION PROCLAIMING MARCH 10, 2020, AS "ZELDA FITZGERALD DAY"

Councilman Kapoor read the proclamation proclaiming March 10, 2020, as "Zelda Fitzgerald Day " in the City of Asheville. He presented the proclamation to Mr. Jim MacKenzie, who briefed City Council on some activities taking place during the day.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 25, 2020

B. RESOLUTION NO. 20-46 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BROWN AND CALDWELL FOR THE EMERGENCY REPAIRS TO THE NORTH FORK WATER TREATMENT PLANT WATER STORAGE TANK BAFFLE CURTAINS

Action Requested: Adoption of a resolution authorizing the City Manager to execute a professional services contract with Brown and Caldwell for the emergency repairs to the North Fork WTP water storage tank baffle curtains and geotechnical testing for an amount not to exceed $423,000 with a contingency of $50,000 for a total project cost of $473,000.

Background:

- The North Fork Water Treatment Plant is the largest of the three water treatment plants for the City of Asheville water system. The North Fork WTP produces approximately 67% of the water that supplies the City of Asheville's water distribution system.
- In 2008, the North Fork water storage tank was retrofitted with five baffle curtains to increase the contact time (CT) of the treated water. The CT times are important to the treatment process at North Fork because they aid the disinfection process and are regulated by state and federal agencies.
- Four of the five baffle curtains have fallen to the bottom of the tank and are no longer serving the purpose that they were intended. As a result, the North Fork clearwell must remain above 20' at all times and be dosed at a higher residual level to meet minimum mandated requirements.

- Geotechnical testing of the North Fork Water Treatment Plant sodium hypochlorite feed area is required to determine the degree of settlement and remediation options. This area supports the weight of two chemical bulk storage tanks that store up to 12,000 gallons each of sodium hypochlorite for use in the plant's water treatment and disinfection.
- The storage area has exhibited signs of significant settling resulting in cracking of the floor, tank support pads, and the building foundation. Testing of the area will be required to determine what steps are necessary to stabilize and protect the facility for the future.

Vendor Outreach Efforts:

- Through a qualifications-based selection process beginning in August 2014, the City of Asheville selected nine consulting firms to provide on-call professional services for an array of different types of water system projects. Brown and Caldwell was one of the firms selected based on their expertise in areas of water treatment plant construction and upgrades.
- The City of Asheville entered into a master agreement with Brown and Caldwell on June 8, 2015 for on-call professional services valid for three years with the option to renew for two additional years.
- On April 19, 2018, the City of Asheville executed a renewal master agreement with Brown and Caldwell for the additional two years of on-call professional services.
- If approved, the proposed engineering services will be developed into a subcontract under the conditions of the master agreement.
- City of Asheville Water Resources staff determined that utilizing the on-call professional services for General Projects was the best method to deliver this project and Brown and Caldwell was the most qualified of the on-call firms.

Council Goal(s):

- A Financially Resilient City; A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Return the North Fork WTP water storage tank to design parameters and return operational flexibility.
- Decrease the requirement for higher disinfection dosages and costs.
- Reduce the risk of compliance violations.
- Protect and stabilize the North Fork Water Treatment Plant Sodium Hypochlorite Bulk Storage area.

Con(s):

- None

Fiscal Impact:

- Funding for this repair will come from Water Resources capital improvement funding that was previously allocated to NCDOT projects which are delayed and will not require payment in the current fiscal year.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a professional services contract with Brown and Caldwell for the emergency repairs to the North Fork WTP water storage tank baffle curtains for an amount not to exceed $423,000 with a contingency of $50,000 for a total project cost of $473,000.

RESOLUTION BOOK NO. 41 - PAGE 246

C. RESOLUTION NO. 20-47 - RESOLUTION TO SET A PUBLIC HEARING ON MARCH 24, 2020, FOR TRIBUTE DEVELOPMENT COLLEGE AVENUE APARTMENTS LAND USE INCENTIVE GRANT

Action Requested: Adoption of a resolution setting a public hearing on March 24, 2020, to consider a Land Use Incentive Grant application for Collier, Tribute Companies.

Review:

- Tribute Companies have applied for a Land Use Incentive Grant (LUIG) for their development at 11 Collier Avenue per the LUIG policy adopted by City Council and amended on October 22, 2019.
- The development consists of 54 rental apartments with 100% (54) of the homes proposed serving individuals and families earning between 60.1% and 80% Area Median Income (AMI) for 20 years.
- This project is located in the Asheville Central Business District -
    - 11 Collier Avenue (PIN# 9648-38-5770)
- The developer estimates a total development cost of $6.5M.
- Tax Value of the property, to be based on Buncombe County Tax Assessment estimate, is $4,776,599 post completion.
- The project, as presented to staff, meets the following Eligibility Requirements:
    - The proposed development consists of two or more dwelling units for rent;
    - At least 10% of the units will meet the affordability standards set by the City of Asheville for households earning 80% or less of the Area Median Income (AMI).
    - The affordable units will be affordable to and leased to income-eligible households for at least 20 years.
    - The proposed development must be located inside the city limits.
    - The proposed development must be located to provide residents convenient access to jobs, schools and services.
    - The proposed development must be 70% residential in use based on square footage not to include a parking structure if applicable.
- Per the LUIG Scoring Matrix and based upon the policy, the project will receive 110 total points for affordability and an additional 50 points for location for a total score of 160 points. Per the policy, this will equal 21 years of grants in the amount of the City Property Taxes payable on the Ashland / Coxe Development.

Proposal:

- Affordable Rental Housing
    - The proposed project will provide fifty-four (54) units affordable to individuals and families earning between 60.1% to 80% of the area median income for an affordability period of twenty (20) years. Under this category, the project qualifies for 100 points.
- Rental Assistance
    - The proposed project will accept 5 Housing Choice Vouchers / Rental Assistance in the community, and possibly consider more. Under this category, the project qualifies for 10 points.
- Superior locational efficiency
    - The proposed project is located within .25 mile of a 1/2 hour transit stop served by an existing sidewalk , within the Central Business District, within 1 mile from job or urban center, and within a .5 mile from a Transportation Amenity. Under this category, the project qualifies for 50 points.
- Staff have scored the project with 160 points, which qualifies the project for twenty one years (21) of Land Use Incentive Grant.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- Housing & Community Development Committee - February 11, 2020 - approved
- Finance & HR Committee - February 25, 2020 - approved

Pro(s):

- The proposed project will provide 54 affordable rental housing units to households earning 80% or less of area median income;
- The proposed project will have an affordability period of twenty (20) years;
- The proposed project addresses the pressing need for affordable one-bedroom apartments (54);
- The proposed project should have a significant economic impact. Construction wages and material purchases will positively affect the local and regional economy;
- 54 affordable units located in the central business district (walkability score of 87 - very walkable, bike score of 70 - very bikeable) provides options for our downtown community workers who fall within the 80% AMI incomes.
- Tribute Companies will communicate with the Asheville Housing Authority as the development prepares to come online that they are accepting Housing Choice Vouchers.

Con(s):

- Cost estimates are not yet fully developed, and project costs as presented may change as it moves towards development.
- The Collier Development, while not required, offers no parking for its residents and can add to the individual or family transportation costs.

Fiscal Impact:

- The parcel has a combined current tax value of $521,000 and pays city property taxes of approximately $2,235 annually.
- Under the estimated Tax Value of $4,776,599 post completion, the annual city property tax will be approximately $20,487.
- The difference is $18,251 which would be granted to the property owner annually after payment for 21 years.
- For 21 years and 54 affordable units at or below 80% AMI, the city will grant back a total of $383,292 over the 21 years of the LUIG which equals $7,098 per unit of subsidy which is lower than the estimate of up to $80,000 in subsidy for 80% AMI homes as suggested by our Lord Aeck Sargeant consultants and a subsidy cap that has been noted in other LUIG Staff Reports.
- After year 21, the City will receive the approximate $20,487 annually in city tax revenue (depending on future property tax increases, etc.). Please note the City will still receive property taxes of approximately $2,235 in years 1 - 21.

Motion:

- Motion to adopt a resolution to set a public hearing for City Council to consider a Land Use Incentive Grant application on March 24, 2020.

RESOLUTION BOOK NO. 41 - PAGE 247

D. RESOLUTION NO. 20-48 - RESOLUTION REVOKING RESOLUTION NO. 93-145 AND ESTABLISHING POLICY REGARDING SETTLEMENT OF LIABILITY CLAIMS ON BEHALF OF THE CITY OF ASHEVILLE

Action Requested: Revoke Resolution 93-145 and adopt new claim settlement authority resolution

Background:

- In 1993, Asheville City Council adopted Resolution 93-145; granting the City of Asheville Risk Management Division (Risk Management) authority to settle liability claims and lawsuits up to $25,000 on matters including but not limited to property damage, bodily injury, and employment claims while settlements exceeding $25,000 still required Asheville City Council approval.
- Resolution 93-145 only provided administrative settlement authority for those matters under the purview of the City's Risk Manager. However, other liability claims are handled primarily by the City Attorney, including but not limited to land use, zoning, and code enforcement matters.
- Risk Management and the City Attorney's Office seek updated settlement authority not to exceed $50,000 per claimant to increase efficiency by expediting claim resolutions.
- The proposed administrative settlement authority limit accounts for inflation since Resolution 93-145 was adopted in 1993, and expands the authority to include those claims managed by the City Attorney.
- Settlements exceeding $50,000 shall continue to require City Council approval.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- Finance and Human Resources Committee - February 25, 2020 - unanimously adopted to move forward to full Council.

Pro(s):

- Increased settlement authority expedites liability claims and lawsuit resolution to support claimants' return to pre-loss condition and values the amount to keep up with inflation.
- Increased efficiency for Council Meetings as fewer small claims will require the body's consideration.
- Creates consistency for claimants.

Con(s):

- None.

Fiscal Impact:

- There is no fiscal impact to this action. Annually, the Property & Liability Fund is allocated by City Council to utilize for liability claims and lawsuit-related settlements. Other settlements would be funded by specific project budgets or department funds.

Motion:

- Motion to adopt a resolution to revoke Asheville Resolution 93-145 authorizing the City Risk Manager to settle liability claims up to $25,000 and establish policy granting the City Risk Management Division and City Attorney's Office authority to settle liability claims and lawsuits up to $50,000 per claimant.

RESOLUTION BOOK NO. 41 - PAGE 248

E. ORDINANCE NO. 4793 - TECHNICAL BUDGET AMENDMENT TO BUDGET $5.0 MILLION IN 2016 GENERAL OBLIGATION BOND FUNDING IN THE CITY'S HOUSING TRUST FUND

Action Requested: Adoption of a technical budget amendment to budget $5.0 million in 2016 General Obligation (G.O.) Bond funding in the City's Housing Trust Fund.

Background:

- The $74 million General Obligation Bond Referendum that City of Asheville residents approved in November 2016 included $5.0 million for affordable housing loans.
- Staff initially budgeted all of the G.O. Bond funding in the City's General Capital Projects Fund, including the $5.0 million for affordable housing loans .
- After discussions with the City's Controller, staff are recommending that the affordable housing loans be budgeted and accounted for in the City's Housing Trust Fund in order to better track all of the loan receivables that are part of the City's affordable housing loan program.
- In order to make this accounting change, a technical budget amendment is required to set up authorization for the loans in the Housing Trust Fund.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Improves accounting and reporting by consolidating all affordable housing loans in one single fund.

Con(s):

- None.

Fiscal Impact:

- There is no overall fiscal impact with this technical budget amendment.

Motion:

- Motion to adopt a budget amendment to budget $5.0 million in 2016 General Obligation (G.O.) Bond funding in the City's Housing Trust Fund.

ORDINANCE BOOK NO. 33 - PAGE 45

F. **RESOLUTION NO. 20-49 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FRENCH BROAD METROPOLITAN PLANNING ORGANIZATION FOR THE ANNUAL FISCAL YEAR 2019 SECTION 5307 AND FISCAL YEAR 2019 SECTION 5310 GRANT FUNDING TO FUND TRANSIT OPERATIONS FOR ROUTE 170 (FIXED-ROUTE), AND THE CITY OF ASHEVILLE'S PARATRANSIT SERVICE, AND IF SUCCESSFUL, TO ACCEPT THE FUND, SIGN ALL OF THE APPROPRIATE AGREEMENTS, AND INCLUDE IN THE FISCAL YEAR 2021 BUDGET**

Action Requested: Adoption of a resolution authorizing the City Manager to submit grant applications in response to the annual Call for Projects issued by the French Broad River Metropolitan Planning Organization (FBRMPO) for the FY 2019 Section 5310 and JARC (Section 5307) Funds, and if successful, to accept the grant funds and sign all the appropriate agreements with the FBRMPO, Federal and State agencies, and to include the revenue in the FY20-21 Budget.

Background:

- On January 31, 2020, FBRMPO issued a call for projects for the Federal Transit Administration FY 2019 Section 5310 and JARC Funds soliciting proposals, and upon

evaluating proposals received, FBRMPO will award grant funds through a competitive process to successful applicants.

- The Section 5310 Funding program is used for improving mobility for seniors and individuals with disabilities by removing barriers to transportation services provided in the City of Asheville, and to provide enhanced mobility options to seniors and individuals with disabilities. The City uses 5310 funds to pay for a portion of the City's existing paratransit service. The total amount of funding available from FY 2019 5310 funds is $303,332 and the City expects to apply for $166,832, which is the maximum allowed under the program. The match for these funds is 20%.
- The 5307 JARC funding source is used to fund a portion of the operating costs of Route 170, which operates fixed-route service from downtown Asheville to the Town of Black Mountain. Route 170 frequency was increased from 5 to 8 trips per day recently with the January 5 launch of increased transit service per the Transit Master Plan.
- The total amount of funding available from FY 2019 5307 JARC funds is $296,270 and the City expects to apply for $231,558, which is 50% of the total cost to operate the route 170 (the match for JARC funds is 50%).
- The City is the designated recipient for the region and oversees and administers the grants after they are awarded to subrecipients by the FBRMPO. The City receives a 10% administrative fee for this effort.The grant application deadline for both grants is March 27, 2020.
- These funds are annual recurring funds that are used to fund existing paratransit services and the Route 170 to Black Mountain.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Project funding will enable the City of Asheville to use federal funds to help offset the annual operating cost of paratransit and Route 170 fixed-route services. Grant recipients and subrecipients are responsible for their local match.
- The City will also receive $62,700 for oversight and administrative cost which does not require a local match. Of this amount, $33,703 will be used for the administrative cost for the Section 5310 program, with the remaining amount of $29,627 to be used for administering the JARC grant program.

Con(s):

- The City is responsible for the 20% and 50% local match for the Section 5310 and JARC Funding programs respectively.

Fiscal Impact:

- The local match will be included in the proposed FY 2020-21 operating budget.

Motion:

- Motion to approve a resolution authorizing the City Manager to apply to the French Broad River Metropolitan Planning Organization (FBRMPO) for:

    a. FY 2019 Section 5310 Funds in the amount of $166,832, and if successful, to accept the grant funds and sign all the appropriate agreements with the FBRMPO, Federal, and/or State agencies, and to include the revenue in the FY20-21 Budget.

b. FY 2019 Section 5307 JARC Funds in the amount of $231,558, and if successful, to accept the grant funds and sign all the appropriate agreements with the FBRMPO, Federal, and/or State agencies, and to include the revenue in the FY20-21 Budget.

RESOLUTION BOOK NO. 41 - PAGE 250

H. RESOLUTION NO. 20-50 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT RENEWAL WITH LEXISNEXIS FOR A CRIME ANALYSIS TOOL

Action Requested: Adoption of 2020 renewal of the November 21, 2016, contract with LexisNexis ACCURINT Virtual Crime Center (AVCC) - crime analysis platform (formerly ATACRAIDS), now at $124,872 with an Addendum and a Schedule A.

Background:

- The Asheville Police Department (APD) entered into a contractual agreement with LexisNexis ACCURINT (formerly ATACRAIDS) for a local and nationwide crime analysis platform on November 21, 2016. The total annual cost to APD at the onset was $29,600.00 with a 3% annual increase.
- The ACCURINT platform has been extensively used internally by APD officers and crime analysts, used by the Citizen Police Advisory Committee (CPAC), as well as made available to the both the citizens of Asheville and Media via the web based Community Crime Mapper. The platform disseminates crime data in a geospatial map and on a link analysis chart.
- On October 31, 2019, LexisNexis announced its new robust platform known as ACCURINT Virtual Crime Center (AVCC) at an annual cost of $35,000.
- The new AVCC platform and with total contract costs (Nov. 2016 to current date) is now at $124,872.

Vendor Outreach Efforts:

- LexisNexis is the creator, a sole source vendor of (AVCC), which the City of Asheville's Police Department and its citizens are familiar with and have access to since November 2016. The access is through the web based Community Crime Mapper that disseminates crime data in a geospatial map and on a link analysis chart. The Crime Mapper allows its customers to access real-time nationwide public records databases. Accordingly, there is no other vendor or application available for purchase today that has the capabilities included in AVCC.
- Due to sole source justification, no outreach to minority and women owned business conducted.

Council Goal(s):

- Smart City

Committee(s):

- None

Pro(s):

- Use of a nationwide crime analysis platform, now more robust, extensively used internally by APD and its crime analysts since 2016, as well as, made available to the citizens of Asheville.

Con(s):

- None

Fiscal Impact:

- A $5,000 increase from the 2019 annual cost, i.e., $35,000 per year with a 3% increase annually. The funding for the contract is already included in the adopted Police Department budget.

Motion:

- Motion to approve the resolution authorizing the Asheville Police Department to renew the November 21, 2016, contract with LexisNexis by going to ACCURINT Virtual Crime Center (AVCC) - crime analysis PLATFORM with the new Addendum and Schedule A.

RESOLUTION BOOK NO. 41 - PAGE 251

Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda This motion was seconded by Councilwoman Mayfield and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. CITY MANAGER'S REPORT - COVID-19 UPDATE

City Manager Campbell said we will not be able to answer all the questions about this unfortunate situation; however, we hope to provide resources to help you make good decisions about your health, your family's health and your neighbor's health.

Asheville Assistant Fire Chief Barry Hendren said that there has been excellent cooperation between Buncombe County Public Health, Emergency Management Services, and others. The current situation is that (1) Buncombe County Public Health is the lead agency for preparation and response to COVID-19 outbreak and they will lead the response to the outbreak if it does occur; (2) seven confirmed cases in North Carolina - no confirmed cases in Western North Carolina; (3) one confirmed case in Spartanburg, South Carolina; (4) prevention and preparation is the primary focus within our community; (5) risk in community remains low; and (6) accurate information to community is the priority. In addition, the Governor today declared North Carolina a State of Emergency to assist with the response and preparation efforts for local governments.

Dr. Jennifer Mullendorf, Medical Director for Buncombe County Health & Human Services, said they have been communicating with a wide variety of partners, including health

care providers, health care long-term care facilities, schools systems, private and charter schools, employers, etc. pushing out resources to help them present infection in our community and also to be prepared to respond. We do not have any confirmed cases in Buncombe County at this time. If anyone is worried that they have COVID-19, do not show up at the Emergency Department or your doctor's office. Call your medical provider. If you don't have a medical provider, call the Buncombe County Health & Human Services Communicable Disease and we will determine if you meet the criteria for testing and work that out. The statewide recommendation is that people at high risk - people over 65 and who have underlying health conditions or a weak immune system should avoid large gatherings.

Mr. Fletcher Tove, Buncombe County Public Health Emergency Preparedness Coordinator, said this is a constantly evolving situation. There is a weekly team to keep up with the pace of events and information coming from the Centers for Disease Control & Prevention (CDC) and the State Department of Health & Human Services. They have established a Joint Information Center. They will also have a weekly press conference on Thursdays.

Mr. Taylor Jones, Buncombe County Emergency Services Director, was pleased with the cooperation and coordination and critical thinking skills across all Buncombe County.

Assistant Fire Chief Hendren said that the City of Asheville efforts are focused on supporting community and staff (a) reviewing Continuity of Operations Plan for all departments; (b) accurate and timely information to staff; (c) proactively planning utilizing past experiences of Novel Infections (H1-N1, SARS); and (d) collaboration with Buncombe County Emergency Management & Public Health.

Websites for accurate information regarding COVID-19 resources include Buncombe County Public Health, N.C. Dept. of Health & Human Services, and CDC.

There is a high level of collaboration between Buncombe County and the City of Asheville to coordinate prevention and response and minimize the effects of outbreak.

In response to Councilwoman Mayfield, Mr. Tove said that there is a regional team for Western North Carolina and there is conversation throughout our region on public health.

In response to Councilman Kapoor, Mr. Tove said to make sure you scrub your hands for 20 seconds with warm, soapy water; stop touching your face; cough and sneeze into your elbow and if you use a kleenex, through the kleenex away; increase frequency of disinfecting high contact surfaces; practice social distancing - try to keep 3 feet away from someone's face; limit your travelling or avoid large gatherings. He said that we are also monitoring our economic impact.

City Manager Campbell said that the City is continuing to look at opportunities for the public to be engaged with our elected officials.

IV. PUBLIC HEARINGS:

A. CONTINUATION OF PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE PREVIOUSLY APPROVED CONDITIONAL ZONING (ORDINANCE NO. 4602) FOR THE RAD LOFTS PROJECT LOCATED AT 146 AND 179 ROBERTS STREET TO REVISE CONDITIONS RELATED TO AFFORDABILITY

ORDINANCE NO. 4794 - ORDINANCE TO AMEND THE PREVIOUSLY APPROVED CONDITIONAL ZONING (ORDINANCE NO. 4602) FOR THE RAD LOFTS PROJECT LOCATED AT 146 AND 179 ROBERTS STREET TO REVISE CONDITIONS RELATED TO AFFORDABILITY

Urban Planner Jessica Bernstein said that this is the consideration of an ordinance to amend a previously approved conditional zoning approval (Ordinance No. 4602) for the RAD Lofts Project (Urban Place/Conditional Zone) located at 146 and 179 Roberts Street, to revise conditions related to affordability. This public hearing was advertised on January 3 and 10, 2020. This public hearing was opened on January 14, 2020, and continued at the applicant's request to February 25, 2020, in order to continue working with staff. On February 25, 2020, at the applicant's request, the public hearing was continued to this date.

Action Requested: Amendment to the conditions for the previously approved RAD Lofts project (Urban Place Conditional Zone)

Project Location and Contacts:

- The project site consists of two separate parcels with a combined area of approximately 3.26 acres located at 146 and 179 Roberts Street (PINs 9648-06-1956 and 9648-07-2183) that are owned by 146 Roberts LLC.
- Petitioner: Harry Pilos.

Summary of Petition:

- The project has gone through a number of approvals by City Council:
    - First approved on October 22, 2013 (Ordinance No. 4241) for a mixed-use development and conditional zoning from River and Commercial Industrial to Urban Place Conditional Zone
    - Amended on May 26, 2015 (Ordinance No. 4414) to revise conditions related to the mix of uses, increase parking and alter the number and massing of the buildings
    - Amended on January 10, 2017 (Ordinance No. 4548) to revise conditions related to the mix of uses, building size and amount of parking
    - Amended on July 25, 2017 (Ordinance No. 4602) to revise conditions related to building size, parking and mix of uses and to provide a wider range for these conditions to allow for some flexibility
- The mix of uses, site plan and building designs are not proposed to be changed with this amendment. They remain as shown and described in the conditions from the most recent approval (in the B.1 conditions) and includes between 200-245 residential units, between 14,000 - 20,000 square feet of commercial space, streetscape improvements and up to 358 structured parking spaces.
- The applicant is <u>only</u> proposing a change to the condition governing the designation of affordable residential units as described in condition no.8. The project was approved for a LUIG in 2015 based on this affordability condition which has not been utilized since the project has not been built.
    - ***Current condition:*** Five percent of the units will be designated as affordable by the City's standards. The remaining 95% of the units will be leased at or below the City's published 2015 rates for workforce housing as a baseline, assuming and including an annual increase of 3% calculated as of the date of completion of the project as indicated on schedule B1-a. This condition is in effect for a period of ten years from initial Certificate of Occupancy (CO). The applicant will enter into an affordable housing deed restriction with the City to memorialize the aforementioned rent limits and period of affordability. The deed restriction shall be recorded by the applicant in the Buncombe County Register of Deeds prior to obtaining final CO.

- ***Proposed condition:*** At least ten percent of the units shall meet the City's standards for affordability at 80% Area Median Income or AMI (60.1 - 80% AMI) for a period of ten years from the issuance of the Certificate of Occupancy (CO). The rent and income shall follow the Affordable and Workforce Housing Standards determined annually by the City of Asheville Community Development Department. An Affordable Housing Deed Restriction will be provided by the City and filed and recorded by the applicant/property owner in the Buncombe County Register of Deeds prior to obtaining final CO.

- The project location is within Census Tract 9, an Opportunity Zone area, a designation that was not in place during the original approval nor subsequent amendments. Resolution No. 18-269 states that Council commits to work with investors and offer guidance on projects within these areas that promote equitable growth, do not displace low income or residents of color and do not result in the loss of community assets or land. The subject property was formerly a steel factory (Dave Steel Co.) that operated between 1929 and 2007, after which the plant closed its facility on Roberts Street and moved its operation to South Carolina.

Subsidy Analysis

- The current proposal for 10/80/10 does not include any subsidy from the City to gain the affordable units. Staff undertook an analysis to determine the subsidy if Council were to make a special exception to allow a ten-year affordability period, versus the LUIG policy which requires a 20-year affordability period. Per the analysis, the City would lose $2,169,670 in property tax dollars if the LUIG was specially approved for this proposal to gain approximately 25 units at 80% AMI for 10 years.

Comprehensive Plan Consistency:

- This proposal is consistent with the Living Asheville Comprehensive Plan in that the Traditional Corridor Land Use category encourages mixed-use developments prioritizing pedestrian infrastructure and multimodal access, buildings close to the street and higher residential densities.
- While there is a reduction in units between 80-120% AMI, the proposal doubles the number of units dedicated at 80% AMI or below. Since the amendment still contains a commitment to affordability, it is aligned with key goals in the *Resilient Economy* Plan section.

Compatibility Analysis:

- The mixed-use development proposal has been evaluated in previous reviews and determined to be compatible with the surrounding area and an ideal location for the uses proposed. This amendment does not impact the compatibility.
- The nearest residential neighborhoods in Census Block 9 (Southside, South French Broad) have been identified as an area that is vulnerable to displacement and are approximately a half mile away.
- The project site is located in an area that has already been involved in ongoing significant redevelopment and investment. The City and community partners have invested well over 30 million dollars in improving the immediate area around the project site through the River Arts District Transportation Improvement Project (RADTIP) and via design and planning efforts through the River Arts District Form Based Code with a goal of attracting reinvestment and mixed-use development to this area. Due to the location of the Southside neighborhood - at approximately a half mile away from the project site - and affordability component of the project, staff believes this proposed project amendment is in alignment with City goals and is compatible with the surrounding area.

Council Goal(s):

- A Well-Planned and Livable Community
- Quality Affordable Housing
- Transportation and Accessibility

Committee(s):

- Technical Review Committee (TRC) - n/a
- Planning & Zoning Commission - December 4, 2019 - recommended approval (7-0)

Staff Recommendation:

- Staff consistently recommends that applicants include as many affordable units as they are willing and able to provide
- Staff supports the requested amendment to the number of affordable units.
- The amendment doubles the number of residential units that will be dedicated as affordable at 80% AMI for the ten year period from 5% to 10%, resulting in a net gain in dedicated affordable units.
- The previous Land Use Incentive Grant agreement between the City and the applicant would be abandoned. Without the agreement, the applicant will not be receiving any subsidies from the City and will fund the affordable component entirely independently.
- While City staff consistently encourages applicants to make use of development incentives available, current policy does not require that an applicant commit to those incentives.
- Since the applicant is willing to provide an increase in the number of units dedicated at 80% AMI without encumbering any City funds, staff is supportive of that change.
- Further, City affordable housing funds would be available for other projects looking to incorporate affordability.
- Although not proposing to partner with the City on affordability, the applicant is in a cost-sharing agreement with the City on improvement of a major stormwater project on the site that has widespread impact and benefit. Additionally, the applicant will undergo brownfield remediation on the site, which is another beneficial partnership.
- Regarding alignment with the Opportunity Zone policy, the site is a vacant former industrial site and does not directly displace any residential or commercial uses nor any City or community land/assets. The City does not currently have a process or policy to evaluate the potential for displacement within a geographical range related to increases in property value from development in the area.
- As stated in the subsidy analysis section above, there would be a greater cost to the City in pursuing a special approval for the LUIG and therefore staff recommends supporting the change as proposed by the applicant.

Ms. Bernstein said that the applicant and the City have agreed to an additional condition - Housing choice vouchers shall be accepted for the designated affordable units.

Mr. Harry Pilos, applicant, said that he is prepared to make two donations of $100,000 each to help with the affordable housing crisis. One hundred thousand dollars is to the Asheville-Buncombe Community Land Trust and $100,000 is to Thrive, a subsidiary of UNC. Accepting the housing choice vouchers as it applies to the 10% is very easy for them to do.

Councilwoman Mayfield understood that the $100,000 donation to the Asheville-Buncombe Community Land Trust will be for operations; and the $100,000 donation to Thrive is in support of the housing voucher pilot program which is an effort to try to convince more landlords to come into the housing voucher program and help close the gap between market rate and what the vouchers provide.

Mayor Manheimer opened the public hearing at 5:39 p.m.

Four individuals spoke against the amendment, noting that there needs to be more than 10% affordable housing, the project will displace the population, and the need for community benefit agreements that include the people in the community.

Mayor Manheimer closed the public hearing at 5:48 p.m.

In response to Councilwoman Smith, Mr. Pilos said that he has been committed since the start to put in a small New York style organic grocery store.

Councilman Kapoor moved to recommend approval of the conditional zoning amendment to ordinance 4602 for RAD Lofts - Urban Place Conditional Zone (UP CZ) for the revised condition related to affordability and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in that: 1) the amendment does not substantially deviate from the project details previously approved other than the change to affordability; 2) the project increases the number of dedicated affordable residential units for low moderate income households; and, 3) the project is compatible with the surrounding area and future land use map. This motion was seconded by Councilwoman Mayfield.

Councilman Kapoor moved to amend his motion to include into the B.1 conditions the condition that housing choice vouchers shall be accepted for the designated affordable units. This amendment to the motion was seconded by Councilwoman Mayfield and carried unanimously.

Mayor Manheimer said that this is a mixed use project with housing and commercial components. When we began the River Arts District Transportation Improvement Program, there was a lot of discussion about how the area would serve several purposes - convert industrial to commercial/residential with greenways, sidewalks, etc., and they hoped it would spur investment from the private sector. The developer is proposing 10% affordability and the consultant stated from the City Council Affordable Housing Workshop that 10% is a reasonable compromise from a private developer. Concerning gentrification, she noted the different projects on Depot Street and Clingman Avenue that have or will have affordable housing structures. She felt this neighborhood is being developed in a blended way.

Councilwoman Smith appreciated the remediation of the brownfields site, but a lot of post industrial properties are in low income areas. This area needs to have a sense of belonging and ownership.

The amended motion was then voted on and carried on a 4-3 vote, with Councilman Haynes, Councilwoman Smith and Councilman Young voting "no". Due to the 4-3 vote, Mayor Manheimer stated that this ordinance will need to have a second reading, which will be on the March 24, 2020, agenda.

ORDINANCE BOOK NO. 33 – PAGE 46

B. PUBLIC HEARING TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS MERRITT PARK LANE

RESOLUTION NO. 20-51 - RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS MERRITT PARK LANE

Streets Division Manager Chad Bandy said that this is the consideration of a resolution to permanently close an unopened right-of-way known as Merritt Park Lane. This public hearing was advertised on February 14, 21, 28 and March 6, 2020.

Action Requested: Adoption of a resolution for the closure of a portion of an unopened right-of-way off Merritt Park Lane.

Background:

- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- City of Asheville has petitioned for this closure which is associated with the sale of City-owned property at 360 HIlliard Ave. (PIN # 9648-18-3942) and 9999 Merritt Park Ln (PIN # 9648-18-3669) to Hilliard Park Apartments, LLC for an affordable housing development.
- An unopened portion of Merritt Park Lane crosses the Merritt Place Lane property and runs along its eastern border.
- Upon closure, all of the portion of the unopened right-of-way that crosses Merritt Park property will become the property of Hilliard Park Apartments, LLC and all of the unopened right-of-way along the eastern border of the Merritt Park property will become the property of the City as agreed to by Hilliard Park.
- As part of the purchase agreement, Hilliard Park Apartments has agreed to construct a public greenway which will run along the western border of the 360 Hilliard property as well as the northern portion of the Merritt Park property where the unopened right-of-way currently exists. Upon completion, the greenway area will be deeded back to the City.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future. This is part of the construction of the affordable housing project at 360 Hillard and the ultimate construction of the greenway.
- An easement for MSD is being reserved within the closure, no other known utilities exist

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee -January 22, 2020; Recommended closing the right of way by unanimous vote

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.
- A portion of the closed right of way on the Merritt Park property will be constructed as a public greenway.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources, by allowing the construction of the affordable housing at 360 Hillard and allowing for the construction of the new greenway.

Con(s):

- None noted.

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Mayor Manheimer opened the public hearing at 6:03 p.m., and when no one spoke, she closed the public hearing at 6:03 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved to permanently close an unopened portion of right-of-way off Merritt Park Lane. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 41 – PAGE 252

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

Regarding the Citizens-Police Advisory Committee, the following individual applied for the vacancy: Cathy Banks. At the request of the Citizens-Police Advisory Committee and the consensus of the Boards & Commissions Committee, it was the consensus of City Council to re-advertise for the vacancy.

RESOLUTION NO. 20-52 - RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ELECTRICAL EXAMINERS

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Board of Electrical Examiners.

David Martin (utility representative) has resigned as a member of the Board of Electrical Examiners, thus leaving an unexpired term until July 1, 2020.

The following individual applied for the vacancy: Drew Pike

The Boards & Commissions Committee recommended appointing Drew Pike.

Vice-Mayor Wisler moved to appoint Drew Pike (utility representative) as a member of the Board of Electrical Examiners to serve the unexpired term of Mr. Martin, term to expire July 1, 2020, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 41 – PAGE 258

RESOLUTION NO. 20-53 - RESOLUTION APPOINTING A MEMBER TO THE MULTIMODAL TRANSPORTATION COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Multimodal Transportation Commission.

Kim Roney (transit representative) has resigned as a member of the Multimodal Transportation Commission, thus leaving an unexpired term until July 1, 2021. David Nutter (greenway representative) has resigned, thus leaving an unexpired term until July 1, 2022. In addition, John Rideout (at-large representative) has resigned, thus leaving an unexpired term until July 1, 2020.

The following individuals applied for the vacancy: Dennis Wencel, Shannon Watkins, Amy Jones and Sandy Aldridge.

At the recommendation of the Multimodal Transportation Commission, and the Boards & Commissions Committee recommended appointing Dennis Wencel as the at-large representative and to re-advertise for the two remaining seats..

Vice-Mayor Wisler moved to appoint Dennis Wencel (at-large representative) to serve the unexpired term of Mr. Rideout, term to expire July 1, 2020, and then a full three-year term, term to expire July 1, 2023, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously.

RESOLUTION BOOK NO. 41 – PAGE 259

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Ms. Judy Mattox, organizer for Youth for Environmental Stewardship, along with 7 individuals (combination of Buncombe County and Asheville City Schools), presented City Council with petitions (containing 2,084 signatures) in support of providing renewable energy sources. Also, as Chair of the local Sierra Club, she strongly advocated City Council to fund climate change priorities, including renewable energy, energy efficiency, weatherization, public transit, urban forestry, and affordable housing. We support the 3-cent property tax that would raise $4.5 Million which would fund all of these climate change priorities.

Mr. Robert Louis Hardy urged Council to support funding for the Walton Street pool.

Six individuals spoke in support of the 3-cent property tax increase with a tax relief plan for low income individuals.

Ms. Sarah Benoit said we need to have hotels take a bigger responsibility in their impact.

Ms. Dee Williams spoke about discussions of low income energy efficiency need to have the inclusivity of low income people.

Ms. Vicky Meath urged Council to add in the budget the evening service hours as well as year 2 of the Transit Master Plan. She also encouraged Council to raise the living wage especially for City workers.

Councilman Kapoor said that Council has been taking a lot of hands on approach in our development projects whether it's negotiating development projects or allocating funds to non-profit organizations. It's important for us to make sure that our ethics rules reflect this new reality. He said that he and Councilwoman Mayfield are working on some proposals that he will bring forward to Council for their consideration regarding transparency.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:50 p.m.

Magdalen Burleson
CITY CLERK

Esther E Manheimer
MAYOR

Friday – March 13, 2020 - 8:00 a.m.
Harrah's Cherokee Center - Asheville

Annual Retreat

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

At 8:00 a.m., City Council hosted the legislative delegation for breakfast.

At 9:30 a.m., Mayor Manheimer welcomed everyone to the City Council Annual Retreat.

Mayor Manheimer then convened the retreat. She said the purpose of the retreat is to focus on our budget process; highlight City Council's priorities and align those priorities in the budget process.

City Manager Campbell reviewed with Council their priority strategies and provided a look back over the 2019-20 accomplishments.

City Manager Campbell then introduced Mr. Ed Manning, Executive Director of Leadership Asheville, who would be facilitating the treat. Mr. Manning who briefed Council on the meeting goals and guidelines.

City Manager Campbell then introduced Tom Tveidt, President of SYNEVA Economics, who reviewed with Council the economic and demographic trends. The big view is (1) if it feels busy, it's because it is; (2) the City reins as the center of commercial activity; (3) employment surges, population growth tempers; (4) industrial diversity flourishes; (5) attracting the people other communities only dream about; and (6) but difficult disparities remain-especially in earnings and incomes. The highlights include (1) employment in the City has been steadily growing since 2010; (2) the City's employment growth rate is above the nation and state; (3) lowest City unemployment rate in two decades; (4) in-commuters complete 76% of City employment; (5) 55% of net employment gains in the Asheville Metro have been in the City; (6) 72% of net employment gains in Buncombe County have been in the City; (7) 4 industries have led City employment growth (Accommodations & Food Services 27%, Public Administration 15%, Retail Trade 12% and Health Care 10%); (8) 73% of employment gains have been in industries earning below the state average; (9) minority population have participated positively in the City's employment growth; (10) retail sales collections trend lower; (11) construction permitting holds, with strong commercial activity; (12) the City's population is growth rate is slowing; (13) the City is attracting minority populations; (14) the City's population has a high relative proportion of ages 25 to 29 and is attracting a high proportion of ages 20 to 34; (15) significant income and earnings disparities persist, especially impacting Black households & the well-educated; and (16) the City is home to a high proportion of low & middle-income renting households. Throughout the presentation, Mr. Tveidt answered various questions/comments from Council.

Assistant Finance Director Tony McDowell provided Council with a budget overview which showed (1) uncertain economic outlook; (2) revenue growth will be used up by ongoing operating cost increases; and (3) additional revenue will be needed to fund any new capital and operating investments. Future year items for Council to consider include (1) growing risk of economic recession; (2) revaluation will impact Fiscal Year 2022 revenues; (3) cost of Fire Station 13 coming online; and (4) unknown impact of (a) compensation study implementation; (b) recycling contract; (c) technology; and (d) deferred maintenance. He then reviewed strategic investment requests. Mr. McDowell then gave an update on the 5-year General Fund forecast,

explaining the expense and revenue drivers. Mr. McDowell responded to questions/comments from Council regarding the budget. It was the consensus of Council to add discussion about a property tax relief program and a renter assistance program at the next City Council budget worksession.

City Manager Campbell introduced Ms. Carolyn Flowers, Principal at InfraStrategies, who reviewed in detail the national trends in transit of zero-fare; labor challenges; mobility as a service; bus restructuring; microtransit; and funding options/strategies. Assistant Transportation Director Jessica Morriss then reviewed the Asheville transit planning service who gave an overview of the current system; the Transit Master Plan; the Transit Master Plan background; transit service enhancements; Transit Master Plan strengths; Transit Master Plan challenges; Transit Fund status details; current transit funding status details; and completing the Transit Master Plan. She then reviewed the budget requests for the Fiscal Year 2021 transit budget; along with funding options. The key takeaways are that (1) the industry is changing; (2) system needs to be reliable in order to attract ridership; (3) additional funding sources are needed; and (4) implementation of the Transit Master Plan must be paired with available resources. There was considerable discussion, along with individual Council's thoughts, regarding additional policy review and analysis: (1) update and revise implementation schedule of the Transit Master Plan and better link to funding strategy; and (2) review zero-fare impacts and work with Just Economics and others to look at options. It was the consensus of Council to have staff consider exploring additional funding sources, i.e., Tourism Development Authority; and Buncombe County support. City Manager Campbell, Ms. Flowers and Ms. Morriss responded to various questions/comments from Council regarding transit. City Manager Campbell understood that all elected officials, staff and the community are committed to the implementation of the Transit Master Plan. Per Council's direction staff will bring back options, with pros and cons, that will hopefully address most of the issues identified around transit. It was the consensus of Council to ask staff to explore ways to incorporate $1.1 Million for the expansion of evening hours in next year's budget. Councilwoman Mayfield, Councilman Haynes and Councilman Young's request to incorporate $1.1 Million for extended hours in next year's budget even if a property tax increase is necessary, was not supported by the majority of Council.

City Manager Campbell introduced Jim Fox, Senior Research Analyst, FernLeaf Interactive, who reviewed Asheville's climate resilience assessment. He explained what resilience is and moving from threat to solution. Primary threats to Asheville include (increased flooding, nuisance flooding and landslides due to stronger or more frequent heavy precipitation events; (2) increased risk of water shortage and wildfires due to increasing severity of drought; (3) supply chain interruptions; and (4) increasing temperature variability that leads to extreme heat events. The most social vulnerable areas are families participating in SNAP, and in areas where majority of SNAP retailers could be affected. Impacts to people include food access; and disproportionate impacts to vulnerable populations. Important prioritized strategies that can be implemented on current resources include (1) provide information on assets and threats to Emergency Management; (2) improve communications across departments during hazard events; (3) promote water conservation; (4) enhance response and recovery programs; (5) conduct additional studies as necessary to determine detailed strategies for flood and landslide hazard mitigation; (6) increase use of stormwater and flood control; (7) continue to improve water supply and distribution systems; (8) promote climate resilience concepts and best management practices through public education and communication; (9) develop partnerships to promote green infrastructure strategies; and (10) promote regional partnerships to build resilience. Important, but will require more stakeholders or resources include (1) modify the Unified Development Ordinance as it pertains to steep slopes in accordance with the climate assessment prioritization table; (2) upgrade stormwater infrastructure systems and enhance capacity through green infrastructure utilizing strategies identified in the comprehensive plan; (3) continue to build further capacity into water supply; and (4) prepare and plan for supply chain interruptions through partnerships with appropriate regional entities. Active strategies and previous efforts are (1)

improvements to North Fork Dam; (2) proactive floodplain and slope ordinances; (3) protection of access points on steep slopes; (4) proactive fire programs and codes; (5) partnerships for water supply (Mills River, County); (6) initiatives and studies (tree canopy, Energy Task Force, weatherization); and (6) Emergency Management Planning (Regional Hazard Mitigation Plan). Sustainability Officer Amber Weaver reviewed the Sustainability Management Plan. She then briefed Council on sustainability's accomplishments. She outlined some sustainability challenges such as (1) many new goals adopted since passage of Sustainability Management Plans; (2) while low cost efficiency improvements have been implemented,more costly investments are needed - average building is almost 60 years old; and inadequate funding for reroofing, building envelope and HVAC upgrades; (3) cost to achieve waste reduction goals has grown due to global recycling industry trends; and (4) Capital Improvement Projects funding gap for addressing internal sustainability goals both on energy and resilience. Asheville's sustainability goals (1) Climate Justice Initiative; (2) 100% renewable energy goal; (3) waste reduction goal; (4) community-wide 100% renewable energy goal; and (5) 4% carbon reduction goal. Staff asked for the following Policy review and analysis is to update the Sustainability Management Plan to include: (1) Climate Justice initiatives; (2) a review of adopted resolutions and goals; (3) a review of adopted work plans and time commitments; (4) Ashevile's Climate Resilience Assessment; and (5) a definition of climate equity with Asheville's frontline community members. The key takeaways are (1) lead by example as an organization and lead with equity; (2) investments are needed in capital projects throughout city departments that support sustainability goals; and (3) need collaboration and external partnerships to achieve sustainability goals. City Council then discussed sustainability. City Manager Campbell, Solid Waste Manager Jess Foster, Mr. Fox and Ms. Weaver responded to various questions/comments from Council regarding sustainability. Per Council's direction staff will look at comprehensive recommendations, funding through bonds possibly in November, 2020, and urban forestry and forest master plan.

City Manager Campbell then introduced Marianne Oyaas, The Archer Company, who reviewed with Council an overview of the total compensation study; increasing minimum salary and associated compression issues; market survey information; and recommendations. The market survey initial findings show that (1) on average, the City pay is below market; and (2) additional consultant analysis will provide recommendations for further adjustments in late spring. The takeaway is that (1) Plan $31,200 minimum implementation and address compression in current fiscal year; (2) initial information suggests City is below market; and (3) more information and recommendations will be provided in the consultant's report. Ms. Oyaas and Compensation & Benefits Manager Larisa Lowman responded to various questions/comments from Council regarding the total compensation study. Per Council's direction, staff was directed to implement new minimum in the current fiscal year (May 2020), which will increase salary for 92 employees to $31,200 and address compression impact for 29 employees; and to come back to Council's worksession with the results of the rest of the study.

Mayor Manheimer announced a change to the March 24, 2020, meeting and City Clerk Burleson will send out the information to City Council on Monday.

At 3:34 p.m., Mayor Manheimer adjourned the meeting and announced that City Council will gather later in the evening for dinner.

Magdalen Burleson
City Clerk

Esther E. Manheimer
Mayor

Tuesday – March 24, 2020- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding (participating via speaker phone); Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith (participating via speaker phone); Councilman W. Keith Young (participating via speaker phone); City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Vice-Mayor Wisler led City Council in the Pledge of Allegiance.

ANNOUNCEMENT

Vice-Mayor Wisler thanked the residents for complying with emergency mandates and thanked staff for working hard to keep vital services happening. She hoped the residents will help City staff stay safe by complying with social distancing. She also urged the residents to comply with future edicts and for taking this pandemic seriously. We are trying to balance the need of our community to be safe and healthy with the need to keep government business going. Public comment is welcomed and we will continue to explore ways to get public comment while observing smart interaction.

Vice-Mayor Wisler said that 130 public comments were received for this agenda. Ninety-six of the comments were in support of the Urban Forester and Urban Forest Master Plan. Other comments ranged from the Mayor's additional authority to respond to the COVID-19 pandemic to allowing the public comment word limit be raised from 350 to 450 words. All comments have been provided to City Council and will be attached to these minutes.

She asked our residents to be patient with us and with each other while we all navigate this emergency.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

Vice-Mayor Wilser removed Consent Agenda A (1) from the Consent Agenda in order that only the City Council members present to vote on that motion.

A. PROCEDURAL MOTIONS

MOTION TO ALLOW REMOTE PARTICIPATION BY UP TO THREE COUNCIL MEMBERS DURING PUBLIC MEETINGS DURING THE DURATION OF THE LOCALLY DECLARED STATE OF EMERGENCY

This item was removed from the Consent Agenda in order to allow only those City Counci members present to vote on this matter.

MOTION TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO CANCEL ANY REGULARLY SCHEDULED MEETINGS OF THE CITY COUNCIL DURING THE DURATION OF THE LOCALLY DECLARED STATE OF EMERGENCY

MOTION TO SUSPEND THE CITY COUNCIL RULES REGARDING PUBLIC COMMENT TO RECEIVE ALL PUBLIC COMMENT DURING CITY COUNCIL

MEETINGS DIGITALLY ON ALL ITEMS, INCLUDING INFORMAL DISCUSSION PERIODS; HOWEVER, (1) ANY PUBLIC COMMENT MUST BE SENT IN BY 5:00 P.M. THE DAY BEFORE THE MEETING TO THE GOOGLE FORM OR BY CALLING IN TO 259-590 AND LEAVING A VOICEMAIL; (2) EMAIL MUST HAVE THE SUBJECT MATTER OF THE PUBLIC COMMENT OUTLINED; AND (3) MUST BE NO MORE THAN 350 WORDS

City Clerk Burleson read a comment from the public to raise the word limit from 350 to 450 words.

B. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 10, 2020; AND THE CITY COUNCIL ANNUAL RETREAT MINUTES OF MARCH 13, 2020

C. RESOLUTION NO. 20-54 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE EXISTING TRANSIT CONSULTANT CONTRACT WITH INFRASTRATEGIES, LLC.

Action Requested: Adopt a resolution authorizing the City Manager to execute an amendment to the existing Transit Consulting Contract between the City of Asheville and InfraStrategies, LLC.

Background:
- Carolyn Flowers, Managing Principal of InfraStrategies, LLC was retained by the City
- during February 2019 to provide transit operations consulting services for the Transit Division of the Transportation Department.
- The original contract was for $49,000.
- This contract amendment seeks to add $60,000 to the contract, which was already budgeted in the Fiscal Year (FY) 2020 Transit Operations Budget.

Vendor Outreach Efforts:
- N/A - this is a current contract.

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- N/A

Pro(s):
- This action will continue to support implementation of the 2018 Transit Master Plan by providing additional technical and professional support to City staff.

Con(s):
- Funding is currently budgeted in the FY 2020 budget.

Fiscal Impact:
- Funding for this contract amendment was approved by the City Council as part of the FY 2020 budget process and is currently included in the Transit Operations budget.

Motion:
- Motion to adopt a resolution authorizing the City Manager to execute an amendment to the existing Transit Consulting Contract between the City of Asheville and InfraStrategies, LLC (Carolyn Flowers).

RESOLUTION BOOK NO. 41 - PAGE 260

D. RESOLUTION NO. 20-55 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH KIMLEY-HORN & ASSOCIATES TO PERFORM ENGINEERING SERVICES FOR THE NEIGHBORHOOD ENHANCEMENT PROJECTS AREA 7

Action Requested: Adopt a resolution authorizing the City Manager to sign a contract with Kimley-Horn & Associates for engineering services in the amount of $828,800 for the Neighborhood Enhancement Projects Area 7. Funds from the City of Asheville Water Resources Department Capital Improvement Project budget are available for this project.

Background:

- The Water Resources Department has prioritized this waterline replacement project for the current fiscal year and is seeking engineering design and project management assistance for this project.
- The project will replace approximately 24,500 linear feet of existing substandard and failing water lines with predominantly 6-inch and 8-inch water lines and appurtenances designed and constructed in accordance with the City of Asheville standards.
- The water lines prioritized for replacement as part of the Neighborhood Enhancement Projects Area 7 are within and along the following various neighborhoods and streets: Beacon Village area, Rainbow Ridge area, Barnard Avenue, Sevier Street, Hill Street, Joyner Avenue, Pearson Bridge, and Thompson Street.

Vendor Outreach Efforts:

- Through a qualifications based selection process beginning in August 2014, the City of Asheville selected four consulting firms to provide on-call professional services for Water Distribution and Storage Projects.
- Kimley-Horn & Associates was one of the selected firms due to their expertise in areas of water distribution projects, water system analysis, and project development.
- The City of Asheville entered into a master agreement with Kimley-Horn & Associates on May 11, 2015 for on-call professional services for Water Distribution and Storage Projects. The agreement had a three year term with the option to renew for two additional years. Then on April 19, 2018, the City of Asheville executed a renewal master agreement with Kimley-Horn for the additional two years of on-call professional services.
- If approved, the proposed engineering services will be developed into a subcontract under the conditions of the master agreement.
- City of Asheville Water Resources staff determined that utilizing the on-call professional services for Water Distribution and Storage Projects was the best method to deliver this project and Kimley-Horn & Associates was specifically qualified to provide the required engineering services.
- No other vendor outreach was performed.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None.

Pro(s):

- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects in order to provide safe and reliable service.
- Kimley-Horn & Associates has successfully provided engineering services for other water system improvement projects. Their experience with our water system and expertise in water distribution projects will lead to a successful project with lesser negative impacts to customers and the City's water system.

Con(s):

- Failure to award an engineering services contract would prevent the Water Resources Department from completing the Neighborhood Enhancement Project in a timely manner and delay the replacement of the existing aging water system.

Fiscal Impact:

- The funding needed for the professional services agreement is currently allocated within the Water Resources Capital Improvements Project Fund.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a professional services contract with Kimley-Horn & Associates to provide engineering design services for a waterline replacement project known as Neighborhood Enhancement Projects Area 7 for an amount not to exceed $828,800.

RESOLUTION BOOK NO. 41 - PAGE 261

F. RESOLUTION NO. 20-56 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUBMIT A GRANT APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION FOR THE FISCAL YEAR 2020 SECTION 5339 (b) BUSES AND BUS FACILITIES DISCRETIONARY GRANT FUNDS PROGRAM, AND IF SUCCESSFUL, TO ACCEPT THE GRANT FUNDS AND SIGN ALL THE APPROPRIATE AGREEMENTS WITH THE FEDERAL TRANSIT ADMINISTRATION, FEDERAL AND STATE AGENCIES

Action Requested: Adoption of a resolution authorizing the City Manager to submit a grant application to the Federal Transit Administration (FTA) for the FY 2020 Section 5339(b) Bus and Bus Facilities Discretionary Grant Funds Program, and if successful, to accept the grant funds and sign all the appropriate agreements with the FTA, Federal and State agencies. This grant program is a competitive program and receipt of funds is not guaranteed.

Background:

- In January 2020, the Federal Transit Administration published Notice of Funding Opportunity for the FY 2020 Section 5339(b) Buses and Bus Facilities discretionary grant program.
- The grant is competitive and discretionary, whereby the FTA solicits project proposals from applicants, and awards funding to successful applicants for eligible capital projects through a competitive process.
- The Buses and Bus Facilities Funding program can be used for the purchase or lease of buses, related equipment, as well as to rehabilitate, construct or lease bus-related facilities. Funds awarded for both grants may include incidental costs related to acquiring buses, construction of facilities and infrastructure, workforce development and training activities, and project administration.
- The City plans to submit an application in the amount of $1,250,000 to continue the City's bus stop improvement program. The funding will be used to provide curb-ramp improvements, sidewalk connections, shelters, seating, solar lighting, and digital signage at bus stops with the top 15% ridership, as well as locations serving vulnerable populations, such as the Veterans Restoration Quarters, Mission Hospital, the Veterans Administration Hospital, public housing locations, etc.
- The application deadline for the Buses and Bus Facilities grant is March 30, 2020.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None (Finance & Human Resources cancelled)

Pro(s):

- Project funding will enable the City of Asheville to use federal funds to help fund additional high-priority bus stop improvements.

Con(s):

- The match for the Buses and Bus Facilities grant is 20%, however improvements related to ADA and facilities have only a 10% match, which a significant portion of the grant will likely qualify for. The maximum match amount assuming a 20% match would be $250,000, and assuming a 10% match would be $125,000.

Fiscal Impact:

- The local match is included in the Transit Capital Projects Fund budget.

Motion:

- Motion to approve a resolution authorizing the City Manager to submit a grant application to the Federal Transit Administration (FTA) for the FY 2020 Section 5339(b) Buses and Bus Facilities Grant in the amount of $1,250,000 and if successful, to accept the grant funds and sign all the appropriate agreements with the FTA, Federal, and/or State agencies.

RESOLUTION BOOK NO. 41 - PAGE 262

G. ORDINANCE NO. 4795 - ORDINANCE DELEGATING ADDITIONAL AUTHORITY TO THE MAYOR TO ISSUE REGULATIOSN BY PROCLAMATION AS NECESSARY TO RESPOND TO THE COVID-19 PANDEMIC

Action Requested: Adoption of an ordinance delegating to the Mayor of the City of Asheville the authority to regulate by proclamation any activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency that has been declared in relation to the spread of COVID-19.

Background:

- N.C. Gen. Stat. § 166A-19.31(b) authorizes municipalities to adopt five categories of regulations in times of a declared state of emergency.
- Pursuant to N.C. Gen. Stat. § 166A-19.31(a), the Asheville City Council has delegated portions of its authority to enact emergency regulations to the Mayor, through its adoption of Section 2-2 of the City Code of Ordinances.
- As written, Section 2-2 of the City Code does not authorize the Mayor to issue by proclamation regulations pursuant to N.C. Gen. Stat. § 166A-19.31(b)(5), which broadly allows municipalities to regulate any activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during a state of emergency.
- Given the need to be able to respond quickly to the threats posed by the novel corona virus known as COVID-19, it is desirable to allow the Mayor to issue all regulations needed to address the outbreak via proclamation.

Council Goal(s):

- Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- Will allow the Mayor to regulate by proclamation any activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency that has been declared in relation to the spread of COVID-19

Con(s):

- None

Fiscal Impact:

- None

Motion:

- Motion to adopt an ordinance delegating to the Mayor of the City of Asheville the authority to regulate by proclamation any activities or conditions the control of which may be reasonably necessary to maintain order

and protect lives or property during the state of emergency that has been declared in relation to the spread of COVID-19.

City Clerk Burleson said there were nine public comments regarding the Mayor's additional authority during the COVID-19 pandemic.

ORDINANCE BOOK NO. 33 - PAGE 58

H. RESOLUTION NO. 20-57 - RESOLUTION REGARDING THE N.C. DEPT. OF TRANSPORTATION I-26 CONNECTOR TIP PROJECT I-2513

Summary: Councilwoman Mayfield presented this resolution which will serve as City Council's comment on the final Environmental Impact Statement for I-26. Staff will be preparing a more technical letter. The following is the a portion of the resolution: "NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: (1) The City of Asheville calls on NC DOT to continue collaborating with the I-26 Working Group to develop improved designs for the east side of the Patton Avenue Corridor and the Jeff Bowen Bridge and incorporate those into the Record of Decision or the Request for Proposals; and (2) The City of Asheville further calls on NC DOT and its future design-build contractor to further reduce the size and impact of the project by: (a) tightening the footprint of all urban intersections throughout the project corridor, specifically including the Haywood Road interchange; (b) reducing the number of lanes on the new I-26 bridge over the river and continuing north to the Broadway exit; (c) reducing the height and radius of the I-240 flyover bridges; and (d) reducing the visual and auditory impacts on Riverside Cemetery and the adjacent Montford neighborhood; and (3) The City of Asheville further calls on NCDOT, with regard to the Request for Proposals and Aesthetic Recommendations, that: (a) NCDOT evaluate the design team qualifications, not only for multi-disciplinary representation to include urban planning, bridge design, structural engineering and landscape architecture, but also for demonstrated experience implementing creative transportation solutions that are contextually sensitive to both the natural environment and the urban character of a scenic destination city such as Asheville; (b) Substantial weight be assigned in RFP evaluation criteria to the qualifications of the responder's design team as described above; (c) NCDOT include in its RFP an Aesthetics Scope of Work ("ASW") reflecting the Aesthetics Recommendations; (d) NCDOT include the City in the RFP development and revision process; (e) the proposals submitted be evaluated on the degree to which they achieve the goals and objectives of the ASW and any additional improvements and betterments; and (f) the City be allowed to review and comment on the responses to the RFP; and (4) The City further calls on NCDOT and the design-build contractor to consider any new land use, greenway, or other plans or design proposals developed after the Record of Decision is signed that impact or relate to the project; and (5) The City further calls on NCDOT and the design-build contractor to utilize local businesses and residents to the greatest degree possible in the construction of the project; and (6) The City of Asheville further calls on NCDOT to work together to determine a suitable use for land underneath new bridges in the project so that land is put to use for the benefit of Asheville residents; and (7) The City of Asheville further calls on NCDOT to support the City's acquisition of available right of way in the Patton Avenue Corridor in a "development-ready" state to further the redevelopment of that corridor as envisioned by the City; and (8) The City of Asheville be considered a key partner with NCDOT and the design-build contractor and that NCDOT consult with the City during the contract period on all aesthetic and design modifications, giving full consideration to the City's views.

Councilwoman Mayfield thanked the NCDOT for their close collaboration over the last 4 years on this project. We have improved this project immeaurably and appreciate the efforts and resources that the NCDOT in Raleigh and the local division have put forth in making this a better project. She said that the City will be a critical key partner in this project.

City Clerk Burleson read five public comments regarding the I-26 Connector.

RESOLUTION BOOK NO. 41 - PAGE 263

Vice-Mayor Wisler said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Mayfield moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Kapoor and carried unanimously.

ITEM REMOVED FROM THE CONSENT AGENDA

MOTION TO ALLOW REMOTE PARTICIPATION BY UP TO THREE COUNCIL MEMBERS DURING PUBLIC MEETINGS DURING THE DURATION OF THE LOCALLY DECLARED STATE OF EMERGENCY

Vice-Mayor Wisler moved to allow remote participation by up to three Council members during public meetings during the duration of the locally declared state of emergency. This motion was seconded by Councilwoman Mayfield and carried unanimously by those present (Vice-Mayor Wisler, Councilman Haynes, Councilman Kapoor and Councilwoman Mayfield.)

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

City Clerk Burleson read a comment that thar ked Council for preserving good governance in this time by postpoining hearings on the controversial Collier Avenue Land Use Incentive Grant and the still-depated open space amendment. Both should wait until in person public comment and board/commission meetings can safely be restored, since they are not dependent on external deadlines.

A. PUBLIC HEARING TO CONSIDER A LAND USE INCENTIVE GRANT FOR TRIBUTE DEVELOPMENT COLLIER AVENUE APARTMENTS

Councilman Kapoor moved to continue the public hearing to consider a Land Use Incentive Grant for Tribute Development, Collier Avenue Apartments, until April 14, 2020. This motion was seconded by Councilman Haynes and carried unanimously.

B. PUBLIC HEARING CONSIDER ADOPTION OF AN ORDINANCE DESIGNATING THE PROPERTY KNOWN AS THE LEWIE MULLER GRIFFITH HOUSE, LOCATED AT 65 WOODLAND ROAD, AS A LOCAL HISTORIC LANDMARK

Councilman Kapoor moved to continue the public hearing on adoption of an ordinance designating the property known as the Lewiw Muller Griffith House, located at 65 Woodland Road, as a local historic landmark until April 14, 2020. This motion was seconded by Councilman Haynesand carried unanimously.

C. PUBLIC HEARING RELATIVE TO AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE OPEN SPACE REQUIREMENTS

Councilman Kapoor moved to continue the public hearing amending the Unified Development Ordinance to update open space requirements until April 14, 2020. This motion was seconded by Councilman Haynes and carried unanimously.

V. UNFINISHED BUSINESS:

A. SECOND READING OF ORDINANCE NO. 4794 - ORDINANCE TO AMEND THE PREVIOUSLY APPROVED CONDITIONAL ZONING (ORDINANCE NO. 4602) FOR THE RAD LOFTS PROJECT LOCATED AT 146 AND 179 ROBERTS STREET TO REVISE CONDITIONS RELATED TO AFFORDABILITY

Vice-Mayor Wisler said that the public hearing regarding Ordinance No. 4794 was conducted on March 10, 2020, and no public comment will be taken at this second and final reading.

Councilman Young moved to continue the second and final reading of Ordinance No. 4794 until April 14, 2020. This motion was seconded by Councilwoman Smith and failed on a 2-5 vote, with Councilwoman Smith and Councilman Young voting "yes" and Mayor Manheimer, Vice-Mayor Wisler, Councilman Haynes, Councilman Kapoor and Councilwoman Mayfield voting "no."

Councilwoman Mayfield moved to adopt Ordinance No. 4794. This motion was seconded by Councilman Kappor and carried on a 4-3 vote, with Councilman Haynes, Councilwoman Smith and Councilman Young voting "no."

ORDINANCE BOOK NO. 41 - PAGE 46

VI. NEW BUSINESS:

A. ONE BUNCOMBE FUND

Community & Economic Development Director Sam Powers said that this is the consideration of participation in the One Buncombe Fund; set date of April 14, 2020, for public hearing for participating in One Buncombe Fund.

Background:

- In response to the COVID-19 crisis, our local governments in Buncombe County, business community and other stakeholders are coming together to create a single point of donations to help individuals and businesses impacted by COVID-19.
- This effort will be branded as the "One Buncombe" campaign. A donation page will be hosted by Buncombe County with funds deposited to the Buncombe County Service Fund (BCSF), which is an existing Non Profit organization created by Buncombe County.
- Funds placed into the BCSF will be managed by a seven person board, which will include members of local governments including the City of Asheville, businesses, and philanthropic organizations. Funds will be used for individuals and small businesses that have been impacted by COVID-19.
- *Funds for individuals* who have lost employment due to COVID-19 will be delivered via the Buncombe County Health and Human Services (HHS) existing General Assistance (GA) program.
- Funds will be used for life essential needs caused by the COVID-19 public health crisis, such as utility bills, deposits, fuel oil, kerosene, natural gas, propane, wood, mortgages, etc.
- Funds will be paid to the service providers, not directly to individuals. Individuals will be screened and referred to other HHS programs as needed.
- *Funds for small businesses* impacted by COVID-19 will be provided through loans of up to $10,000 with an initial 6-month period of no payments of any kind.
- Interest will accrue at 5.5% during that period, but this is not paid, and rolls up into the loan at the end of the 6-month period.
- Loans will be designed to provide low cost "bridge funding" to help businesses stay open and limit job losses until businesses can apply for longer term disaster funding from SBA or other sources. The BCSF will contract with a third party to administer this business program.
- The City Attorney has advised that this initiative meets the Economic Development requirements or the Community Development requirements in North Carolina. A public hearing is required as per N.C. Gen. Stat. 158-7.1.
- Both individuals and businesses will be encouraged to donate.

Council Goal(s):

- Financially Resilient City
- Equitable and Diverse Community
- Thriving Local Economy

Committee(s):

- None.

Pro(s):

- Provides immediate disaster assistance from a centralized fund, administered by existing experienced program management agencies.
- Supports both individuals and business community members in Asheville.

Con(s):

- The magnitude of this crisis may require additional resources, and the City is limited in the funding available.

Fiscal Impact:

- This economic development appropriation is not in the current adopted budget.
- The appropriation of $100,000 would come from the City Fund Balance.
- A budget amendment would be required and would be considered at the April 14, 2020, meeting along with the public hearing.

In response to Councilwoman Mayfield, Mr. Powers said that the Board of Directors is being built but will include local government, banking, business and philantrophic community. As the committees evolve, there will be opportunities for involvement.

Councilwoman Mayfield appreciated the leadership of the City, County and the Buncombe County Service Foundation, also with the other organizations that have come together.

In response to Councilman Kapoor, Mr. Powers said that if the Program can get the fund established with a base amount, their goal is to start receiving applications.

When Councilwoman Smith asked if the program will include grant assistance, Mr. Powers said that the Buncombe County Health & Human Resources will screen applicants to ensure all other potential sources are exhausted.

Councilman Kapoor moved to direct staff to advance the concept of the City of Asheville's participation in the Buncombe County Service Foundation (BCSF) One Buncombe Fund; to consider an appropriation of $100,000 from City Fund Balance; and to set the public hearing for consideration of the economic development appropriation to the BCSF One Buncombe Fund for April 14, 2020. This motion was seconded by Councilman Haynes and carried unanimously.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

City Clerk Burleson reiterated that 96 public comments received were in support of the Urban Forester and Urban Forest Master Plan.

Councilman Kapoor encouraged citizens to sign up for alerts from Buncombe County or check the County's website regularly as things change very quickly.

Councilman Young urged City Council to consider funding for Pisgah Legal Services; and allocating bond money to the Housing Trust Fund for an emergency eviction program and rental assistance program.

VIII. ADJOURNMENT:

Vice-Mayor Wisler adjourned the meeting at 5:40 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Public Comments via Phone - March 24, 2020

Danielle Martin:
Hi, my name is Danielle Martin. I live in the city of Asheville. I'm calling about Agenda Five A, which shouldn't even be considered right now, considering where we are in this city with the coronavirus and still not being able to have affordable housing. More housing going up that people can't afford makes absolutely no sense.

Speaker 1:
Hi, I'm a resident of Asheville and I'm making an informal or public comment for informal discussion regarding the need for an urban forest in Asheville. There's been numerous studies to show the rate of the loss of the tree canopy in Asheville, and that it is getting worse each year. So what I'm asking right now is that the city put funds for an urban forester who can address the problems before we lose the beauty of the city, which is such an important part of what attracts people to come to Asheville.

So if you'll consider funds for an urban forester or someone who can specifically work on this job, that would be wonderful. Thank you. Bye.

Helen:
My name is Helen Rae Charbonneau, H-E-L-E-N R-A-E C-H-A-R-B-O-N-N-E-A-U. (864)-884-9146. I'm a lifelong resident of Asheville, North Carolina, and I would be very interested in seeing in our city hire an Urban Forester to preserve and protect the trees that we have now and to plant more trees just about everywhere we can, because I'd like Asheville to be known as a cool green city. Thank you very much. Bye-bye. Oh, I live in Fairview, North Carolina. Thank you. Bye.

Jared Leno:
Hi, my name is Jared Leno. I'm a resident of Asheville and I am calling because of my concern for the urban forest of Asheville. A recent climate symposium in Asheville's urban tree canopy study revealed that not only is Asheville losing our tree canopy at the unsustainable rate of almost 70% over the last 10 years, but we have lost more than that in our underserved neighborhoods that were redlined in the past. This is not fair, and the time is now to correct this for all of Asheville. And we asked you to address this last year, but no meaningful steps have been taken. No city steps adequately deal with this problem without professional guidance and how you manage urban forests. Put funds for an urban forest serve in a plan to address these problems in the city budget for the coming year. You have been asked for this before. Now is the time to do the right thing for Asheville. Thank you very much.

Amy Cantrell:
Hi, this is Reverend Amy Cantrell. I am wishing to make a public comment on unfinished business, letter A, the [Radloff 00:00:12] Project, and to ask that council ensure that gentrification in our traditionally, historically black neighborhood of Southside is not happening and that people are not being pushed out, particularly our African-American community who have lived there historically for decades and decades, that that community has been decimated enough. And we need to be really clear about the results of urban renewal and to ensure that we're not perpetuating urban renewal 2.0 via projects like the Radloff. And so I hope that council will pay attention to that in terms of their votes on this project

and what they're seeing in terms of this project and that there might be some guarantees put into place for residents in that neighborhood that would help stem the tide of gentrification. Thank you so much.

Susan Sertain:
Hello. My name is Susan Sertain. That's S-U-S-A-N S-E-R-T-A-I-N, and I am commenting, I'm in the public comment section of the agenda, and I've lived in Nashville for over 20 years. I just want to say that being keenly aware of the loss of our urban forest and the tree canopy, I feel that I need to make some statements regarding the decision that was made to not include the urban forester in the master plan on the budget again this year.

I know that there have been plenty of letters to the editor about it and I know at our climate symposium that we had last year, there were many of you there and we came highly aware of the dilemma that we're in that's even created, it's made more difficult by this climate crisis that we're in. With the development and the gentrification that's happening, it's making our neighborhoods that are suffering already even more endangered, because trees are being cut, the heat island is getting hotter because of the loss of trees as well as the climate, and there's going to be some terrible results as far as health and the mental health and physical health of our lower income communities as well as ourselves.

We need the trees for our sanity just for the calming nature. Scientists have proved that this is a fact. We know that our children deserve so much more than our disregard for the trees. And I'm thinking mostly about the mature trees. I know that we feel like it's okay to cut down the mature trees because we know we're going to plant young trees or Collamer trees. But if we think about it, we know that that is absolutely not going to be a good replacement for those trees, those mature trees. It takes over 50 years for them to really be able to do a good job for us with the water sequestering, the oxygen, the air, cleaning the air.

There's so much that the trees do for us, the mature trees do for us. I know we're in the middle of a pandemic. I know it's going madly on its way and we don't have a way to stop it, it seems. And I wonder if, because we've cut so many trees all over the globe, have we messed up ecosystems that could have caused the planet to have a ... be healthy enough to be able to handle it within ourself.

I know that there was a decision to hold back on the urban forester, but an urban forester is someone who is professional, a degreed staff member who does far more than what a city arborist can fit into their day. Our city arborist is completely overworked. And when we think about these new ordinances, which I do appreciate there being updates going in there, especially that you'll even be voting on. I don't think it's official yet. But anyway, it's being considered, and I am very grateful of that being involved with the Treasure Tree program here in Asheville.

Knowing that these trees need to be protected, and I'm very grateful for that, but I know that if we don't do something ... If we think that we can take care of these ordinances, the new ordinance that might be put in place with just in-house procedures going through different staff members that are already in place, we'll soon find ... I believe that you will soon find that that person is also overworked.

And the same things that are happening now where developers can get policies passed because people are not trained, there's not a systematic guideline that needs to be in place that an urban forester can do, that can also monitor whether this has been followed, can fine people who ignore it, who think they can get away with it, or even who didn't know, it's an opportunity for them to be trained.

I think that it's just going to be a situation that we're still remaining in, that we're in now, we will remain in it, because we're trying to take care of something that is so much bigger than us, with just dealing with it in-house. It's just, I don't believe it's going to work. And I really, I'm asking you to reconsider, to really think about putting that in place, that

person in place, that plan in place, so that we can have the Asheville that we want to be proud of and that we know is a healthy place to live.

Thank you for considering this, for reconsidering this, and I hope that you make a decision that heads us in that direction. Thank you.

Susan Loftis:
Hi, this is Susan Loftis. I'm a planner who lives in Asheville and I'm working on the aesthetics committee and have been as the liaison to NCDOT for the committee. And I am commenting on the resolution for this for tomorrow evening concerning the I-26 corridor. And my name, again, is L-O-F like Frank, T like Tom, I, S like Sam.

My general comment on the resolution is that we need to clarify that the current configuration of the [4B 00:00:41] river crossings is not consistent with the intent of the Asheville design center. And the designers who originally came up with that content, who originally came up with that concept, are of the opinion that it is not recognizable in its current state and it needs to be redesigned.

My second comment has to do with urban forestry. We need an urban forest canopy plan, and we need an urban forester. And I am advocating that we prioritize the allocation of funds for the urban forest, urban forester position as soon as possible. Thanks again, Susan Loftis. (404) 545-4815. Thank you.

Alison Ormsby:
Hello, my name is Alison [Ormsby 00:00:00]. I'm a resident of Asheville. I'm calling you to leave a message about the item, informal discussion and public comment, Sub item A and I just wanted to say that I really support the proposal for an urban forester and urban forest master plan.

It is really shocking how much canopy cover we've lost and it's really making our city not climate resilient. As a tree city, we should really live up to that designation. So please put funds for an urban forester and an urban forest plan in the city budget. This is something that is important to all residents and it's important to the future of Asheville.

Thank you very much. Bye.

Tamara:
Hello, my name is Tamara Trexler and I am a resident at Asheville. I live right here on Broadway downtown and I am calling in regards to... I am in support of funding for the proposed Urban Forester and Comprehensive Urban Forest Master Plan and this year's budget and the Tree Protection Task Force. I'm very concerned about the developments within the city and on the outskirts where things are just rapidly being denuded. Trees just are being trashed and clear cut, and just want to make sure that this was paid attention to. And I think an Urban Forester and a Master Plan and funding for that is a good way to make sure that that's being monitored and redeveloped. As things change, we're going to need to redevelop and making sure that it's animal friendly as well. There's not just people that live in the cities.

There are critters and we enjoy our critters. We are a mountain city and we are not Charlotte and we are not Orlando and we are not Raleigh. We want to keep Asheville mountainous and beautiful with fresh green spaces and air and home for critters and birds and keep things that are native and sustainable, not just mass produced bulk trees that don't add to the environment. There's so many issues and it just really makes sense. If we're going to spend money on

putting up trees and protecting them, we need to have somebody in charge who knows what they're doing. So we need to address this problem and solve it. Thank you.

Jo Ellen Wade:
Hey there. My name is Jo Ellen Wade, W-A-D-E, and I live in Candler, North Carolina. I'm calling to make a comment for the city council about my serious concerns that we need an urban forest and an urban Forester and an urban forest master plan. Trees are critical to our environment and the city and county could do well to have many more of them. They filter the air that we breathe and they are critical to maintaining the health of our environment. More trees, more trees, more trees, and we need an urban forest master plan and a professional to guide us in developing that master plan. And not to mention that more trees are very welcoming to our critically needed tourists. Thank you very much, bye-bye.

Florrie Funk:
Hi, my name is Florrie Funk. That's F-L-O-R-R-I-E F-U-N-K. I live in Asheville and I'm calling for, this is for informal discussion. I'd like to leave a comment for the City Council meeting. My comment is, Asheville needs an urban forestry master plan and a knowledgeable urban forester to manage it. It is urgent to maintain and increase our tree canopy in the city of Asheville with native species trees. We are losing our canopy at a dramatic rate, and this is something that needs to be addressed immediately. We need an urban forestry master plan and an urban forester. Thank you very much.

Susan Smith:
Hi, this is Susan Smith. My number is (828)-230-2500. was calling because I wanted to make a comment for the city council meeting that I believe we should set up funding for the Urban Forester and the Comprehensive Urban Forest Master Plan and this year's budget and would love to see that done. Please make note. I appreciate it. Thank you. Bye.

Speaker 1:
Yes, my name's Nancy Cromer, N-A-N-C-Y Cromer, C-R-O-M-E-R, and I live in Nashville. And this is a comment for informal discussion. And my comment was about, I know that there was some talk and a couple of the council people were promoting a tax increase this year. You never know if it's still under consideration, but I just wanted to say under the current circumstances, you've got a lot of old people living in Asheville on fixed incomes. Those incomes are being decimated by the current financial situation. You have people losing their jobs because we're very much a service economy. And so I just think it's wise to put off any consideration of a property tax increase until this all settles out and until Asheville's economy, which is taking a hit, rebounds. I think it's reckless, reckless to consider a tax increase at this time. Thank you. Bye.

Dixie Deerman:
I'm Dixie Deerman, D-I-X-I-E D-E-E-R-M-A-N, also known as lady passion, a long time Asheville resident and activist. I asked council to respond to NASA data and allocate funds to hire an urban forester and include community generated plans to preserve Asheville's decimated tree canopy in the city's master plan.
Please add my comments and desires to the official minutes of the upcoming city council meeting. You may contact me at 251-0343. I live at 113 Clinton Avenue in West Asheville. Thank you.

Carol Diamond:
Hi. My name is Carol Diamond. That's D-I-A-M-O-N-D. I'm a resident of Candler, and I'm calling about the Asheville Urban Forester position, and the comprehensive urban forest master plan in this year's budget. I would very much like to see that happen. Trees give us so many benefits. I would like to see some of our money spent on that. Thank you.

Veneet Allen:
Hi, this is Veneet Allen. I'm a resident of Asheville and I'm calling because I'm very concerned about the urban forest in Asheville. We're losing our canopy at the rate of about 7% over the last seven, 10 years. And it's just not sustainable and it's creating a lot more heat in the area. So I strongly urge you to hire an urban forester and to come up with a strategic plan for managing the urban forest here. So please do that. Thank you. Bye bye.

Marcia Schroeder:
Hello. I'm Marcia Schroeder, M-A-R-C-I-A, S-C-H-R-O-E-D-E-R and I'm a resident of Asheville and I'm calling because of my concern for the urban forest in Asheville.

I understand that we've lost almost 7% of the urban forest in the past 10 years. I also understand that we have currently no professional guidance on how to manage our urban forest and protect it. I am asking to be put under the informal discussion and public comment on your agenda and I'm asking for you to approve funds for an urban forester to come up with a plan for these problems and add this to our city budget.

I think it's the right thing for Asheville and I think it's extremely important.

My number is (828) 277-1009 if you have any questions. Thank you.

Kristen McCloud Johnson:
Hi, my name is Kristen McCloud Johnson. I'm calling from Asheville. I live here in 28805. And I am calling to comment about the proposal for the urban forester and the comprehensive urban forest master plan. I definitely want that put into this year's budget. I feel like that is a critical issue for our city. We need as many trees as possible for the health of the city as a whole, and also the health of the people in the city. That is what makes Asheville beautiful. The urban canopy is very important to keeping the air clean. It beautifies the city. It's beneficial to humans, animals, the Earth as a whole. Anything we can do to promote more trees in our city and keeping our beautiful city green and as healthy as possible.

So I would like that to go into the budget. That is my comment. And I thank you so much for hearing it. I think it's important that we have an urban tree canopy in Asheville. And I want that to be put into our budget so we have people in place that can help make that a reality. Thank you so much. And I don't know if you need my phone number but it's 828-424-7727. And again, my name is Kristen McCloud Johnson. Thank you so much. Bye-bye.

Dawn Chavez:
This is Dawn Chavez, D-A-W-N C-H-A-V-E-Z, and I am an Asheville city resident. I am calling for public comments. I'd like to comment on the need for the city to include in this year's budget, this upcoming year's budget, funding for an urban forester and an urban forest master plan. As is without including these two items in the budget, our urban forest, which has already lost almost six and a half percent of it's urban tree canopy, will lose even more. This is even in spite

of the new proposed tree ordinance to protect trees from sites that are under development. The city does not have the capacity at the moment without an urban forester to adequately enforce this new ordinance, nor will it have the capacity to plan for the future of its urban forest. Thank you for including my comments this evening.

Public Comment via Google Form - March 24, 2020

3/21/2020 20:44:29	Consent Agenda	F	Consent Agenda Item F needs to be approved, I just pray the mayor uses these new powers with even greater skill and her ethical example of emergency power is good enough to be recognized and replicated. Most leaders need to do those things right now. With examples like Trump and Sen. Burr, we are seeing there are plenty of low quality leaders out there. I basically trust our mayor 10X more than Trump or people like Burr. We need to pray the leaders we need now are much more the case than the frequent failings that do make the news. Item F should also be about mitigating crisis stressors which lead to poor citizen morale. Morale needs to be part of what the local COVID 19 response and recovery is about, as well as modeling for the state and national level. For example we are going in with things like a noise ordinance that still forces citizens to use the ludicrous COA Noise Ordinance Appeals Board process. People staying as serene as possible and not being nuisances is actually a big behavioral thing if this crisis lasts as long as it might. Use these powers wisely. Feel free to direct APD to maintain order in an effective and just manner. The noise ordinance is just an example of all the policy and resource issues we are starting out with that may soon seem impossible to work with in past ways. A) There will likely be no Noise Ordinance Appeals Board meetings for a while. B) In any case, who would be able to add going through the Noise Ordinance Appeals Board in order to keep our community in some sort of state of wellness as COVID 19 unfolds? Noise isn't going to be our only challenge. But more noise is part of a bad crisis endurance outlook. Next is thinking of continuity in as just and as effective a manner as possible in a low resource environment. Asheville noise pollution was not taken seriously. Recognizing and working with noise includes a new outlook.	Grant Millin (2nd attempt)

3/22/2020 11:13:48	Informal Discussion & Public Comment	Other	Aside from seeking more testing and personal protective equipment, how is the City collaborating with the County and State to implement Coronavirus strategies that appear to have been effective in Asia? The following two seem particularly important in addition to what is already being done: * Separation of COVID-19 patients from other patients in different wings of hospitals or designation of entire hospitals for COVID-19 treatments only; * Establishment of facilities where those who test positive for COVID-19, but are not critically ill, can be isolated from the non-positive public, including their families, e.g., now empty or much-less-used school buildings, churches, hotels, etc.?	Imke Durre, imke.durre@gmail.com
3/23/2020 9:23:25	New Business	Other	Why are not city essential personnel getting compensated like other surrounding county/city utilities? such as double time, time and a half, time off, or something. Coming out to risk a higher chance of getting infected that could come back to there families is a real risk. If the city cares like they say whats being done about this. I understand that there are people being re-purposed which is awesome but what about the others that get to stay home and get paid how is that fair to the essential personnel?	Dustin Hickman
3/23/2020 10:35:54	Informal Discussion & Public Comment	Other	Earlier this month Mayor Manheimer, Buncombe Board of Commissioners Chairman Brownie Newman, and a representative from the Asheville Buncombe Hotel Association made an announcement at a CIBO meeting that they'd almost reached a deal on reforms to the occupancy tax to propose to the state legislature for the upcoming short session. Since then, Newman scheduled public comment on these reforms, which was canceled due to COVID-19. He also shared his stance at a commissioner meeting and via Facebook. In contrast, the Mayor and council have been noticeably silent outside of that announcement. City residents deserve the chance to give input before a proposal is sent to Raleigh. We are opposed to a process that includes negotiating with a brand new hotel lobbying group, but does not include public comment on the specifics being agreed on with them. I understand that the Mayor feels we must propose reforms which fit within the legislation as it stands, and that	Ami Worthen

			are amenable with hoteliers who have significant pull with our legislators. This will not get the results we need. This moment has brought to light the inherent un-sustainability of tourism. It is exposing the low wages and lack of benefits for workers. It is showing us that hotel-driven over-tourism has led to a proliferation of businesses reliant on out-of-town visitors, rather than resilient local economies. This crisis makes the need for an overhaul of the occupancy tax all the more apparent. If insufficient reforms are proposed and passed, we could be stuck with them for years. If getting what we want is not possible at this time, the commissioners can repeal the occupancy tax until we can.	
3/23/2020 12:39:52	Public Hearings	A	I am deeply concerned for the urban forests in Asheville. The recent Climate Symposium and Asheville's Urban Tree Canopy Study revealed that Asheville losing our tree canopy at the unsustainable rate of almost 7% in the last 10 years. In addition, we have lost more of it in our underserved neighborhoods that were red lined in the past. This is not fair, and the time is NOW to correct this for all of Asheville. You were asked to address this last year, but no meaningful steps have been taken. NO city staff can adequately deal with this problem without professional guidance in how to manage an urban forest. Put funds for an Urban Forester and a plan to address these problems into the city budget for the coming year. You have been asked for this before - Now is the time to do the right thing for Asheville.	Ursula Murphy ursulam@gmail.com
3/23/2020 12:42:32	Informal Discussion & Public Comment	Other	We need to increase the number of trees in Asheville. Trees are great for tourism! Who wants to come to the mountains and see pavement and buildings? Tourists with lots of $ to spend need shade to rest their sore feet after pub crawling. Thanks for your considering my statement. I appreciate all you do, Sincerely, Naomi Palmer	Naomi Palmer 828 484 1059 twigmother@yahoo.com

3/23/2020 12:45:57	Informal Discussion & Public Comment	Other	As a resident of Asheville, we are aware of the loss of our urban forest and tree canopy. WE need trees in Asheville. Our children deserve a better future than this. Trees are a key component in fighting the negative effects of climate change. Yes, we are facing an unknown pandemic; meanwhile, climate change continues to wreak havoc on the ecosystem, health and aesthetic appeal of Asheville. The City of Asheville needs professional guidance on how we turn this tide, manage our forest, prevent continued loss. We understand there are NO ordinances to protect trees in Asheville unless they are on steep slopes or a part of the tree save are on a zoning plan. This is wrong! We need to get a professional plan to address this and only the addition of an urban forester can really devote the knowledge and focus to solving this problem. Thank you	Mike Lovoy 828-545-5393
3/23/2020 12:49:06	Informal Discussion & Public Comment	Other	I urge you to fund an Urban Forester for Asheville. Asheville's title of "Tree City USA" is under urgent threat due to continual loss to our tree canopy, a trend which is leading to a hotter city and more CO2 emissions. It's bewildering that the city funded a study of our tree canopy loss but is not now taking action? Why? Why waste money on a study that proved that our canopy depletion has been rapid over the past ten years and not fund an Urban Forester? Why declare a Climate Emergency and not take one of the MOST economically efficient steps of increasing our tree canopy with an Urban Forester?	Brooke Heaton
3/23/2020 12:52:24	Informal Discussion & Public Comment	Other	Urban forests are important for mitigating the urban heat island effect, reducing stormwater run-off, uptaking urban pollutants, creating habitat for urban animals, reducing stress, and improving property values, among many other things. The city of Asheville should hire an Urban Forester full-time, especially considering that the city has lost about 6.4% of its tree cover in the last decade. Not only do we need to increase our urban tree cover, but we need someone who understands how urban trees work, which species are best suited to which areas, and where our urban canopy needs to grow. Thank you for considering this request!	Andrew Laughlin, 504-444-2098
3/23/2020 12:52:26	Informal Discussion & Public Comment	Other	I would like to voice my adamant support for including the Urban Forester and Comprehensive Urban Forest Master Plan in this year's budget. Not only are Urban Forests beautiful and make a significant contribution to a community's psychological, physical, ecological, and emotional health, they are also a wise investment in the economic future of a city. Since our city government - for better or worse - has invested SO MUCH in making this	Melissa Scheiderer Thalman, Melissa.thalman@zoho.com

			place a desirable tourist destination, it would be unwise to allow a decline in the Urban Forest to threaten the stability of that industry by making Asheville a less desirable place to visit. As it stands now, our existing Urban Forest is a strategic economic advantage. By including the two items above in the budget, you as city leaders ensure that this is preserved and strengthened for the future well-being of our city.	
3/23/2020 12:52:46	Informal Discussion & Public Comment	A	I request that you include funding for the Urban Forester and Comprehensive Urban Forest Master Plan in this year's budget. It's imperative that Asheville protect our trees NOW. Without trees there is no clean air, oxygen, cool spaces and so much more. Now is the time to listen and begin to care for our world as a whole. Thank you.	Roni Hidalgo 108 W Fox Chase Rd, Asheville NC 28804
3/23/2020 12:54:35	Informal Discussion & Public Comment	C	I support an urban forester	Roy Harris
3/23/2020 12:55:58	Informal Discussion & Public Comment	E	I support an urban forester	Roy Harris
3/23/2020 12:56:20	New Business	Other	I'm expressing support for appointing an Urban Forester and implementing an Urban Forestry Plan for Asheville and hopefully Buncombe County. The need for mature trees throughout the city is a no brainer as there is abundant scientific research proving the benefits of trees in an urban environment. Thank you for being smart in forming your decision.	Donald Dawson
3/23/2020 12:56:30	Informal Discussion & Public Comment	Other	I strongly urge City Council to hire a professional urban forester and fund a comprehensive urban forest master plan. It is time for the city to embrace a science-based approach to managing our urban forest, to reverse the decades-long loss of canopy. Our urban forest is our first line (and most cost effective) local defense against climate change. Asheville is one of the last cities of its size in the Southern US without professional expertise on staff to help steward this precious resource. Its time to join the 21st century, and City Council, its time for you to do your job and protect our natural environment, and the health and well being of Asheville's Citizens. Thank you.	Edward Macie
3/23/2020 12:57:44	Public Hearings	F	Asheville needs an urban forester to protect, preserve & heal our valuable trees. Please add this to the new budget.	Karen Crutchfield 828-633-6614

3/23/2020 12:58:55	Informal Discussion & Public Comment	A	We need an urban Forrester immediately! Follow Green Works suggestion!	Roberta Wall
3/23/2020 13:00:18	Informal Discussion & Public Comment	Other	Hi, my name is Shelly Hawk. Over the last few years I have become keenly aware of the loss of our urban forest in Asheville. Letters to the editor appear regularly about this and community members have often spoken at council meetings to express concerns. The recent Climate Symposium indicated that we have lost nearly 7% of our canopy in the past decade, with even higher percentages of canopy loss in populations living below poverty level. This is environmental injustice and our community deserves better. The City of Asheville needs the expertise and guidance of a professional urban forester to strategically manage, replenish and protect our forest for all residents. We must look ahead for the sake of Asheville's future generations. I implore you to make 2020 the year that we invest in a comprehensive urban forestry program for Asheville and the long term health of our community. Thank you for listening.	Shelly Hawk 609.306.3155
3/23/2020 13:00:52	Informal Discussion & Public Comment	P	Asheville does not deserve a designation as "Tree City USA." We are in dire need of an urban forester in Asheville. The City of Asheville needs the expertise and guidance of a professional urban forester to strategically manage, replenish and protect our forest for all residents. We must look ahead for the sake of Asheville's future generations. I implore you to make 2020 the year that we invest in a comprehensive urban forestry program for Asheville and the long term health of our community.	Lynn Cox coosa@mac.com
3/23/2020 13:01:17	Informal Discussion & Public Comment	Other	As a resident of Asheville since 1983 and former member of the Tree Commission, I am keenly aware of the loss of our urban forest and tree canopy. Letters to the editor appear weekly about this, and the recent Climate Symposium which I attended indicated that we have lost almost 7% of our canopy in the past decade. Trees not only provide environmental benefits, they also cool our city and make it more attractive to residents and visitors. Our children deserve a better future than this. Trees are a key component in fighting the negative effects of climate change. The coronavirus may be dominating our attention right now, but meanwhile, climate change continues to wreak havoc on the ecosystem, health and aesthetic appeal of Asheville. The City of Asheville needs professional guidance on how we turn this tide, manage our forest, and prevent continued loss. Sadly, there are	Phyllis Stiles, phdstiles@gmail.com

			NO ordinances to protect trees in Asheville unless they are on steep slopes and makes prioritizing our urban forest urgent. We need to get a professional plan to address this and only the addition of an urban forester can really devote the knowledge and focus to solving this problem. Thank you.	
3/23/2020 13:02:46	Informal Discussion & Public Comment	Other	This pandemic is changing everything in our lives, and yet, we must carry on. The City Council and City Manager must work on a budget for this coming year despite this crisis, and I am writing to strongly urge that you include funding for an Urban Forester and master forest plan for Asheville. Vijay Kapoor in last week's ACT stated that this is not the year to create an urban forest master plan (ACT, 3/18/20). Yet, there are not enough resources or staff to prevent any further loss of our tree canopy, nor provide the skilled forestry management leadership within the existing staff to do this. Put this into this year's budget. Thank you.	Cathy Walsh
3/23/2020 13:14:25	Informal Discussion & Public Comment	A	Asheville needs an Urban Forester and Urban Forest Master Plan! We needed it 20 years ago, but now is a second best time. We need a strong tree ordinance that is enforceable as well.	Royce Clay - roycestreeservice@gmail.com
3/23/2020 13:19:05	Informal Discussion & Public Comment	A	Hello, I am citizen of Asheville and I am concerned about the rapid loss of the tree canopy in Asheville. Forest preservation and canopy preservation are very important to me and I would ask that City Council make hiring an Urban Forester and creating a Master Plan for preserving and creating greenspace a top priority this year as part of the budget. Thank you	KARI FERNANDEZ, KARICITA50@HOTMAIL.COM
3/23/2020 13:19:12	Informal Discussion & Public Comment	A	As a resident of Asheville, I have been keenly aware of the loss of our urban forest and tree canopy. Letters to the editor appear weekly about this, and the recent Climate Symposium which I attended indicated that we have lost almost 7% of our canopy in the past decade. Wow - if we don't stop this bleeding, we will have fewer trees, an Asheville that is less attractive and cool for tourists to visit in the not too distant future. Our children deserve a better future than this. Trees are a key component in fighting the negative effects of climate change. Yes, we are facing an unknown pandemic; meanwhile, climate change continues to wreak havoc on the ecosystem, health and aesthetic appeal of Asheville. The City of Asheville needs professional guidance on how we turn this tide, manage our forest, prevent continued loss. From public meetings that I have attended, I have learned that there are NO ordinances to protect trees in Asheville unless they are on steep slopes. This is wrong! We need to get a professional	Sally Jones gertarg@yahoo.com

			plan to address this and only the addition of an urban forester can really devote the knowledge and focus to solving this problem. Thank you.	
3/23/2020 13:21:11	New Business	A	As a resident of Asheville, I have been keenly aware of the loss of our urban forest and tree canopy. Letters to the editor appear weekly about this, and the recent Climate Symposium which I attended indicated that we have lost almost 7% of our canopy in the past decade. Wow - if we don't stop this bleeding, we will have fewer trees, an Asheville that is less attractive and cool for tourists to visit in the not too distant future. Our children deserve a better future than this. Trees are a key component in fighting the negative effects of climate change. Yes, we are facing an unknown pandemic; meanwhile, climate change continues to wreak havoc on the ecosystem, health and aesthetic appeal of Asheville. The City of Asheville needs professional guidance on how we turn this tide, manage our forest, prevent continued loss. From public meetings that I have attended, I have learned that there are NO ordinances to protect trees in Asheville unless they are on steep slopes. This is wrong! We need to get a professional plan to address this and only the addition of an urban forester can really devote the knowledge and focus to solving this problem. Thank you. Robert Stephen Biggerstaff	Robert Biggerstaff Stephen.biggerstaff@charter.net
3/23/2020 13:21:44	Informal Discussion & Public Comment	A	I am concerned about the loss of urban forest and trees in general in Asheville. As with most issues, we need a comprehensive plan to save and restore the tree canopy. As a nearly 20 year resident of Asheville (and nearly lifelong WNC resident), I find the decreased number of trees noticeable both visually and in regard to temperature. I live now in a wooded location, and when I go into downtown, I can instantly feel a significant difference in temperature. As you of course know, trees are also crucial to reducing CO2 emissions. We position ourselves as a city with environmental consciousness, and re-establishing an urban forest canopy is crucial.	Margaret Vestal
3/23/2020 13:22:24	Informal Discussion & Public Comment	A	I would like to see Asheville create a permanent position for an Urban Forester. And to allocate the funds needed to make this a long term priority.	Aaron Maret

3/23/2020 13:22:46	Informal Discussion & Public Comment	Other	As an Asheville Homeowner, I have been aware of the loss of our urban forest and tree canopy. Letters to the editor appear weekly about this, because we have lost almost 7% of our canopy in the past decade. Our children deserve a better future than this. Trees are a key component in fighting the negative effects of climate change. Yes, we are facing an pandemic and as much as we must fight this existential threat today we have to also fight longer term against an even more devastating outcome due to climate change. The aesthetic appeal of Asheville depends on our trees. The City of Asheville needs professional guidance on how we turn this tide, manage our forest, prevent continued loss. From public meetings that I have attended, I have learned that there are NO ordinances to protect trees in Asheville unless they are on steep slopes. Friends from less "enlightened " urban areas even in TEXAS are appalled when they hear this! It's wrong and you know it's wrong! We need to get a professional plan to address this and only the addition of an urban forester can really devote the knowledge and focus to solving this problem. Thank you, Troy and Sara Guglielmina	Troy and Sara Guglielmina Homeowners - Taxpayers - 7 Debra Ln. Asheville
3/23/2020 13:23:25	Consent Agenda	A	Speakers were previously allowed 3 minutes. At a normal speaking rate of 140-160 wpm, that would be 420-480 words. I therefore suggest that the proposed 350 word limit be increased to 450 words. One can read 450 words in less than 3 minutes so 450 words should not be an undue burden on the council members.	Charles Warner, CLW@comcast.net
3/23/2020 13:26:40	Informal Discussion & Public Comment	A	I would like the City to hire an Urban Forrester to come up with a plan to address our accelerating reduction in tree cover as a result of disease and development. I see a lot of trees getting cut down and not enough being planted. Trees are beautiful, help keep us cool, provide habitat for other living creatures, and keep our air fresh. Our Urban forest needs to grow!	Nancy Hyton, nancyhyton@gmail.com
3/23/2020 13:27:17	Informal Discussion & Public Comment	A	Our city needs an urban forester and an urban forest master plan. We need to be planting trees in ways that are compatible with our growth plan, so that our efforts can have the best and longest-lasting effects. We want our town to grow, and also our trees, so that our children can have better air quality and we can leave the earth a better place.	Katherine McDaniel
3/23/2020 13:34:33	Informal Discussion & Public Comment	Other	Hello, I am writing in support of including funds for a city Urban Forester permanent staff position and for development and adoption of an Urban Forest Master Plan	Benjamin Gillum 828-989-2815 96 Holland St. 28801

			with accompanying regulations to reverse the rapid tree loss in our city and care for existing trees.	
3/23/2020 13:35:13	Informal Discussion & Public Comment	Other	There have been many complaints in past meetings about tourism "ruining" the character of our town, with some people wanting to limit the number of tourists and to stop building new hotels. Well, we can now see the effects of severely limiting tourism: empty hotels, small shops closing (some of which will not reopen), empty store fronts, rising unemployment, and reduced tax revenue for the city. The current tourism shutdown will eventually be lifted, but how long will it be before the tourist industry recovers, if ever, to its former level? This is not just an academic question - the livelihood of many people depends on it. I suggest that now is the time to consider how much tourism the city wants to embrace, and to work toward obtaining that level as quickly as possible so as to minimize the number of shops that are permanently closed and the number of people who are forced to seek work elsewhere.	Charles Warner. CLW@comcast.net
3/23/2020 13:36:19	Public Hearings	A	I totally support to hire a urban forest master plan and an arbolists.	Ana Boza
3/23/2020 13:39:01	Informal Discussion & Public Comment	A	Hello, City Council Representatives and Mayor Mannheim! I'm a resident of South Asheville and I am writing because of my increasing concern for the urban forest in Asheville. The recent Climate Symposium and Asheville's Urban Tree Canopy Study revealed that not only is Asheville losing our tree canopy at the unsustainable rate of almost 7% in the last 10 years, but we have lost more of it in our underserved neighborhoods that were red lined in the past. This is not fair, and the time is NOW to correct this for all of Asheville and for future generations. You were asked to address this last year, but no meaningful steps have been taken. NO city staff can adequately deal with this problem without professional guidance in how to manage an urban forest. Put funds for an Urban Forester (who will provide professional guidance and a plan to address these problems) into the city budget for the coming year. You have been asked for this before - NOW is the time to do the right thing for Asheville! Thank you.	Judith A. Gifford, 12 Pebble Creek Drive, Asheville 28803 715-308-5860
3/23/2020 13:41:37	Informal Discussion & Public Comment	A	Please consider adding an Urban Forester and funds for an Urban Forest Plan to this year's city budget. The recent Climate Symposium outlined our 7% canopy loss and the need for citywide tree management. I served six years on the Asheville Planning Commission and I saw firsthand how difficult it is to protect mature trees and enforce adequate long-term care of new pantings. The air quality	Billie Buie, 2 Horizon Hill Road. bhbuie@gmail.com

			improvements and contribution to climate change reversal that cities can make through tree management are significant. Please allow Asheville to do its part in this effort.	
3/23/2020 13:47:47	Public Hearings	A	Hi, I'm a resident of Asheville and I am calling because of my concern for the urban forest in Asheville. The recent Climate Symposium and Asheville's Urban Tree Canopy Study revealed that not only is Asheville losing our tree canopy at the unsustainable rate of almost 7% in the last 10 years, but we have lost more of it in our underserved neighborhoods that were red lined in the past. This is not fair, and the time is NOW to correct this for all of Asheville. You were asked to address this last year, but no meaningful steps have been taken. NO city staff can adequately deal with this problem without professional guidance in how to manage an urban forest. Put funds for an Urban Forester and a plan to address these problems into the city budget for the coming year. You have been asked for this before - Now is the time to do the right thing for Asheville.	Hannah Anderson
3/23/2020 13:49:22	**Informal Discussion & Public Comment**	A	I am an Asheville resident who attended last fall's Climate Symposium at A-B Tech. I have also read the Urban Tree Canopy Study, so I understand that the city where I live lost 7% of its tree canopy in the past decade. Not surprisingly, neighborhoods that have suffered the injustice of red-line tactics now experience tree loss at even greater rates. It's clear to me that the city won't be able or willing to address the effective management of our urban forest without an Urban Forester with the professional credentials needed to preserve and extend the tree canopy that has in the past kept our climate a refuge of moderation for residents and visitors alike. So, put the funds into the next budget for an Urban Forester who can devise, execute, and enforce ordinances and associated planning to keep our trees in the ground and out of the wood chipper.	**Philip Blocklyn, blocklynp@gmail.com**

3/23/2020 13:50:14	Informal Discussion & Public Comment	Other	Dear Honorable Mayor and Councilmembers: I am writing to implore you to find ways to make it possible to hire an expert urban forester with a proven track record of not only protecting but restoring our city's tree canopy. When I first moved to Asheville in 2002, this city was lush with green life. In the last 18 years, the city has transformed in such a way that areas rich in vegetation have been replaced with parking lots and buildings, many of which are hotels. The loss of trees has been palpable and we've seen and felt the economic burden of erosion from aggressive tree removal for the sake of development. It is important that I mention the significant value of trees: they are inherently beautiful; they clean our air and make us more resilient as we face the deeper challenges of climate change; stop erosion (which saves our city from cost-prohibitive remediation efforts); and they are living beings that support other life including birds and pollinators which have experienced dramatic decreases in their numbers in the last decade. Asheville is long overdue for a comprehensive urban forestry program. This is a propitious investment in our city's future. Thank you for taking the time to consider my comment. Sincerely, Gloria Shen	**Gloria Shen (828)417-7020**
3/23/2020 13:50:43	Informal Discussion & Public Comment	A	I'm a resident of Asheville and I am calling because of my concern for the urban forest in Asheville. The recent Climate Symposium and Asheville's Urban Tree Canopy Study revealed that not only is Asheville losing our tree canopy at the unsustainable rate of almost 7% in the last 10 years, but we have lost more of it in our underserved neighborhoods that were red lined in the past. This is not fair, and the time is NOW to correct this for all of Asheville. You were asked to address this last year, but no meaningful steps have been taken. NO city staff can adequately deal with this problem without professional guidance in how to manage an urban forest. Put funds for an Urban Forester and a plan to address these problems into the city budget for the coming year. You have been asked for this before - Now is the time to do the right thing for Asheville.	Samantha Trueman

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3/23/2020 13:54:17	Informal Discussion & Public Comment	U	Hi, my name is Frank Russo. I have become aware of the loss of our urban forest in Asheville due to new building and investment in tourism. This information appears regularly in Letters to the Editor. As you are probably aware, the recent Climate Symposium indicated that we have lost nearly 7% of our canopy in the past decade, with even higher percentages of canopy loss in populations living below poverty level. The City of Asheville needs the expertise and guidance of a professional urban forester to strategically manage, replenish and protect our forest for all residents. After all, that is one reason I moved here. I thought Asheville was ahead of the game on environmentalism. Show this by making 2020 a year we invest in a comprehensive urban forestry program for Asheville. We not only need to be concerned about our health but also the long term health of our environment. Please move forward on funding this issue. Thank you.	Frank Russo
3/23/2020 13:55:22	Public Hearings	A	I am long time resident of Asheville and moved here because at the time Asheville had an environmental awareness and seemed to care about nature. Over the years as tourism become more important I have seen the city officials allow actions that aren't as environmental friendly as the candidate platform they ran on. The Climate Symposium was valuable and insightful. It is horrible that we have lost almost 7% of our canopy in just 10 years! Climate change continues to wreak havoc on the ecosystem, health and aesthetic appeal of Asheville. Trees are a key component in fighting the negative effects of climate change. The City of Asheville needs professional guidance on how we turn this tide, manage our forest, prevent continued loss. Yes, we need to address the pressing issues of this pandemic and we need to pro active in creating options that will off set future crisis such as rising temperatures in our city. We need to get a professional plan to address this and only the addition of an urban forester can really devote the knowledge and focus to solving this problem. Thank you.	Mary Love

3/23/2020 13:56:31	Informal Discussion & Public Comment	A	As a resident of Asheville, I am so aware of the loss of our urban forest and tree canopy. I attended the recent Climate Symposium which indicated that we have lost almost 7% of our canopy in the past decade. We must stop this bleeding or we will have fewer trees, an Asheville that is less attractive and cool for tourists to visit in the not too distant future. Our children deserve a better future than this. Trees are a key component in fighting the negative effects of climate change. Yes, we are facing an unknown pandemic; meanwhile, climate change continues to wreak havoc on the ecosystem, health and aesthetic appeal of Asheville. The City of Asheville needs professional guidance on how we turn this tide, manage our forest, prevent continued loss. From public meetings that I have attended, I have learned that there are NO ordinances to protect trees in Asheville unless they are on steep slopes. This is wrong! We need to get a professional plan to address this and only the addition of an urban forester can really devote the knowledge and focus to solving this problem. Thank you.	Anne Winter
3/23/2020 13:57:28	Informal Discussion & Public Comment	A	After seeing my new neighbor on Grandview Dr. 'butcher' 150 foot trees (on Duke Power land) so they could have a "better view from their deck", and learning that is was 'perfectly legal', it just drives home the need for better forest management within the city limits. A comprehensive plans needs to be funded and put in place to ensure this type of activity cannot continue. Please act quickly to fund the Urban forester and Comprehensive Urban Forest Management Plan in THIS year's budget. Respectfully, Andrew Pardue	**Andrew Pardue - as.pardue48@gmail.com**
3/23/2020 14:01:52	Informal Discussion & Public Comment	A	Hi, I'm a resident of Asheville and I am calling because of my concern for the urban forest in Asheville. The recent Climate Symposium and Asheville's Urban Tree Canopy Study revealed that not only is Asheville losing our tree canopy at the unsustainable rate of almost 7% in the last 10 years, but we have lost more of it in our underserved neighborhoods that were red lined in the past. This is not fair, and the time is NOW to correct this for all of Asheville. You were asked to address this last year, but no meaningful steps have been taken. NO city staff can adequately deal with this problem without professional guidance in how to manage an urban forest. Put funds for an Urban Forester and a plan to address these problems into the city budget for the coming year. You have been	**Bonnie Blackley**

			asked for this before - Now is the time to do the right thing for Asheville.	
3/23/2020 14:03:13	Informal Discussion & Public Comment	A	As a resident of Asheville, I have been keenly aware of the loss of our urban forest and tree canopy. Letters to the editor appear weekly about this, and the recent Climate Symposium which I attended indicated that we have lost almost 7% of our canopy in the past decade. Wow - if we don't stop this bleeding, we will have fewer trees, an Asheville that is less attractive and cool for tourists to visit in the not too distant future. Our children deserve a better future than this. Trees are a key component in fighting the negative effects of climate change. Yes, we are facing an unknown pandemic; meanwhile, climate change continues to wreak havoc on the ecosystem, health and aesthetic appeal of Asheville. The City of Asheville needs professional guidance on how we turn this tide, manage our forest, prevent continued loss. From public meetings that I have attended, I have learned that there are NO ordinances to protect trees in Asheville unless they are on steep slopes. This is wrong! We need to get a professional plan to address this and only the addition of an urban forester can really devote the knowledge and focus to solving this problem. Thank you.	**Lucy Morris, Lucy@phoenixpossibilities.com, PO Box 710, Asheville NC 28802**
3/23/2020 14:04:24	Public Hearings	Other	RE: An Urban Forester for the city. Asheville has been my home for the past 22 years. More and more, particularly in the last 3-4 years, I have watched as huge swatches of land with dense patches of trees are plowed under for apartments, hotels, and businesses. While growth can be good for a community, blatantly denuding our surrounding landscape does permanent damage to what makes Asheville a wonderful place to live. Before it is too late, please hire or bring in an Urban Forester to help preserve our natural river and mountain canopy. Thank you!	Teresa Imfeld, timfeld@buncombe.main.nc.us
3/23/2020 14:10:31	Informal Discussion & Public Comment	A	Please fund an urban forester and support staff as needed to address the restoration and sustainability of the Asheville urban tree canopy. Also please please commit to coordination with the tree trimming and removal practices done around power lines. We can do better! Stay healthy and thank you for all your efforts!	Ann Prescott 828 747-7719
3/23/2020 14:12:46	Informal Discussion & Public Comment	A	I am a citizen of Asheville and fully support Greenworks' plan for our urban forest and forester. Please do the right thing and protect our invaluable trees. Thank you for your service.	Matthew Milling 8179887690

3/23/2020 14:21:36	Informal Discussion & Public Comment	A	Please strongly consider adding an Urban Forester position and the adoption of a formal Urban Forestry Master Plan. I attended the recent Tree Symposium hosted by Asheville Greenworks and appreciate the grave need for a master plan to put rules in place that will halt the disturbing trend of tree loss in Asheville. Aside from the obvious aesthetics considerations and associated mental health benefits trees provide, there are real and numerous climate change implications linked to loss of tree canopy. Asheville and Buncombe County are taking brave and aggressive steps to address environmental concerns...protection of our surviving tree canopy ought to also be front and center in crafting any environmental policy going forward. Thank you for your attention to this subject and your serious consideration of these measures.	James DeGrave
3/23/2020 14:22:44	Informal Discussion & Public Comment	A	Hi, I'm a resident of Asheville and I am calling because of my concern for the urban forest in Asheville. The recent Climate Symposium and Asheville's Urban Tree Canopy Study revealed that not only is Asheville losing our tree canopy at the unsustainable rate of almost 7% in the last 10 years, but we have lost more of it in our underserved neighborhoods that were red lined in the past. This is not fair, and the time is NOW to correct this for all of Asheville. You were asked to address this last year, but no meaningful steps have been taken. NO city staff can adequately deal with this problem without professional guidance in how to manage an urban forest. Put funds for an Urban Forester and a plan to address these problems into the city budget for the coming year. You have been asked for this before - Now is the time to do the right thing for Asheville.	Richard Moseley 321-626-9163
3/23/2020 14:25:11	Informal Discussion & Public Comment	A	Hi, I'm a resident of Asheville and I am writing because of my concern for the urban forest in Asheville. The recent Climate Symposium and Asheville's Urban Tree Canopy Study revealed that not only is Asheville losing our tree canopy at the unsustainable rate of almost 7% in the last 10 years, but we have lost more of it in our underserved neighborhoods that were red lined in the past. This is not fair, and the time is NOW to correct this for all of Asheville. You were asked to address this last year, but no meaningful steps have been taken. NO city staff can adequately deal with this problem without professional guidance in how to manage an urban forest. Put funds for an Urban Forester and a plan to address these problems into the city budget for the coming year. You have been	Nelson Copp 828-200-5007

			asked for this before - Now is the time to do the right thing for Asheville.	
3/23/2020 14:26:22	Consent Agenda	G	I support the adoption of the resolution on the I-26 Connector Project (TIP-2513). This adoption will move the project forward, but gives the City and the French Broad MPO the latitude to ensure that the projects meets the needs of all types of transportation -- not just cars and trucks.	Keith Bamberger
3/23/2020 14:31:57	Informal Discussion & Public Comment	A	As a former transportation planner and someone who works in planning for the State of North Carolina, I think it is vital to the City of Asheville to hire an urban forester and create an Forest Plan for the city. The benefit of trees to neighborhoods, health, energy use, and the general welfare are all well documented and know. The Asheville Urban Forest plan could maximize these benefits for both short term, but especially long term gain for all the people of Asheville.	Keith Bamberger
3/23/2020 14:34:02	Informal Discussion & Public Comment	A	I'm Dixie Deerman, also known as Lady Passion — a long-time Asheville resident and activist. I ask Council to respond to NASA data and allocate funds to hire an Urban Forester and include community-generated plans to preserve Asheville's decimated tree canopy in the city's Master Plan. Please include my desires in the official minutes of the upcoming Council meeting.	**Dixie Deerman (Lady Passion) 251-0343 113 Clinton Ave. Asheville NC 28806**
3/23/2020 14:37:24	Informal Discussion & Public Comment	G	I support the Council's resolution regarding the NC DoT I-26 Connector TIP Project I-2513. Please include my public comment in the official minutes of the upcoming Council meeting.	**Dixie Deerman (Lady Passion)**
3/23/2020 14:42:11	Informal Discussion & Public Comment	Other	Asheville does need to be concerned about our urban forest. We need an urban forester to assist city in care of our urban forest. We do need an urban forest master plan to implement care of our forests. Please consider that our forests have a real need to be cared for wisely.	**Jean Pinkston 828-775-6448**
3/23/2020 14:42:36	Informal Discussion & Public Comment	A	I was so excited and proud when I read a few months ago that the City of Asheville was looking to hire an Urban Forrester and develop a Comprehensive Urban Forest Master plan to manage and help protect the natural beauty of our rapidly developing city. As a citizen of downtown Asheville, I enjoy seeing the effort our city has thus far put into maintaining greenery throughout the city, but fear that rapid development may permanently destroy much of the urban canopy that helps make our city so lovely, and a healthier place to live. Studies have shown the social, health, and economic benefits of urban forests to the general population of a city, and I hope City Council will	**Kimberly Dal Santo**

			take the findings of such studies to heart, so our beautiful community may continue to be a place where it's citizens thrive. I encourage, and request as a citizen, the Asheville City Council and City Manager put funding for the proposed Urban Forester and Comprehensive Urban Forest Master Plan in this year's budget.	
3/23/2020 14:43:05	Informal Discussion & Public Comment	M	Why is the Asheville mall open.	Lori
3/23/2020 14:46:02	Informal Discussion & Public Comment	A	Pls support the protection, maintainance, and replanting of the Asheville urban forests! Such a simple and easy action, plant a tree, or better yet, don't destroy one!! Please fund a vivacious and desperately needed Urban Forest program. Thank you.	Paul Allen 224-406-4204
3/23/2020 14:47:44	Informal Discussion & Public Comment	A	I recently returned back to North Carolina where I was born and lived the first twenty-four years of my life. Moving from Colorado, I was struck by the lack of public recreational spaces and specifically the lack of tree canopy in the downtown areas. Trees provide so many societal benefits including climate relief, aesthetics, shade, etc. If we want to preserve Asheville as a place people want to visit, we must create an Urban Forest Initiative and fund it accordingly with a Urban Forester role. This initial investment will not only serve our current resident and tourist population but it will serve future generations. Please consider the long-term advantages to having a urban forest plan.	Ashley Pendergrass

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3/23/2020 14:50:39	Public Hearings	A	Dear Mayor Manheimer and City Council Members, I'd like to first thank you all for all you are doing for our community during this challenging time. Your leadership is recognized and appreciated. I'd like to comment on the need for an Urban Forrester. I'm not sure where it is on the agenda, but I understand it is in the budget and it is being discussed today. I have lived in Asheville for almost 31 years and I am distressed by what seems to be an increasing loss of our oldest and largest trees, many that were perfectly healthy (ie. - no rot apparent in the remaining stump.) All along Edwin Place and Kimberly and throughout North Asheville, 80+-year-old trees have been brought down in the past 8 months. Last August, Duke Power unnecessarily took down a stand of older trees at the YWCA. It was reported to be a "mistake," on behalf of the contracting company. How many more trees are being mistakenly removed? A trained Urban Forrester would better know what trees need to come down and hold contractors accountable. I further recommend that our city explore the research done in Durham by the Durham Rotary which mapped the historic lack of urban tree infrastructure in lower-income and historically African American neighborhoods. Racial equity must extend to which neighborhoods get trees and this should be a priority for Asheville as well. While I am sad to see the loss of trees in my neighborhood, I also believe that the city can find a way to ensure equitable tree distribution for all of our health and well being. Investing in a trained Urban Forrester and staff and making sure they have racial equity as a priority in their efforts will be an important step forward for all of us, our community and our planet. Thank you for your time and consideration of my comments. Beth Maczka	**Beth Maczka 828 273-1688**

3/23/2020 14:56:44	Informal Discussion & Public Comment	B	Hi, I'm a resident of Asheville and I am calling because of my concern for the urban forest in Asheville. The recent Climate Symposium and Asheville's Urban Tree Canopy Study revealed that not only is Asheville losing our tree canopy at the unsustainable rate of almost 7% in the last 10 years, but we have lost more of it in our underserved neighborhoods that were red lined in the past. This is not fair, and the time is NOW to correct this for all of Asheville. You were asked to address this last year, but no meaningful steps have been taken. NO city staff can adequately deal with this problem without professional guidance in how to manage an urban forest. Put funds for an Urban Forester and a plan to address these problems into the city budget for the coming year. You have been asked for this before - Now is the time to do the right thing for Asheville.	**Sam Trueman**
3/23/2020 14:56:51	Informal Discussion & Public Comment	A	As a resident of Asheville, I have been keenly aware of the loss of our urban forest and tree canopy. Letters to the editor appear weekly about this, and the recent Climate Symposium which I attended indicated that we have lost almost 7% of our canopy in the past decade. Wow - if we don't stop this bleeding, we will have fewer trees, an Asheville that is less attractive and cool for tourists to visit in the not too distant future. Our children deserve a better future than this. Trees are a key component in fighting the negative effects of climate change. Yes, we are facing an unknown pandemic; meanwhile, climate change continues to wreak havoc on the ecosystem, health and aesthetic appeal of Asheville. The City of Asheville needs professional guidance on how we turn this tide, manage our forest, prevent continued loss. From public meetings that I have attended, I have learned that there are NO ordinances to protect trees in Asheville unless they are on steep slopes. This is wrong! We need to get a professional plan to address this and only the addition of an urban forester can really devote the knowledge and focus to solving this problem. Thank you.	**David Byers**

3/23/2020 15:01:45	Consent Agenda	G	Please support the I-26 FEIS resolution unanimously. The fact that Asheville's government and citizens have wrung such concessions as we have from NC-DOT is almost as astonishing as the fact that a state that already has more miles of road pavement per capita than any other refuses to slow its 20th-century highway-building juggernaut, even though the induced sprawl development and fossil-fuel pollution it encourages are primary contributors to our 21-st century climate eemrgency. If all we can do is continue to advocate point-by-point for minimizing destructive impacts and adding the benefits we have been seeking, then that's exactly what we need to do. One concern I have is that in my explorations of the FEIS, I've found that this massive monument to bureaucratese is laced with descriptions of archeological impacts in West Asheville and elsewhere, such as the partial burying (with markers) of the remains of what historians of Asheville describe as "the first hydroelectric plant in the world to furnish power for a private commercial trolley line". This historic site -- a potential candidate for National Register of Historic Places recognition -- is part of the Hominy Creek Greenway. In communicating this impact to Greenway volunteers and advocates, I realized that we do not know and (unless I'm missing something) have not been told what further impacts the I-26 Connector Section A construction will have on the Hominy Creek Greenway. If that's true of this greenway, it's probably true of others. I hope the City can assign staff to research this aspect of the project.	**Steve Rasmussen, 828-242-5859, stevencrasmussen @gmail.com**
3/23/2020 15:04:17	Consent Agenda	A	Thank you for preserving good governance in this time of crisis by postponing hearings on the controversial Collier Ave. LUIG and the still-debated Open Space amendment. Both should wait till in-person public comment and board/commission meetings can safely be restored, since they are not dependent on external deadlines.	**Steve Rasmussen, 828-242-5859, stevencrasmussen @gmail.com**
3/23/2020 15:05:54	Informal Discussion & Public Comment	A	Greetings. I'm a resident of Asheville and I'm submitting a public comment regarding Asheville's urban forest. I learned at the recent Climate Symposium that Asheville's Urban Tree Canopy Study revealed that we lost 7% of our tree canopy in the last 10 years, much of it in under-served neighborhoods. This rate of loss is alarming as is the fact that no meaningful steps have been taken to address this. Furthermore, no city staff can adequately deal with this problem without professional guidance in how to manage an urban forest. I'm urging you to please BUDGET	**Sarah Fraser**

			FUNDS for an Urban Forester and a plan to address this issue in the city budget for the coming year. I believe climate change could deliver a blow to our society and community that is as profound as COVID-19. Now is the time to act to prevent catastrophic impacts. Preserving our urban canopy is one important way to absorb CO2 and also combat the urban heat island affect making our community more resilient in a warming world.	
3/23/2020 15:16:12	Informal Discussion & Public Comment	Other	As a resident of Asheville for over 20 years, I have been keenly aware of the loss of our urban forest and tree canopy. Letters to the editor appear weekly about this, and the recent Climate Symposium which I attended indicated that we have lost almost 7% of our canopy in the past decade. That is an incredible loss and if we continue removing healthy mature trees as we have been, resulting in fewer trees, we will have an Asheville that is less attractive and cool for tourists to visit in the not too distant future. Our children deserve a better future than this. Trees, our mature trees more so than the young saplings, are a key component in fighting the negative effects of climate change offering everything needed for our health and sanity. This pandemic has been able to grow and spread forcing us into hiding, meanwhile, climate change continues to wreak havoc on the ecosystem of our planet as well as the health and aesthetic appeal closer home, our own city and neighborhoods of Asheville. Knowing that plans continue to be made to cut more trees and that steps are not being put into place for the thorough overseeing of a professional and focused plan to plant, maintain and care for an Urban Landscape is beyond my comprehension.The City of Asheville needs professional guidance on how we turn this tide, manage our forest and prevent continued loss. From public meetings that I have attended, I have learned that there are NO ordinances to protect trees in Asheville unless they are on steep slopes. This is wrong! I know that some important updates are being made but monitoring those ordinance inserts is going to be a monstrous challenge in-house.	Susan Sertain

			We need to get a professional plan to address this and only the addition of an urban forester can really devote the time, knowledge and focus to solving this problem. Thank you. Susan Sertain	
3/23/2020 15:18:45	Informal Discussion & Public Comment	Other	I am writing to request that City Council fund an Urban Forester position in the upcoming budget year. Asheville is rapidly losing its tree canopy and needs a comprehensive plan to address how to protect our remaining trees and replenish the urban forest. Our climate is rapidly changing and preserving our tree canopy can help with the urban heat island effect, intercept some rainwater to reduce flooding, and improve the aesthetics and quality of life in our neighborhoods. It is a balancing act to promote infill development along with tree preservation so a dedicated Urban Forestry position and a Comprehensive Urban Forest Master Plan is essential to guide the City in the future.	Mary Weber
3/23/2020 15:20:21	Informal Discussion & Public Comment	Other	Hi, I'm a resident of Asheville and I am calling because of my concern for the urban forest in Asheville. The recent Climate Symposium and Asheville's Urban Tree Canopy Study revealed that not only is Asheville losing our tree canopy at the unsustainable rate of almost 7% in the last 10 years, but we have lost more of it in our underserved neighborhoods that were red lined in the past. This is not fair, and the time is NOW to correct this for all of Asheville. You were asked to address this last year, but no meaningful steps have been taken. NO city staff can adequately deal with this problem without professional guidance in how to manage an urban forest. Put funds for an Urban Forester and a plan to address these problems into the city budget for the coming year. You have been asked for this before - Now is the time to do the right thing for Asheville.	Bobby Beebe, 513-304-4355
3/23/2020 15:22:27	Informal Discussion & Public Comment	A	Hi, I'm a resident of Asheville and I am calling because of my concern for the urban forest in Asheville. The recent Climate Symposium and Asheville's Urban Tree Canopy Study revealed that not only is Asheville losing our tree canopy at the unsustainable rate of almost 7% in the last 10 years, but we have lost more of it in our underserved neighborhoods that were red lined in the past. This is not fair, and the time is NOW to correct this for all of Asheville. You were asked to address this last year, but no meaningful steps have been taken. NO city staff can adequately deal with this problem without professional	Lena King

			guidance in how to manage an urban forest. Put funds for an Urban Forester and a plan to address these problems into the city budget for the coming year. You have been asked for this before - Now is the time to do the right thing for Asheville.	
3/23/2020 15:32:54	Informal Discussion & Public Comment	A	I know these are extraordinary times with added stresses to the city budget, but I believe our tree canopy reduction will not be corrected unless we put in the budget funds for an urban forester as a permanent position and make a commitment to developing a urban forest plan for the next 5 - 10 years at least. Our city and county both need to sharpen up our long-term planning skills and strategies. No short-term fixes; no talk without action and commitment of funds and personnel. Thank you for considering my views.	Mary Goodkind, mary@lindleyg.com
3/23/2020 15:33:34	Informal Discussion & Public Comment	Other	As a resident of Asheville, I believe the City of Asheville needs professional guidance on how we manage our forests and prevent continued loss. From public meetings that I have attended, I have learned that there are NO ordinances to protect trees in Asheville unless they are on steep slopes. This is wrong! We need to get a professional plan to address this and only the addition of an urban forester can really devote the knowledge and focus to solving this problem. Thank you.	Marie English, meenglish22@gmail.com
3/23/2020 15:36:52	Informal Discussion & Public Comment	A	As a resident of Asheville, I have been keenly aware of the loss of our urban forest and tree canopy. Letters to the editor appear weekly about this, and the recent Climate Symposium which I attended indicated that we have lost almost 7% of our canopy in the past decade. Wow - if we don't stop this bleeding, we will have fewer trees, an Asheville that is less attractive and cool for tourists to visit in the not too distant future. Our children deserve a better future than this. Trees are a key component in fighting the negative effects of climate change. Yes, we are facing an unknown pandemic; meanwhile, climate change continues to wreak havoc on the ecosystem, health and aesthetic appeal of Asheville. The City of Asheville needs professional guidance on how we turn this tide, manage our forest, prevent continued loss. From public meetings that I have attended, I have learned that there are NO ordinances to protect trees in Asheville unless they are on steep slopes. This is wrong! We need to get a professional plan to address this and only the addition of an urban forester can really devote the knowledge and focus to solving this problem. Thank you.	Garrett Martin, garrett@venturelifefilms.com

3/23/2020 15:45:01	Informal Discussion & Public Comment	A	Is there an approximation of how long businesses such as hair salons are going to be forced to shut down? What is the criteria that would allow them to reopen? This is forcing money to be taken to other counties outside the area and services to be done illegally in homes and in unsanitary conditions.	Crystal Linville cclinville@gmail.com
3/23/2020 15:45:21	Informal Discussion & Public Comment	Other	I recently read about the old hemlock tree that was set to be removed from the courthouse lawn. It saddened me to see it go because I know very little effort or planning will be done to secure an Adequate replacement. As has been the case for most of the trees cut down throughout the city and county. We need a person in place that cares and who's sole responsibility is to ensure tree health, growth, and replanting within the city. Let's not loose the natural live beauty that is Asheville.	Nick Cargo 828-776-9547
3/23/2020 15:49:01	Public Hearings	A	Hi, I'm a resident of Asheville and I am writing because of my concern for the urban forest in Asheville. The recent Climate Symposium and Asheville's Urban Tree Canopy Study revealed that not only is Asheville losing our tree canopy at the unsustainable rate of almost 7% in the last 10 years, but we have lost more of it in our underserved neighborhoods that were red lined in the past. This is not fair, and the time is NOW to correct this for all of Asheville. You were asked to address this last year, but no meaningful steps have been taken. No city staff can adequately deal with this problem without professional guidance in how to manage an urban forest. Put funds for an Urban Forester and a plan to address these problems into the city budget for the coming year. You have been asked for this before - Now is the time to do the right thing for Asheville, and for the planet. Please be part of the solution. Our health as people is interdependent with the health of the biosphere. Trees are a big part of that. Take a look around... there's more concrete than trees. We need to restore balance in our community. Now.	Paula Sellars paula@phoenixpossibilities.com

3/23/2020 15:53:28	Informal Discussion & Public Comment	A	Why are urban-forest advocates insisting that the city must address its canopy-loss crisis by spending scarce funds to hire an Urban Forester instead of delegating UF responsibilities to existing staff? Here's why: Although there are inside staff planners who are able to preview a plan for compliance re: our new ordinance 7-19-1., there are not enough outside inspectors to handle the current work load with all of the new developments being built. There are none that are qualified to understand the horticultural or urban-forestry science behind maintaining the health of the trees or understanding the science behind it. Since someone will have to be hired regardless, it may as well be someone qualified, who would also be able to do other administrative duties such as TRC, community outreach, education programs, and so forth. Right now, the flood of tree-clearing requests by developers coming through TRC alone is handled by an inhumanly overtaxed volunteer member of the Urban Forest Commission. The Arborist is working to his absolute capacity on Public Trees and has no jurisdiction over private trees. A UF can assist the load of the City Arborist. The Office of Sustainability has nothing to do with the Ordinance enforcement. And frankly, the City Manager may not realize this, but the delegation she is proposing would be just one more example of the continual short-sighted postponement of dealing with our city's self-created ecological crisis that's gotten us to this point.	Steve Rasmussen, 828-242-5859, stevencrasmussen@gmail.com
3/23/2020 16:06:05	Informal Discussion & Public Comment	A	As a resident of Asheville, I have been keenly aware of the loss of our urban forest and tree canopy. Letters to the editor appear weekly about this, and the recent Climate Symposium which I attended indicated that we have lost almost 7% of our canopy in the past decade. Wow - if we don't stop this bleeding, we will have fewer trees, an Asheville that is less attractive and cool for tourists to visit in the not too distant future. Our children deserve a better future than this. Trees are a key component in fighting the negative effects of climate change. Yes, we are facing an unknown pandemic; meanwhile, climate change continues to wreak havoc on the ecosystem, health and aesthetic appeal of Asheville. The City of Asheville needs professional guidance on how we turn this tide, manage our forest, prevent continued loss. From public meetings that I have attended, I have learned that there are NO	Abi Snow, alsnow68@gmail.com

			ordinances to protect trees in Asheville unless they are on steep slopes. This is wrong! We need to get a professional plan to address this and only the addition of an urban forester can really devote the knowledge and focus to solving this problem. Thank you.	
3/23/2020 16:17:26	Informal Discussion & Public Comment	Other	Hi, I'm a resident of Asheville and I am commenting because of my concern for the dwindling urban forest in Asheville. I attended the recent Climate Symposium was saddened to learn from Asheville's Urban Tree Canopy Study that not only is Asheville losing our tree canopy at the unsustainable rate of almost 7% in the last 10 years, but we have lost more of it in our underserved neighborhoods that were red lined in the past. This is not fair, and the time is NOW to correct this for all of Asheville. You were asked to address this last year, but no meaningful steps have been taken. NO city staff can adequately deal with this problem without professional guidance from an urban forester. Put funds for an Urban Forester and a plan to address these problems into the city budget for the coming year. You have been asked for this before. We need to fund an urban forester to help mitigate effects of climate change as well as keep our city cool for our communities and tourists. Thank you.	Veronica Crane-Lindsey Veronica.lindsey@att.net
3/23/2020 16:20:11	Unfinished Business	A	The gentrification of our community must stop! How many generations will Asheville be responsible for destroying in the black community? It is time for you all to walk the walk of equality for the people. Stop hurting the Black Community. We don't want this!	Zakiya Rogers
3/23/2020 16:23:53	Informal Discussion & Public Comment	A	Asheville needs to hire an urban forester and a professional plan for the maintenance of Asheville's tree canopy which is disappearing at an unsustainable rate, creating a heat island and destroying the unique beauty that people buy property here to enjoy.	Tao Semko taosemko@gmail.com

3/23/2020 16:24:55	Informal Discussion & Public Comment	Other	My name is Sharon Sumrall, I live on Beaucatcher Mt. I am writing to support the need for an Ubran Forester for the City of Asheville. I assume at this point that Staff as well as Council is aware of our tree canopy loss, the urban heat island effect as well a the aesthetic value of trees. We have a new Tree Protection Ordinance in the works, that is offering better alternatives than the existing ones. This is just the beginning for future tree protection ordinances that head us in the direction of no net tree loss. Urban Foresters have the knowledge and science in order to facilitate the technical expert advice that is required to maintain a cities green infrastructure by offering our city new opportunities that can also help the current staff with the following: A. review and serve as technical expertise by evaluating site plans to ensure compliance of all applicable codes, recommend changes as needed for the protection of trees. B. Inspect new construction sites for proper tree protection implementation; evaluate and determine compliance with land development codes and tree ordinances. C. Assist the City Arborist in overseeing field staff or contractors in tree planting and maintenance issues. Mark Foster is working at his absolute capacity and an UF would benefit Public Works as well as DSD considerably. D. Make presentations to Council, Commissions and other departments, develop and administer community outreach and education programs. At this time City Inspectors are also at their maximum workload. Someone is going to need to be hired, and it needs to be someone with the knowledge and science of an UF. Our new ordinance will give us additional funds in the future, and we as a city need to have the foresight to see the importance of an UF for our sustainable future. Thank you, Sharon Sumrall/Urban Forestry Commission	Sharon Sumrall
3/23/2020 16:26:28	Informal Discussion & Public Comment	Other	Trees are one of Asheville's greatest assets. We are a city of trees. I moved to Asheville in 2018 partly due to it's beautiful tree-lined streets and squares. Now more than ever the trees of Asheville are necessary for our city to continue as a destination for people. Please make funding to hire an Urban Forester part of the city budget. It's time we as a community take this important step to ensure the future of our urban forest.	Catherine Gilbert 14 Stonebridge Drive 28805 828 273-2322

3/23/2020 16:28:25	Informal Discussion & Public Comment	A	My name is Karen MacNeil. Over the last few years I have become keenly aware of the loss of our urban forest in Asheville. Letters to the editor appear regularly about this and community members have often spoken at council meetings to express concerns. The recent Climate Symposium indicated that we have lost almost 7% of our canopy in the past decade, with even higher percentages of canopy loss in populations living below poverty level. This is environmental injustice and our community deserves better. The City of Asheville needs the expertise and guidance of a professional urban forester to strategically manage, replenish and protect our forest for all residents. We must look ahead for the sake of Asheville's future generations. The Tree Protection Task Force has recently created a Resolution of Support for a Comprehensive Urban Forestry Program in Asheville. Dawn Chávez, Executive Director of Asheville Greenworks and Ravenscroft Reserve Initiative have signed in support, with more anticipated to join in the near future. I implore you to make 2020 the year that we invest in a comprehensive urban forestry program for Asheville and the long term health of our community. Thank you for listening.	Karen MacNeil karenskyli@gmail.com
3/23/2020 16:29:31	Informal Discussion & Public Comment	A	My wife and I retired to Asheville from Charleston S.C. three and a half years ago. We felt like we had moved to paradise, and we still feel that way. However, we quickly realized that one of the primary elements that makes Asheville wonderful was under threat. We witnessed many trees being taken down all around the city, and we learned that Asheville has lost 7% of its tree canopy over the past 10 years. We were surprised to find that unlike Charleston and many other southeastern cities, the City of Asheville provides very little protection for existing trees. I urge City Council and the City Manager to stop taking our trees for granted. They provide us with so many benefits, financial, psychological, and aesthetic. Please hire an urban forester to help protect these natural treasures. Thank you. Bob Rymer	Bob Rymer bobrymer111@gmail.com
3/23/2020 16:30:23	Unfinished Business	A	We don't want our neighborhoods being additionally gentrified and built up. This development is not what I want for my community.	Bianca gragg 4106935504
3/23/2020 16:31:58	Informal Discussion & Public Comment	A	We the people, not just of color do not want any more gentrification of neighborhoods as the city has been allowing for years. Let's really stop with talks of making homes/apartments affordable and put actions within purpose in order. I feel that all are aware that projects for	Thomas Priester

			affordable housing over the past 10 years or so are not affordable.. if so why are we still having this conversation every year. How can one that does intend to access affordable housing or never lived by those means ..determines the fate or rate of what's affordable. Thank you	
3/23/2020 16:37:56	Informal Discussion & Public Comment	A	Preserving the green space is Asheville is necessary because it is the heart of Asheville and what gives us our identity. This is also important for climate change reasons and striving to keep our earth healthy and pollutant free/ somewhat free.	Harper Bolick - 8287820134
3/23/2020 16:38:08	Unfinished Business	A	As a native Ashevillian, I have seen this town flourish but not in a way that fosters prosperity for all. The gentrification of our Black neighborhoods is akin to the taking of our families home and land to build I-240 etc. decades ago without adequate compensation. The gentrification of our city has created a service industry economy where the people who work here can't afford to live here. Have you not learned that these developers only want to make money and not help the working poor? Let me say it this way: If all of the service industry workers have to move away because they can't afford housing, then who will be here to service these rich, self-entitled Gentrifiers? Vote No.	Kimberly Collins
3/23/2020 16:38:28	Informal Discussion & Public Comment	A	I think we should preserve more green space in Asheville especially with the current climate crisis. We need to do our part in preserving the Earth and air we breathe even if not many other people are doing it now. (I'm from AHS by the way)	Zola Ferraby (715-308-2108)
3/23/2020 16:38:36	Presentations & Reports	A	I want to make sure that trees are considered in all matters that occur with the city of Asheville. This would include the hiring of an urban forest or to oversee the preservation and restoration of our city's trees, I want Asheville to be known as a cool, green city.	Helen Rae Charbonneau, hrcharb@gmail.com, 864.884.9146
3/23/2020 16:38:45	Informal Discussion & Public Comment	E	Please keep Asheville green. Development just hurts the natural areas and the natural parts are what I love about Asheville.	Adele adwilliams@acsgmail.net

3/23/2020 16:41:00	Informal Discussion & Public Comment	Other	Asheville City Council, In the presence of our current crisis stemming from the COVID-19 epidemic, it is more important than ever to show community solidarity and to protect all of our people locally. As the Sunrise Movement, we demand the following health and safety actions from the City of Asheville and Buncombe County to insure a high quality of life for all: House and shelter our neighbors: Open hotel rooms free of charge to houseless people. Place a 2 month moratorium on rent, mortgage payments and utility bills, without expected back pay or interest. Place a 2 month moratorium on evictions. Provide food security: Set up food distribution centers in school districts to provide free, nutritious food for anyone who needs it while public schools are closed. Make free food delivery available for families in isolation. Protect incarcerated people and immigrant communities: Release non-violent offenders from prison and jail, and provide tests and prioritize the health of all remaining incarcerated people. Release nonviolent ICE-detainees and provide tests and prioritize the health of all remaining detained people. Cease any and all collaboration with ICE. Ensure the economic and physical wellbeing of working people: Provide fare free transit for the year. Protect health care workers and provide free health services for all people still working. Provide paid family sick leave to all city and county government employees. Invest in clean energy and local green jobs. Protect democracy: Implement contingency measures at the county level to ensure residents can fully participate in this fall's general election, including but not limited to creating an easier process for mail absentee voting. Create an expanded online system for public input, including but not limited to a virtual 3 minute public comment during Asheville City Council meetings.	Chloe Moore 508-723-2926 griffithquay@gmail.com

3/23/2020 16:42:13	Informal Discussion & Public Comment	A	Our earth is in great trouble as of right now. We need this green new deal to keep pushing forward and to be one of the top priorities in our Community. I am a high school student at Asheville High School and it is very important to me that we start making a change. This is our change. This is our way to have Asheville be one of the multiple city's that are having early realizations and helping to stop the fall of our world. Thank you,	Quinn Ray (# = 8282808055)
3/23/2020 16:44:36	Informal Discussion & Public Comment	A	Kudos to the Buncombe County Environmental Health Team for their response to our concern about a restaurant drive thru where the same person who handled money and cards was filling coffee cups and putting on the lids this morning. They got right on it and had them change their procedure so it's two separate people, not one. And they followed up with all the restaurants with drive thru to be sure they are doing it properly to help avoid the risk of passing on the covid-19 virus. Very much impressed, THANK YOU!	Dr. Christopher Pratt
3/23/2020 16:45:17	Informal Discussion & Public Comment	A	In re Urban Forester and Urban Forest Plan. The creation of an urban forest long range plan is a critical step for the City, an action which has substantial public support. I urge you to appropriate the necessary funds to hire a qualified forester who would be tasked with developing and overseeing implementation of such a plan. John Curry	John Curry jcurryavl@gmail.com
3/23/2020 16:48:50	Informal Discussion & Public Comment	A	I want the city of Asheville to hire an urban forester to preserve and manage our urban tree cover. I want a green Asheville.	Josette Parker Clark
3/23/2020 16:49:43	Consent Agenda	G	I believe the clause regarding to expanding bicycle and pedestrian infrastructure by a mere 5 miles is severely inadequate, particularly in regards to the scale of the I-26 expansion project. While I can agree that the road infrastructure is not ideal in many circumstances, the solution to the problem has been overlooked. The solution being, making Asheville and it's surrounding area's more connected via fully separated pedestrian and bicycle pathways. These take up far less room than expanding roads, can be implemented smoothly into existing infrastructure and will lessen the amount of drivers on the road. Imagine if you will that people who live in the southern region of Asheville's metro area had the possibility to bike along a protected cycle path all the way to downtown, or if there were pathways to easily get to a main corridor to utilize a direct bus route that would run more frequently than every 30 min. The number of people	Harris Wagner; phone 917 584 8973

			on the road in cars, would vastly decrease and decrease the traffic load. It is time for Asheville to put it's money where it's mouth is and make itself into a bike friendly area, if smaller municipalities can implement such changes like Brevard then surely this is within reason. When I think of bike friendly places I think of places where there are parks within riding distance from ones home and where one is not intimidated to merely ride across town. Almost every other mecca for biking has these features except for Asheville. (Durango CO, Moab UT, Salt Lake City UT, Missoula MT, Knoxville TN, etc.). Thank you for your time.	
3/23/2020 16:51:09	Informal Discussion & Public Comment	A	Thank you all for your commitment and service to the residents of Asheville. Seeing the trees taken out for the Haywood Streetscape project was a shocking and timely reminder to me of how much we rely on our trees for quality of life and health. I know that the best way for our community to have a specific and best practices plan for maintaining our urban canopy is to create the position of Urban Forester. We need the expertise and strategic approach a person in that position will bring. Thank you.	Rebecca Lance 8288088636
3/23/2020 16:51:23	Unfinished Business	A	I grow up around this part of Asheville, and I've noticed that most people don't acknowledge or pay attention to this area or the people who live here until it's time to create something that's never going to benefit the people who are already here. Most of these people are African Americans. This part has alway been a food desert, but I've never heard or seen anything trying to be done until this new development was in the works. A new development that's only going to benefit white people. If a new apartment complex is going to be made, it needs to be affordable to all.	Jayla Bunn jaylabunn@gmail.com
3/23/2020 16:52:28	Informal Discussion & Public Comment	A	I think it is vital for the city council to fund an Urban Forester and Comprehensive Urban Forest Master Plan. The city is approving so many new developments in an effort to address the need for affordable housing for our service industry workers as well as new hotels for our growing tourism industry, both are critical for our local economy, however should not come at the cost of the our environment. The preserved forests that we are lucky to be surrounded by are the reason that so many people come to our city. We must be committed to preserving not only the surrounding forest but also our urban forest in order to do our part in combating global climate change. Yes, We are facing an unknown pandemic; meanwhile, climate change continues to wreak havoc on the	April Morgan

			ecosystem, health and aesthetic appeal of Asheville. The City of Asheville needs professional guidance on how we turn this tide, manage our forest, prevent continued loss. From public meetings that I have attended, I have learned that there are NO ordinances to protect trees in Asheville unless they are on steep slopes. This is wrong! We need to get a professional plan to address this and only the addition of an urban forester can really devote the knowledge and focus to solving this problem. Thank you.	
3/23/2020 16:54:59	Informal Discussion & Public Comment	Other	It seems that the current COVID-19 pandemic has turned our lives upside down. At the same time, as a resident of the City of Asheville, I am calling on City Council and City Manager to stop disregarding the pressing need to act for the benefit of the entire Asheville community and to fund an Urban Forester and a Comprehensive Urban Forester Master Plan in the 2020/21 budget and to expedite the issuance of an appropriately updated tree ordinance that will disallow the removal of any large trees without a well-founded permit. The city has lost too many trees in the past decade, and the loss has not stopped since the publication of the results of the city's tree canopy study. The power of trees in helping mitigate the devastating effects of climate change must be used. It is a crime on Asheville's population if this knowledge continues to be ignored and defied by city staff and council. Inge	**Inge Durre ingedurre@gmail.com 828-989-3976**
3/23/2020 16:56:18	Informal Discussion & Public Comment	A	I am a highschool student and I want to preserve the green space in Asheville	Cali Fix. Email: califix03@gmail.com
3/23/2020 16:56:35	Consent Agenda	F	I should hope that this would include power to implement widespread testing for the novel COVID-19 disease. This is a unique opportunity for Asheville to get ahead of the curve of many other cities in the US and show what is possible with greater knowledge and take example from other countries around the world such as South Korea. Please do not let us down, the everyday public who live full time in Asheville are in dire straits.	Harris Wagner; phone 917 584 8973

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3/23/2020 16:56:58	New Business	A	As a city resident and homeowner I am distraught at the number of trees we are loosing and the apparent lack of a cohesive plan to remain a city with ANY greenery. The clear cutting for the housing development off Biltmore Avenue is so disappointing . Certainly some trees could have been preserved. The current tree clearing on Weaver Boulevard that allows a local builder to build a private home along a beloved greenway is just too much. Yes we need housing but we need sensible, rational permitting with long term thinking. The Weaver Boulevard building is an arrogant project enabled by city permitting. The loss of continuity along that greenspace is priceless. At very least can we make specific recommendations to the builder for replanting the dozens of trees they have eliminated? The entire neighborhood is dismayed at this building and they are paying close attention. Please drive or walk along Weaver Boulevard to witness this for yourself. Was UNCA given the option to purchase this land ?? Thank you for reading thus far.	Alisa Hixson ajhixson@gmail.com
3/23/2020 17:04:56	Unfinished Business	J	We need anUrban Forester and Comprehensive Urban Forest Master Plan in this year's budget. Or we need a City Government and Manager who can get that done. Not doing this will be one more nail in the Asheville Coffin. Thanks	Dennis Whte 3 Sunset Vw, Asheville 828.205.1484

Tuesday – April 14, 2020 - 3:00 p.m.

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes (participating remotely via speaker phone); Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith (participating remotely via speaker phone); Councilman W. Keith Young (participating remotely via speaker phone); City Manager Debra Campbell; and City Clerk Magdalen Burleson

Budget Worksession

City Manager Campbell, along with Assistant Finance Director for Budget & Forecasting Tony McDowell, provided the City Council with an update on the current year budget and a review of the Fiscal Year (FY) 2020-21 budget process.

Ms. Cambell said that COVID-19 will severely impact revenues. Operational changes include fare-free transit; fee on-street and garage parking; deferring/waiving some leases, monthly charges and loan payments; contribution to One Buncombe Fund; and sheltering at the Harrah's Center.

She said some key takeaways are (1) we are operating in the grey; (2) decisions will need to be made with limited information about the length and severity of the economic downturn from COVID-19; and (3) Manager's FY recommended budget will likely be a continuation budget with no new services or enhancements.

Mr. McDowell said that regarding the current year summary, (1) spending will continue for essential services; (2) implementing targeted, strategic reductions and/or delays in spending where possible; (3) General, Parking and Harrah's Cherokee Center Asheville funds are likely needed to utilize fund balance, as expenses will exceed revenues; and (4) federal/state assistance will help to mitigate financial impact.

He showed a chart of the FY 2019-20 General Fund Revenues. Property Tax - (1) on budget, but lower estimate; and (2) most revenue comes in during winter - 99.15% of levy collected as of March; (3) County Tax Office estimated collection rate for Asheville: current year: 99.25% - 99.30%; last fiscal year: 99.95%. Sales Tax - (1) substantially under budget, but decline very difficult to predict; (2) march sales data not available until June; and (3) estimates for remainder of fiscal year: NC League of Municipalities 20% decline; and Buncombe County assuming 35% decline. Other losses (1) State utility taxes - electricity consumption down from reduced commercial activity; (2) Investment earnings - interest rate reduction; (3) Development fees - slowdown in new construction activity; (4) WNC Nature Center - currently closed; and (5) Recreation fees - no programming provided. Unknowns include (1) breadth and depth of decline in sales taxes; (2) potential state action to delay revenues (a) suspension of motor vehicle registrations; and (2) deferment of sales tax payments; and (3) potential for federal and state assistance. Using a chart, Mr. McDowell showed the FY 20 General Fund revenue losses - potential loss of $4 Million.

General Fund expenditures (1) spending priorities (a) current personnel; (b) essential services; (c) COVID-19 response; and (d) implementing $31,200 on May 8 paycheck and addressing the associated compression (estimated impact of $75,000); and (2) targeted reductions (a) hiring freeze for existing vacancies; and (b) delay or forego operating expenses.

Mr. McDowell then reviewed the fiscal impact of COVID-19 for the current year on the Enterprise Funds - Harrah's Cherokee Center Asheville - estimated fund balance impact of $100,000; Parking services - estimated fund balance impact of $1.5 Million of $2.2 Million

available; Transit Services - estimated shortfall of $300-500,000 (federal assistance will help offset COVID-19 impacts); Water Services - overall, no major financial impact through June 30; and Stormwater & Street Cut - no major financial impact expected at this time.

The financial impact summary (1) General Fund projected fund balance decline of $2.8 Million - $5.5 Million; (2) Parking Services Fund projected fund balance decline of $1.5 Million; and (3) other Enterprise Funds unlikely to experience major financial impact in the current year.

The FY 2020-21 budget planning summary includes (1) budget decisions for next fiscal year need to be delayed as long as possible; (2) General Fund revenue projections have been reduced; and (3) implementing new services or program enhancements will need to be delayed.

Mr. McDowell then reviewed the revised budget calendar to indicate the Manager's proposed budget will be presented on May 26 (not May 12); the budget public hearing will be held on June 9 (not May 26); and adoption of the budget on June 23 (not June 9).

Regarding an interim budget option (1) state statutes allow for the adoption of an interim budget; (2) Asheville and many North Carolina local governments adopted interim budgets in FY 03 due to uncertainty over state reimbursement revenue; (3) utilized interim budget in FY 03 for two month; and (4) consider only if other local governments in the state are doing the same.

FY 2020-21 unknown include (1) How far will sales tax revenue fall; (2) how quickly will economic growth return; (3) will property tax collection rates decline due to the economic crisis; (4) will City facilities have to shut down for any length of time after July 1; and (5) when and how much assistance will the City receive from the federal and state government.

He reviewed the FY 21 baseline revenues for sales tax, property tax and other.

He then reviewed the FY 21 budget baseline expenditures (which budget still includes funding) for (1) implementation of $31,200 minimum and addressing related compression; (2) state mandated increase in retirement contribution; and (3) continuation of transit service enhancements that began in January 2020 and paratransit cost increase. Changes include (1) hiring freeze for currently vacant positions; (2) elimination of employee pay adjustment (cost of living adjustment); (3) maintenance of current year amount for OPEB contribution; capital debt model contribution; Health Fund contribution; and Department operating budgets; and (4) fund River Arts District Transportation Improvement Project maintenance for partial year.

FY 21 baseline budget summary includes options for balancing the budget (1) Fund Balance; (2) revenue adjustments; and (3) further reductions to operating budgets.

Mr. McDowell then reviewed some strategic investment requests along with strategic investments in transit, compensation, and sustainability.

Updates to the key takeaways from the retreat include (1) even more uncertain economic outlook; (2) minimal revenue growth will be used up by ongoing operating cost increases, even after making reductions to expenditures; and (3) while enhancements can be considered if the fiscal picture improves later in the year, additional revenue will be needed to fund any new capital and operating investments.

Next steps include (1) adjustment of the budget adoption schedule; (2) monitor economic trends and adjust estimates as needed; and (3) work to balance the general fund budget over the next few weeks.

Throughout the presentation, City Manager Campbell and Mr. McDowell responded to various questions/comments from Council. For those questions that were unable to be answered immediately, responses will be sent to Council.

Mayor Manheimer adjourned the budget worksession at 4:32 p.m.

Tuesday – April 14, 2020- 5:00 p.m.

Regular Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes (participating remotely via speaker phone); Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith (participating remotely via speaker phone); Councilman W. Keith Young (participating remotely via speaker phone); City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

At the request of Vice-Mayor Wisler, Consent Agenda Item "P" was removed from the Consent Agenda for discussion and/or individual votes.

A. MOTION TO ALLOW REMOTE PARTICIPATION BY ALL COUNCIL MEMBERS DURING PUBLIC MEETINGS THROUGHOUT THE DURATION OF THE LOCALLY DECLARED STATE OF EMERGENCY. PARTICIPATION INCLUDES VOTING ON ALL MATTERS, AND SHALL COUNT TOWARDS A QUORUM OF THE COUNCIL

B. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MARCH 24, 2020

C. RESOLUTION NO. 20-58 - RESOLUTION SETTING A PUBLIC HEARING ON MAY 12, 2020, TO CONSIDER A LAND USE INCENTIVE GRANT FOR 2 RESTAURANT COURT RENTAL COMMUNITY, BEAUCATCHER VISTA LLC

Action Requested: Adoption of a resolution to set a public hearing on May 12, 2020, to consider a Land Use Incentive Grant application for 2 Restaurant Court Rental Community, Beaucatcher Vista LLC.

Review::

- Kirk Booth d/b/a as Beaucatcher Vista LLC has proposed the development of a 40-unit, 100% affordable multifamily property on a 1.31 acre parcel located at 2 Restaurant Court (PIN #9658-08-2350) in Asheville directly off of Tunnel Road. All 40 units are intended to be 1 bedrooms, with 30 of the units set aside for households at or below 60% of Area Median Income (AMI) and the remaining 10 for 80% AMI households.

- The property is situated in close proximity to commercial and transit amenities, including an ART bus stop, an Ingles grocery and pharmacy, and a number of potential employers. These are all factors prioritized in the LUIG policy.

Proposal:

- The property's location and commitment to affordable housing merits a score of 150 on the LUIG scoring matrix, resulting in an award period of 21 years. The City's LUIG policy caps award terms at 20 years plus 1 from the date of release of all occupancy permits for the property.
- The current assessed value of the parcel is $786,000 with an annual City tax obligation of $3,371.15. An estimate of post-construction value from the developer is $4,000,000. True valuation will be determined by Buncombe County Tax Assessor after project completion.
- A project valued at $4,000,000 at the current City tax rate of 0.4289 would result in an annual grant award of $13,784.85. Over the 21 year award period, the total value of the LUIG award would amount to $289,481.85.
- This request will be presented in unison with a $1,000,000 Housing Trust Fund request. The combined City subsidy should both awards be approved is $1,289,481.85, or a total City subsidy of $32,237.05 per affordable unit.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- None

Pro(s):

- The proposed project will create 40 affordable rental housing units made available to households earning 80% or less of AMI for a period of 21 years.
- The proposed project addresses the City's stated priority for one-bedroom apartments.

Con(s):

- None

Fiscal Impact:

- The parcel has a current tax value of $786,000 and with an annual City of Asheville tax bill of $3,371.15.
- The estimated tax value upon completion is $4.0M, which at current rates would result in a City tax bill of $17,156. The difference in tax payment is $13,784.85. An equivalent amount would be granted back annually to the property owner for 21 years.
- The maximum term of a LUIG is 20 years plus 1. Therefore, over a period of 21 years, the estimated value of this LUIG award is $289,481.85

Motion:

- Motion to adopt a resolution to set a public hearing on May 12, 2020, to consider a Land Use Incentive Grant application for 2 Restaurant Court Rental Community, Beaucatcher Vista LLC.

RESOLUTION BOOK NO. 41 - PAGE 267

D. RESOLUTION NO. 20-59 - RESOLUTION APPROVING (1) A MODIFICATION TO A 2018/19 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION, ORIGINALLY AWARDED TO POSITIVE YOUTH CHANGES MINISTRY

ALLOWING THE AWARD TO INSTEAD BE MADE TO THE YOUNG MEN'S INSTITUTE CULTURAL CENTER; (2) AUTHORIZATION FOR COMMUNITY DEVELOPMENT TO SUBMIT AN UPDATE TO THE 2018-29 CONSOLIDATED ACTION PLAN FOR CDBG AND THE HOME INVESTMENT PARTNERSHIPS PROGRAM PROGRAMS TO THE U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT; AND (3) AUTHORIZATION FOR THE CITY MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO IMPLEMENT THE PLAN

Action Requested: Approval of (1) a modification to a 2018/19 CDBG Grant Application, originally awarded to Positive Youth Changes Ministry (PCYM) allowing the award to be made to the Young Men's Institute (YMI) Cultural Center (CC); (2) authorization for Community Development to submit an update to the 2018-19 Consolidated Action Plan for Community Development Block Grants (CDBG) and the HOME Investment Partnerships Program (HOME) programs to the U.S. Department of Housing and Urban Development (HUD); and (3) authorization for the City Manager to sign all documents necessary to implement the plan.

Background:

- The City awarded $175,000 to PCYM, a new non-profit working in partnership with the Young Men's Institute Cultural Center (YMI CC), in the Spring of 2018 to implement a Youth Elevation Collaborative Program, a workforce development program.
- During the early stages of the program year, in conjunction with technical assistance from staff and consultants, and with the dissolution of the original partnership around PCYM, City Staff began working with YMI CC to find a way to move the application forward in the spirit of the original program while being mindful of HUD regulations.
- City Staff, working in partnership with YMI CC, came to the conclusion with PCYM and YMI CC that YMI CC would be a better fit as lead applicant with their experience in workforce development and community access and could offer a program substantially similar to the one PCYM had proposed as lead and that been awarded.
- A modified application is acceptable to HUD when partnership changes occur as long as the modified application is then added as an amendment to the appropriate HUD Consolidated Action Plan.

Proposal:

- This modified application, being submitted by the YMI (Young Men's Institute) Cultural Center, is a workforce and entrepreneurial development initiative of the YMI Cultural Center in collaboration with Positive Changes Youth ministries.
- The initiative will focus on employment and careers in Hospitality, Medical, Manufacturing, and Municipalities(HMMM), while also promoting economic upward mobility of our lower-income communities' members with the development of a skilled workforce in these 4 major industries in our area.
- With this initiative, YMI will be developing this "Continuum of Success" Program for the entrepreneur, unemployed, youth, hard to employ and the underemployed as well as with the employers/stakeholders.
- The business development and incubation component will support the building of capacity or the future development of minority businesses.
- Proposed outcomes will be job creation and job retention with a focus on our low income, marginalized and disenfranchised population..
- In considering economic upward mobility, YMI CC will also be introducing/reintroducing Asheville youth to the trade fields and other opportunities.
- A major focal point of this project will be the convening of a bi-monthly meeting of all the workforce development agencies and stakeholders to combine the siloed conversations and initiatives for a more strategic implementation of a solution based program that meets local economic/workforce development needs.

- YMI will establish the Asheville Workforce Action Team (AWAT) – which will consist of stakeholders, employees/participants, educators, community leaders and a member of the Community Development Division, to form a Public Private Workforce Development Team.

Council Goal(s):
- A Diverse Community
- Thriving Local Economy

Committee(s):
- None

Pro(s):
- Approval of this project and update to the 18/19 Consolidated Action Plan will assist in the movement of these HUD dollars into our community.
- "Continuum of Success", when fully funded and operational, will lead to job creation and job retention.
- Approval of this project will support a Bi-monthly meeting of all Workforce Development Partners to work in collaboration, focus and partnership versus the siloed efforts of today.

Con(s):
- None

Fiscal Impact:
- None

Motion:
- Move to adopt the resolution to (1) approve modification to the 2018/19 CDBG Grant Application originally awarded to PCYM, allowing the award to instead be made to YMI CC; (2) authorize the update of the City's Consolidated Annual Action Plan for 2018-2019 to the U.S. Department of Housing and Urban Development; and (3) authorize the City Manager to execute any and all documents giving effect to this resolution.

RESOLUTION BOOK NO. 41 - PAGE 268

E. RESOLUTION NO. 20-60 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH PASSPORT LABS FOR PARKING CITATION MANAGEMENT

Action Requested: Adoption of a resolution authorizing the City Manager to amend contract # 91800137 with Passport Labs, increasing the total value of the contract to $405,000, for parking citation management.

Background:
- The City of Asheville entered into a contract with Passport Labs in September 2017 for management of the City's parking citations.
- The fee structure paid to Passport Labs on a monthly basis is dependent on three factors including:
  1) the number of parking citations issued ($3.00 per citation),
  2) the total amount of parking fines and late fees collected (35% of amount collected), and
  3) the number of delinquent payment letters mailed to vehicle owners ($1.25 per letter).
- Staff initially estimated the average fee structure to be paid to Passport Labs at $6,600 per month.

- Currently, the average monthly fees paid have been closer to $9,000 per month, which is reflective of an increase in fines/fees paid to the City, an increase in the number of citations accruing late fees, and an increase in the actual monetary value of specific fines and late fees asscciated with all parking violations.

Vendor Outreach Efforts:
- N/A - this is a current contract.

Council Goal(s):
- Transportation and Accessibility.

Committee(s):
- None

Pro(s):
- Enables the City to continue to provide efficient parking management resources.

Con(s):
- None

Fiscal Impact:
- The cost of regulating and administering parking is included in the current operating budget.

Motion:
- Motion to approve a resolution authorizing the City Manager to amend contract #91800137 with Passport Labs, increasing the total value of the contract to $405,000, for parking citation management.

RESOLUTION BOOK NO. 41 - PAGE 269

F. ORDINANCE NO. 4796 - BUDGET AMENDMENT FROM WORKERS' COMPENSATION INSURANCE RECOVERY FUNDS FOR OTHER WORKERS' COMPENSATION CLAIM EXPENSES THROUGH JUNE 30, 2020

Action Requested: Adoption of a budget amendment to appropriate $465,000 in workers' compensation insurance recovery funds for other workers' compensation claims expenses through June 30, 2020.

Background:
- Since July 1, 2019, the City of Asheville (City) self-insured workers' compensation program has received workers' compensation insurance claim reimbursements that have exceeded the initial budget.
- $465,000 of the reimbursed insurance funds are requested to be utilized for workers' compensation claims expenses to be incurred through June 30, 2020.

Council Goal(s):
- Vision - Smart City; striving to control City costs and provide the highest possible level of service.

Committee(s):
- N/A

Pro(s):

- Provides reimbursed funds to be utilized as needed through June 30, 2020.

Con(s):
- None.

Fiscal Impact:
- Insurance recovery funds were deposited into the City's Workers' Compensation Fund. Upon City Council approval, the funds will be utilized for workers' compensation claims expenses.

Motion:
- Motion to adopt a budget amendment in the Workers' Compensation Fund in the amount of $465,000 from insurance recovery funds to be utilized for other claims expenses through June 30, 2020, as needed.

ORDINANCE BOOK NO. 33 - PAGE 59

G. RESOLUTION NO. 20-61 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND IF AWARDED, ACCEPT FUNDING FROM THE FRENCH BROAD RIVER METROPOLITAN PLANNING ORGANIZATION FOR FUNDING FOR FISCAL YEAR 2022 THROUGH FISCAL YEAR 2026 TRANSPORTATION FUNDING AND EXPRESSING SUPPORT FOR PROJECTS SUBMITTED BY THE N.C. DEPT. OF TRANSPORTATION DIVISION 13

Action Requested: Adoption of a resolution authorizing the City Manager to apply for, and if awarded, accept funding from the French Broad River Metropolitan Planning Organization (FBRMPO) for Fiscal Year (FY) 2022 through FY 2026 for approximately $21,000,000 in transportation funding and expressing support for projects submitted by the North Carolina Department of Transportation (NCDOT) Division 13.

Background:
- In January 2020, the FBRMPO issued a call for projects as part of the Surface Transportation Block Grant (STBG-DA) and Transportation Alternatives (TAP-DA) programs. These federal funds are awarded on a competitive basis through a call for projects that is typically held every two years. In this funding cycle, the FBRMPO is awarding five years worth of funding instead of two.
- The total available amount of funding in this grant cycle for the three-county FBRMPO area is $28.2 M and will be available in FY 2022 through FY 2026. The grant requires a minimum 20% local match.
- The call for projects is open to local governments in the FBRMPO area which includes the counties of Buncombe, Henderson, Haywood, and Madison. In addition, the NCDOT Division 13 and 14 Offices may apply for the funds with the support of the affected jurisdiction.
- The City proposes to apply for approximately $21 M in grant funds for six multimodal projects.
- The projects that are proposed are priority projects that have not yet been funded through the City's Capital Improvement Program (CIP) (except for limited funding for the Hazel Mill Sidewalk project). Additionally, several of the projects were chosen because they have a higher potential for partnership funding, such as from the Tourism Development Authority (TDA), which would reduce or eliminate providing the local match from the City's budget.
- Additionally, NCDOT plans to apply for four projects within the City of Asheville and has requested City support/concurrence with their proposed projects. All of NCDOT's

suggested projects focus on pedestrian safety improvements. If NCDOT projects are awarded, the City would not be responsible for funding the match.

- City staff and NCDOT Division 13 intend to apply for grants for the projects listed below. The projects are not in priority order. The scoring matrix used by the MPO prioritizes all the projects. The City is responsible for submitting projects that we support that best meets the scoring matrix and has the best potential of being funded.
- The projects will be scored by the FBRMPO. The City's prioritization of the projects does not affect the outcome of the selected projects. The MPO's matrix determines which projects are selected.

City of Asheville Proposed Projects

Project Name	Requesting Agency	Proposed Federal Ask	COA Match	Total Project Cost
Coxe Avenue Complete Street	COA	$9,040,000	$2,260,000	$11,300,000
Haywood St./Page Ave./Flint Street Improvements	COA	$6,800,000	$1,700,000	$8,500,000
North RADTIP Greenway (Hill St. to Pearson Bridge Rd)	COA	$2,560,000	$640,000	$3,200,000
Hazel Mill Rd. Sidewalk	COA	$1,600,000	$400,000	$2,000,000
Pedestrian and School Zone Improvements	COA	$660,000	$165,000	$825,000
Lee Walker Heights at Biltmore Ave. Traffic Signal	COA	$352,000	$88,000	$440,000
COA Requests Total		**$21,012,000**	**$5,253,000**	**$26,265,000**

NCDOT Proposed Projects

Project Name	Requesting Agency	Proposed Federal Ask	COA Match	Total Project Cost
Haywood Rd. Upgrades (pedestrian improvements, resurfacing, lighting)	NCDOT	$7,775,000	$0	$9,723,624
Charlotte St./I-240 Interchange (pedestrian improvements)	NCDOT	$628,250	$0	$1,378,250
NC112/Sandhill Rd. Intersection (turn lane and pedestrian improvements)	NCDOT	$336,000	$0	$421,000
Broadway Sidewalk (existing to Riverside Dr.)	NCDOT	$310,000	$0	$488,959
NCDOT Requests Total		**$9,049,250**	**$0**	**$12,011,833**

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- If awarded, these projects represent a significant investment in multimodal transportation infrastructure over a five-year period.
- All of the proposed projects are identified capital needs that align with city goals.
- Several of the projects present an opportunity for partnership with the TDA.

Con(s):

- Depending on which, if any, of the City's proposed projects are awarded, the maximum total matching funds that would need to be programmed in the City's CIP in FY 2022 to FY 2026 would be $5,253,000. This represents a 20% match.

Fiscal Impact:

- The total required local match is $5,253,000 over a five year period (if all projects were awarded). Except for the potential match for the Hazel Mill Road sidewalk project, none of the funding for the other matches is currently included in the City's five-year CIP cash flow model. There may be an opportunity to leverage additional funding from outside organizations to contribute to the local match, however additional City resources may need to be dedicated to the CIP during upcoming budgets in order to fund the City match.

Motion:

- Motion to adopt a resolution authorizing the City Manager to apply for and, if awarded, accept funding from the French Broad River Metropolitan Planning Organization for FY 2022 through FY 2026 for approximately $21,000,000 in transportation funding and expressing support for projects submitted by NCDOT Division 13.

RESOLUTION BOOK NO. 41 - PAGE 270

H. RESOLUTION NO. 20-62 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH B.H. GRANING LANDSCAPING INC. FOR SHILOH PARK IMPROVEMENTS

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a construction contract with B.H. Graning Landscapes, Inc. of Sylva, NC, in the amount of $131,313.86 and to further authorize change orders up to the contingency amount of $13,130 (10%) for Shiloh Park improvements.

Background:

- The project upgrades were identified in the Parks Equity Scoring Criteria and will address a maintenance backlog of facilities within the park including sport courts (basketball, tennis, pickleball), walking trails, and site furniture.
- This project will improve the appearance, usefulness, and safety of facilities, and help the department implement recommendations within the Parks, Recreation, Cultural Arts Master Plan adopted by City Council in 2009. The project is expected to last 60 days.
- The following three bids were received and opened on December 12, 2019:

o B.H. Graning Landscapes, Inc., Sylva, NC	$131,313.86
o Bryant's Land & Development, Burnsville, NC	$153,950.00
o French Broad Paving Marshall, NC	$161,545.00

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned business enterprises (MWBE) through solicitation processes which include posting on the State's Interactive Purchasing System, targeted outreach with the City's Business Inclusion Manager, and requiring

prime contractors to reach out to MWBE service providers for subcontracted services. No MWBE firms submitted bids.

Council Goal(s):

- A Clean and Healthy Environment & a Well-Planned and Livable Community.

Committee(s):

- Recreation Advisory Board (November 10, 2019) - project status update

Pro(s):

- Addresses priority infrastructure and safety improvements in communities identified in the Parks Equity Criteria Based System.
- Implement recommendations within the Parks, Recreation, Cultural Arts Master Plan adopted by City Council in 2009.

Con(s):

- None

Fiscal Impact:

- Funding for this contract exists within the approved City Capital Budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a construction contract with B.H. Graning Landscapes, Inc. of Sylva, NC, in the amount of $131,313.86 and to further authorize change orders up to the contingency amount of $13,130 (10%) for Shiloh Park improvements.

RESOLUTION BOOK NO. 41 - PAGE 271

I. RESOLUTION NO. 20-63 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH HARRISON CONSTRUCTION COMPANY DIVISION OF APAC ATLANTIC, INC. FOR THE FISCAL YEAR 2020 ASPHALT RESURFACING CONTRACT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Harrison Construction Company Division of APAC Atlantic, Inc. in the amount of $1,989,899.25 plus a 15% contingency of $298,484.89 ($2,288,384.14 total) for the Fiscal Year (FY) 2020 Asphalt Resurfacing contract.

Background:

- The main scope of the project is the resurfacing of 19 streets for a total of 3.83 miles. Also included will be repairs to the concrete sidewalk, ADA improvements, and the installation of 3,800 feet of stand-up curb and 300 feet of curb and gutter.
- The project was advertised on February 21, 2020, and bids were opened on March 12, 2020.
- The following bids were received:

Harrison Construction Co. Division of APAC Atlantic Inc., Asheville, NC	$1,989,899.25
French Broad Paving, Marshall, NC	$2,120,623.50
Bryant Land and Development Industries, Burnsville, NC	$2,497,616.25
Rogers Group, Inc., Nashville, TN	$2,748,060.70

- Construction is anticipated to start in June and take six months.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses through solicitation processes which included posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- No minority or women-owned business enterprises submitted a bid to be the prime contractor on the project.
- MWBEs will be performing the utility adjustments, pavement marking installations, and part of the paving. These items amount to 32% of the project expenditures.

Council Goal(s):
- This action complies with Council's 2036 vision for transportation and accessibility.

Pro(s):
- Provides for the repair and resurfacing of 19 poorly rated roads.
- Will make the sidewalks more ADA-compliant.

Con(s):
- Possible disruption to traffic flow.
- Efforts will be made to minimize disruptions to the neighborhoods and to traffic during construction.

Fiscal Impact:
- Funding is provided in the FY 2020 Streets Program. This funding is part of the annual resurfacing program and is not bond-funded. The total cost of this contract, including contingency, is $2,288,384.14.

Motion:
- Motion to adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with Harrison Construction Company Division of APAC Atlantic, Inc. in the amount of $1,989,899.25 plus a 15% contingency of $298,484.89 for a total of $2,288,384.14 total for the project known as FY 2020 Asphalt Resurfacing.

RESOLUTION BOOK NO. 41 - PAGE 272

J. RESOLUTION NO. 20-64 - RESOLUTION APPROVING A FEE WAIVER FOR AHOPE'S SHELTER REHABILITATION PROJECT LOCATED AT 19 NORTH ANN STREET (HOMEWARD BOUND) AND AUTHORIZATION FOR CITY MANAGER TO EXECUTE ANY DOCUMENTS NECESSARY FOR THIS APPROVAL

Action Requested: Approval of a Fee Rebate/Waiver Request for the AHOPE Day Center Renovations for Homeward Bound.

Review:
- Homeward Bound submitted architectural drawings for the rehabilitation of their day center "AHOPE" at 19 N Ann Street, Asheville 28801. At this location, Homeward Bound provides services such as showers, bathroom facilities, mail, common areas among others to as many as 180 people daily who are experiencing homelessness.
- Homeward Bound has owned and operated this building for decades and it is now in need of a complete rehabilitation. The work to be done includes a new and bigger bathroom and shower facilities, to include a total of 6 showers, over 300 lockers for client storage, nap rooms, phone charging stations, common areas, mailroom, meeting rooms, offices and other spaces for various services.

- Since 1987, Homeward Bound, a non-profit 501 (c) 3 organization (Initially Hospitality House) has been working diligently to help members of our community experiencing homelessness find housing and access many other necessary community services.
- As a non-profit, Homeward Bound is requesting a Fee Rebate or Waiver from the Community Development Division / Development Services Department for the rehabilitation work to occur at AHOPE to assist with their budget and to fulfill their mission.

Proposal:

- In the Fee Rebate Policy updated on October 22, 2019, Resolution #19-244, the Affordable Housing Minimum Requirements to Qualify for a 100% grant rebate on the affordable unit as it pertains to this AHOPE Renovation -
  - The proposed development must be within Asheville City limits.
  - Affordability where at least 20% of the units target individuals & families under 30% AMI or those homeless or in danger of being homeless, i.e. taking an individual or family off the Homeless By-name List.
  - A project can be either new construction or rehabilitation.
- Under Additional Guidance & Underwriting, Housing Types in the Policy -
  - All housing types will be considered, including rental units and homeownership units, condos, townhomes & single-family homes. Other housing types may be considered upon request.
- Under Fee Waivers in the Policy -
  - Certain Fees eligible for rebates as described above, may be waived upfront on a case by case basis based on a developer's affordable housing experience and demonstrated financial need of the project upon approval by City Council. Fees related to utilities funded by enterprise funds (i.e. water) may not be waived.
- City Staff agrees that AHOPE should be considered as a Housing Type as it provides daily housing services to our most in need population, our homeless and in danger of being homeless.
- City Staff agrees that AHOPE meets all of the qualifications for a 100% rebate based on the Fee Rebate criteria noted above as it would pertain to a rehabilitation.
- City Staff recommends that AHOPE be considered for a Fee Waiver based on the fact that they qualify for a 100% fee rebate, that have demonstrated a financial need for the project that justifies a waiver and based on Homeward Bound's Affordable Housing & Homeless experience.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- None

Pro(s):

- The proposed rehabilitation will continue to provide daily housing services to our most vulnerable population;
- The proposed rehabilitation charges no daily housing charge;
- Homeward Bound uses the "Housing First" national best practice to end homelessness, in line with the City of Asheville's Community Development Division and our Continuum of Care Grant.
- AHOPE is often the only place that people who live outside and are homeless can go for services.
- AHOPE serves as a hub of information and connection to other community resources to assist our homeless population.

- Approving the fee waiver for this rehabilitation will allow AHOPE to remain open, expand and improve services for the homeless population, and continue to remain an asset and resource to our homeless population.

Con(s):
- None noted

Fiscal Impact:
- Fee Rebates had a limited budget of $85,000 for Fiscal Year 19/20 which have been depleted. Fees associated with this rehabilitation are estimated at approximately $12,000, not to exceed $15,000. With a Council approved waiver, the Department of Development Services would receive no fees from this project and the Fee Rebate budget would not be affected.

Motion:
- Motion to approve a fee waiver for the rehabilitation of Homeward Bound's AHOPE Day Center.

RESOLUTION BOOK NO. 41 - PAGE 273

K. RESOLUTION NO. 20-65 - RESOLUTION AMENDING THE 2020 CITY COUNCIL MEETING SCHEDULE TO CANCEL THE APRIL 28, 2020, FORMAL CITY COUNCIL MEETING

RESOLUTION BOOK NO. 41 - PAGE 274

L. RESOLUTION NO. 20-66 - RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT A DRIVEWAY EASEMENT TO A PROPERTY OWNER ON BEVERLY ROAD

Action Requested: Adoption of a resolution authorizing the City Manager to grant a driveway easement to a property owner on Beverly Road.

Background:
- The City was approached by an attorney representing a new property owner on Beverly Road in Asheville. It had been discovered that the driveway of a long existing residence encroached on land owned by the City of Asheville and the property owner requested an easement from the City.
- The driveway was extending onto the Ann Patton Joyce Park by approximately 194 square feet.
- The Real Estate Division consulted the Parks and Recreation Department to determine whether they would object to the granting of this easement.
- The Parks and Recreation Department indicated that the driveway was on the northern tip of the passive park and would not impact the usability of the park or its aesthetics.
- The new property owner (Andrew Lanteri) supplied an appraisal and a survey and has agreed to pay fair market value for the easement area.

Council Goal(s):
- A Well Planned and Livable Community

Committee(s):
- None

Pro(s):

- This action by the City will allow the sale of a single family residence to proceed.
- The City is receiving compensation based on fair market rates.

Con(s):
- The easement will require staff time to process and action at a city council meeting.

Fiscal Impact:
- The City is disposing of a small amount of land (194 SF) and will receive revenue in the amount of $1,202.80 plus the real estate transaction fee of $280.

Motion:
- Motion to approve the resolution authorizing the City Manager to grant this easement to a private property owner.

RESOLUTION BOOK NO. 41 - PAGE 275

M. RESOLUTION NO. 20-67 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH BROWN AND CALDWELL FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE NORTH FORK WATER TREATMENT PLANT'S SODIUM BICARBONATE SILO REPLACEMENT

RESOLUTION NO. 20-68 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH HARPER GENERAL CONTRACTORS FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE NORTH FORK WATER TREATMENT PLANT'S SODIUM BICARBONATE SILO REPLACEMENT

Action Requested: Adoption of resolutions authorizing the City Manager to increase the professional services and contract amounts for Brown & Caldwell SA (#91800305) and Harper General Contractors (#94900315) for the North Fork Water Treatment Plant's Sodium Bicarbonate Silo Replacement.

Background:
- Sodium bicarbonate is an essential part of the water treatment process to help reduce the corrosion in the City's and customers' waterlines. The City is required to use sodium bicarbonate per our compliance with the Lead and Copper Rule.
- Original feed system was installed in 1996 and had reached the end of its useful life. Construction for the replacement of the silo started in August of 2019. During the course of the project, engineering services were expanded in oversight and design as a result of the discovery of complications associated with underground assets and poor soil conditions.
- The construction schedule was impacted due to the investigations, test results, and updating of the design due to the underground complications.

Vendor Outreach Efforts:
- Through a qualifications-based selection process beginning in August of 2014, City of Asheville staff selected nine consulting firms to provide on-call professional services for an array of different water system projects.
- Staff selected Brown and Caldwell as one of the selected firms due to their expertise in the areas of water treatment plant construction and upgrades.
- The City of Asheville entered into a master agreement with Brown and Caldwell on June 8, 2015 for on-call professional services valid for three years with the option to renew for two additional years.

- On April 19, 2018, the City of Asheville executed a renewal master agreement with Brown and Caldwell for the additional two years of on-call professional services.
- Harper General Contractors was one of three companies determined to be the lowest responsive, responsible bidder for construction of the Sodium Bicarbonate Silo and associated equipment and demolition services.
- This is a continuation of contracted services utilizing existing vendors. No additional outreach was performed.

Council Goal(s):
- A Clean and Healthy Environment

Committee(s):
- None

Pro(s):
- Increased funds will ensure the completion of the required project with proper functionality.
- The Water Resources Department will continue to meet the Environmental Protection Agency Lead and Copper Rule.

Con(s):
- City (Water Resources) would not be able to meet the Environmental Protection Agency Lead and Copper Rule.

Fiscal Impact:
- Brown and Caldwell (SA #91800305) - $36,200
- Harper General Construction (#91900315) - $20,000
- Funding for this repair will come from Water Resources capital improvement funding that was previously allocated to NCDOT projects which are delayed and will not require payment in the current fiscal year.

Motion:
- Motion to approve additional funds and change orders to the Brown and Calwell contract and the Harper General Contractors contract involved in the construction of the sodium bicarbonate silo and feed system at the North Fork Water Treatment Plant.

RESOLUTION NO. 20-67 - RESOLUTION BOOK NO. 41 - PAGE 276
RESOLUTION NO. 20-68 - RESOLUTION BOOK NO. 41 - PAGE 277

N. RESOLUTION NO. 20-69 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AGREEMENTS REGARDING DONATIONS TO THE HOUSING TRUST FUND, WITH PERMISSION OF THE DONOR, TO UTILIZE THOSE FUNDS IN A DIFFERENT CAPACITY IN ORDER TO SUPPORT AND ADVANCE AFFORDABLE HOUSING EFFORTS

ORDINANCE NO. 4797 - BUDGET AMENDMENT FOR THRIVE ASHEVILLE VOUCHER PILOT PROGRAM

Action Requested: Authorization for the City Manager to execute agreements regarding donations to the Housing Trust Fund, with permission of the donor, to utilize those funds in a different capacity in order to support and advance affordable housing efforts, and a budget amendment in the amount of $100,000 from donated funds to establish a project budget in the Special Revenue Fund for the City's contribution to Thrive Asheville.

Background:

- The City of Asheville occasionally receives donations to the Housing Trust Fund (HTF) from private individuals and companies to support and advance affordable housing efforts.
- The City of Asheville Housing Trust Fund program was established in September 2000 with the goal of providing low cost financial assistance to incentivize the development and preservation of affordable housing within the city limits for the benefit of moderate to low income individuals and families.
- Donations to the HTF have traditionally been added to the HTF budget at the time of donation.

Proposal:

- Recently, individual pilot programs that have been vetted in the community have been identified as being in need of a capital injection for the program to enhance their efforts toward supporting and advancing affordable housing, including the development and preservation of affordable housing.
- One such program, Thrive Asheville, is in need of $100,000 for their Landlord-Tenant Partnership Program which will link 25 families, who currently live in public housing developments, to privately-owned properties in neighborhoods with greater opportunities and safety.
- Working with the City Manager's Office and Economic and Community Development Department, the Deerfield Episcopal Retirement Community graciously agreed that $100,000 of its previously made $250,000 donation to the City's HTF, donated on October 22, 2019, could be used for this Thrive Asheville Voucher Pilot Program.
    - $100,000 Thrive Asheville Voucher Budget / City of Asheville Funding
        - Landlords $48,000
        - Tenant Training & Support $13,060
        - Indemnification $37,500
        - Non-profit Oversight $1,440
- Moving forward, in order to most effectively utilize similar donations, and more directly invest non-City donated funding for affordable housing efforts, City Staff recommends that the City Manager be granted authority to execute agreements with donors regarding changes in the use of their donations.
- The City of Asheville's Community Development Division will attend monthly meetings with Thrive & other partner agencies as well as receive quarterly reports from Thrive on how the funding is being spent.
- A summary of the education sessions for both tenants and landlords, and outcomes to include the number of individuals successfully placed in privately-owned properties in neighborhoods with greater opportunities and safety.

Council Goal(s):

- A Diverse Community
- Thriving Local Economy
- A Financially Resilient City

Committee(s):

- None

Pro(s):

- Approval allows funding to be more directly invested into programs that will support and advance affordable housing efforts.

- City Council will remain updated on donations as wells as executed agreements with donated funds that will support and advance housing efforts.

Con(s):
- None noted.

Fiscal Impact:
- As noted above, the donated funds have already been received by the City. The budget amendment will simply move the funds from the HTF to a project in the Special Revenue Fund established specifically to track and report on the contribution to Thrive Asheville.

Motion:
- Motion to authorize the City Manager to execute agreements regarding donations to the Housing Trust Fund, with the permission of the donor, to utilize those funds in a different capacity in order to support and advance affordable housing efforts, and approve a budget amendment in the amount of $100,000 from donated funds to establish a project budget in the Special Revenue Fund for the City's contribution to Thrive Asheville.

Councilwoman Mayfield asked the City Manager to look for funds to go to the Asheville-Buncombe Community Land Trust.

RESOLUTION BOOK NO. 41 - PAGE 278
ORDINANCE BOOK NO. 33 - PAGE 60

O. RESOLUTION NO. 20-70 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE EXISTING CONTRACT WITH CAROLINA TRACTOR & EQUIPMENT FOR SERVICES RELATED TO THE REPAIR AND MAINTENANCE OF CITY VEHICLES AND EQUIPMENT

Action Requested: Adoption of a resolution authorizing the City Manager to amend the existing maintenance agreement with Carolina Tractor & Equipment to increase the annual contract value from $500,000 to $650,000 to supplement Fleet Maintenance capacity.

Background:
- The Fleet Management Division of the Public Works Department maintains over 1,000 city- owned vehicles and pieces of equipment.
- Subcontracted work is used to supplement existing staff resources at times of high demand or to provide services when the Fleet Division does not have suitable facilities or resources (e.g., paint shop, etc.).
- Under an earlier procurement process, Carolina Tractor & Equipment was selected to provide supplemental fleet maintenance services. Adopted on October 25, 2016, Resolution 16-228 authorized the City Manager to enter into a contract with this firm for an initial one-year term with up to four one-year renewals. The annual contract value was initially noted as $200,000.
- Resolution 18-120 authorized the City Manager to amend the original agreement to increase the annual contract value from $200,000 to $300,000 due to an increased workload caused by vehicle accidents and repairs.
- Resolution 19-238 authorized the City Manager to further amend the agreement to increase the annual contract value from $300,000 to $500,000 due to significant repairs necessitated by aging equipment during FY19.
- Due to the COVID-19 pandemic, Fleet Management is requesting the annual contract value be increased from $500,000 to $650,000 to allow for continuity of essential City

operations in the event that Fleet Management is unable to perform heavy vehicle repairs.

Vendor Outreach Efforts:

- Staff performed outreach to minority- and women-owned businesses through the original contract solicitation process, which included posting on the City's bid page, Twitter, and the State's Interactive Purchasing System.

Council Goal(s):

- Thriving Local Economy
- Connected and Engaged Community
- Smart City

Pro(s):

- Allows third-party service work to continue as a supplement to in-house staff;
- Provides flexibility in service delivery without significant capital investment in equipment or facilities (e.g., paint shop, etc.) that aren't used on a daily basis; and
- Supports vehicle "uptime" and returning vehicles to service after needed repairs.

Con(s):

- Potential increases of expenditures under the contract.

Fiscal Impact:

- Costs for these services are included in the General Fund fleet allocations for departments requiring vehicle repair and maintenance activities.

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend the existing maintenance agreement with Carolina Tractor & Equipment to increase the annual contract value from $500,000 to $650,000 to supplement Fleet Maintenance capacity.

RESOLUTION BOOK NO. 41 - PAGE 279

P. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY (COUNTY) AUTHORIZING QUALIFIED CITY OF ASHEVILLE (CITY) EMPLOYEES TO SERVE ON A TEMPORARY BASIS IN COUNTY JOB FUNCTIONS TO SUPPORT CONTINUITY OF COUNTY OPERATIONS AND SERVICE DELIVERY, AND TO ALLOW COUNTY EMPLOYEES TO SERVE IN JOB FUNCTIONS FOR THE CITY DURING THE COVID-19 STATE OF EMERGENCY

This item was removed from the Consent Agenda for discussion and/or an individual vote.

Mayor Manheimer said that public comment was allowed via phone; however, no one called in for comment on the Consent Agenda.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda, minus Consent Agenda Item "P". This motion was seconded by Councilman Kapoor and carried unanimously.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

P. **RESOLUTION NO. 20-71 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY (COUNTY) AUTHORIZING QUALIFIED CITY OF ASHEVILLE (CITY) EMPLOYEES TO SERVE ON A TEMPORARY BASIS IN COUNTY JOB FUNCTIONS TO SUPPORT CONTINUITY OF COUNTY OPERATIONS AND SERVICE DELIVERY, AND TO ALLOW COUNTY EMPLOYEES TO SERVE IN JOB FUNCTIONS FOR THE CITY DURING THE COVID-19 STATE OF EMERGENCY**

Action Requested: Ratification of an interlocal agreement with Buncombe County (County) authorizing qualified City of Asheville (City) employees to serve on a temporary basis in County job functions to support continuity of County operations and service delivery, and to allow County employees to serve in job functions for the City during the COVID-19 State of Emergency.

Background:

- The County requested the City provide City employees to serve in County positions to support continuity of County operations during the COVID-19 State of Emergency including but not limited to: driving ambulances, driving individuals from quarantine to their homes, and other services if the City has capacity to allocate qualified City employees to provide assistance
- The City seeks to support County requests and redeploy City employees to serve in County positions, when appropriate to support the County's service delivery during the COVID-19 State of Emergency
- The City requests the County provide qualified employees to serve in City positions to support continuity of City operations during the COVID-19 State of Emergency, should the need arise and the County has capacity to support City requests
- The City seeks City Council's authorization for the City Manager to enter into an Interlocal Agreement with Buncombe County for the purpose stated above
- Employee redeployment will be coordinated by the City Human Resources Department
- Services related to the Interlocal may be considered through the duration of the COVID-19 State of Emergency.

Council Goal(s):

- Not Applicable. This measure is undertaken to respond to the COVID-19 crisis.

Committee(s):

- None

Pro(s):

- Provides human resources in support of the parties request for assistance to provide their respective continuity of operations during the COVID-19 State of Emergency

Con(s):

- None.

Fiscal Impact:

- City employees will be paid with approved Fiscal Year 2020 City budget funds.

In response to Vice-Mayor Wisler, City Manager Campbell explained how this will be utilized and how reimbursement will take place if we get federal or state COVID-9 funds. Vice-Mayor Wisler asked that Council be kept apprised of how many City staff and the number of hours that are associated with redeployment to the County.

Vice-Mayor Wisler moved to authorize the City Manager to enter into an Interlocal Agreement with Buncombe County to provide City employees to work temporarily for Buncombe County, and Buncombe County employees to work temporarily for the City, during the COVID-19 State of Emergency. This motion was seconded by Councilwoman Mayfield and carried unanimously.

RESOLUTION BOOK NO. 41 - PAGE 280

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER A LAND USE INCENTIVE GRANT FOR TRIBUTE DEVELOPMENT COLLIER AVENUE APARTMENTS

Vice-Mayor Wisler moved to continue the public hearing to consider a Land Use Incentive Grant for Tribute Development Collier Avenue Apartments until May 12, 2020. This motion was seconded by Councilman Young and carried unanimously.

B. PUBLIC HEARING CONSIDER ADOPTION OF AN ORDINANCE DESIGNATING THE PROPERTY KNOWN AS THE LEWIE MULLER GRIFFITH HOUSE, LOCATED AT 65 WOODLAND ROAD, AS A LOCAL HISTORIC LANDMARK

ORDINANCE NO. 4798 - ORDINANCE DESIGNATING THE PROPERTY KNOWN AS THE LEWIE MULLER GRIFFITH HOUSE, LOCATED AT 65 WOODLAND ROAD, AS A LOCAL HISTORIC LANDMARK

Director of Planning & Urban Design Todd Okolichany said that this is the consideration of an ordinance to designate the Lewie Muller Griffith House (Griffith House) located at 65 Woodland Road as a local historic landmark. This public hearing was advertised on March 13 and 20, 2020. On March 24, 2020, City Council continued the public hearing until this date.

Project Location and Contacts:

- The designation site consists of a 0.99 acre parcel located at 65 Woodland Road (PIN 9649.75-5465) that is owned by Doris-Marie C. Martin.
- Petitioners: Doris-Marie C. Martin, Josi Ward.

Summary of Petition:

- The subject property consists of a 0.99 acre lot located on Woodland Road within the Grove Park National Register Historic District.
- The property contains a single family residential two-story historic structure, known as the Griffith House, and a one story non-historic accessory structure.
- The subject property is listed as a "contributing" resource in the Grove Park National Register Historic District.
- The Griffith House, constructed in 1926, is significant architecturally as a highly intact example of a French Eclectic style dwelling.
- The Griffith House is also significant for being the work of master architect, Ronald Greene, who designed many of Asheville's most well-known buildings.
- The designation includes the entire exterior and interior of the house, the accessory structure and the 0.99 acre lot on which the structures are located, including planting beds, open front lawn and rose garden in the rear yard as shown on the original landscape plan.

Comprehensive Plan Consistency:

- This action aligns with Goal 7 (Celebrate the Unique Identify of Neighborhoods Through Creative Placemaking) and Goal 8 (Elevate the Arts and Cultural Sectors to Strengthen and Preserve Heritage and History) of the Living Asheville Comprehensive Plan by continuing to support stewardship and preservation of historic properties and by celebrating and honoring the city's cultural and historic resources.
- This proposal also aligns with the 2036 Council Vision in the "Well-Planned and Livable Community" area. The local historic landmark designation would preserve a historic structure that contributes to Asheville's unique character.

Compatibility Analysis:

- The property is listed as a "contributing" resource in the Grove Park National Register District, and preservation of the property will aid in maintaining the historic character of the surrouhding neighborhood.
- When a property is designated as a local historic landmark, design restrictions are placed on the property and any modification to the land or structures must receive a Certificate of Appropriateness from the Historic Resources Commission; thus, the historic character of the building(s) and site will be preserved.

Fiscal Impact:

- Designation of a site as a local historic landmark makes the property eligible for a 50% annual reduction in local property taxes. Currently, the tax appraisal for the property included in the proposed designation is $490,900. If the property is designated as a local landmark the potential tax savings for the property owner, including city, county and school taxes, would be $2,645 per year.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Historic Resources Commission - February 12, 2020 - recommended approval (10-0)

Staff Recommendation:

- Staff finds that the proposed local historic landmark designation is compatible with the Living Asheville Comprehensive Plan and the Historic Preservation Master Plan. The Historic Resources Commission reviewed this proposed designation on February 12, 2020.
- The Commission voted 10-0 in favor of the landmark designation and recommended Asheville City Council approval of this local historic landmark designation application.

Mayor Manheimer said that public comment was allowed via phone; however, no one called in for comment on this item.

Mayor Manheimer opened the public hearing at 5:22 p.m., and when no one spoke, she closed the public hearing at 5:22 p.m.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Kapoor moved to adopt the ordinance designating the Lewie Muller Griffith House as a local historic landmark. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

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C. **PUBLIC HEARING RELATIVE TO AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE OPEN SPACE REQUIREMENTS**

Councilwoman Mayfield moved to continue this public hearing until May 26, 2020. This motion was seconded by Councilman Kapoor and carried unanimously.

D. **PUBLIC HEARING TO CONSIDER AN AMENDMENT TO A PREVIOUSLY APPROVED CONDITIONAL ZONING AT 137 BROAD STREET FROM COMMUNITY BUSINESS I TO COMMUNITY BUSINESS I/CONDITIONAL ZONE TO INCLUDE AN ADJACENT PARCEL FOR THE CONSTRUCTION OF A NEW MIXED-USE BUILDING**

At the request of City staff, Vice-Mayor Wisler moved to continue this public hearing until May 12, 2020. This motion was seconded by Councilman Young and carried unanimously.

E. **PUBLIC HEARING TO CONSIDER APPROVAL TO PARTICIPATE IN THE ONE BUNCOMBE FUND BY AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE BUNCOMBE COUNTY SERVICE FOUNDATION FOR MANAGEMENT OF AN APPROPRIATION OF $100,000AND TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO GIVE EFFECT TO THIS RESOLUTION**

RESOLUTION NO. 20-72 - RESOLUTION APPROVING A $100,000 APPROPRIATION TO THE ONE BUNCOMBE FUND AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE BUNCOMBE COUNTY COMMUNITY SERVICE FOUNDATION, INC. TO ADMINISTER THESE FUNDS FOR THE PURPOSES OF PROVIDING EMERGENCY LOANS TO SMALL BUSINESSES AND GRANTING FUNDS TO ASSIST INDIVIDUALS IMPACTED BY THE COVID-19 CRISIS

ORDINANCE NO. 4799 - BUDGET AMENDMENT TO PARTICIPATE IN ONE BUNCOMBE FUND

Community & Economic Development Director Sam Powers said that after this public hearing, Council is requested to approve of an appropriation of $100,000 to the One Buncombe Fund to assist small businesses and individuals affected by COVID-19 and authorization for by the City Manager to enter into an agreement with the Buncombe County Service Foundation (BCSF) for management of the funds and to execute any and all documents necessary to give effect to the resolution; and adopt the associated budget amendment in the amount of $100,000 from General Fund unassigned fund bala ... This public hearing was advertised on April 3, 2020. nce.

Background:

- In response to the COVID-19 crisis, Buncombe County local governments, the business community, and other stakeholders have joined together to create a single-point relief fund for individuals and small businesses, as well as a one-stop fund for donations to help individuals and small businesses impacted by COVID-19.
- This effort is the One Buncombe Fund. At the March 24,2020 City Council meeting, Council endorsed the One Buncombe Fund concept, scheduled a Public Hearing for this meeting (April 14, 2020), and tentatively agreed to appropriate $100,000 to the Fund, subject to the Public Hearing.

- A donation/application website has been activated, www.OneBuncombe.org, with funds deposited to the Buncombe County Service Foundation (BCSF), which is an existing Non Profit organization created by Buncombe County.
- Funds placed into the BCSF One Buncombe Fund are managed by a nine-person board, which includes members of local governments including the City of Asheville, businesses, and philanthropic organizations. Funds will be used for individuals and small businesses that have been impacted by COVID-19.
- Funds for low and moderate income individuals who have lost employment due to COVID-19 will be delivered via the Buncombe County Health and Human Services (BCHHS) existing General Assistance (GA) program.
- Funds will be used for life-essential needs caused by the COVID-19 public health crisis, such as assistance with utilities, rent, and mortgages.
- Funds will be paid to the service providers, not directly to individuals. Individuals will be screened and referred to other HHS programs as needed.
- Funds for small businesses impacted by COVID-19 will be provided through loans of up to $10,000 with an initial six-month period of deferred payments of principal and interest. Small businesses are defined as those that have 1-49 employees.
- An initial interest rate of 4% will accrue during that period and rolls up into the loan at the end of the six-month period.
- Loans will be designed to provide low cost "bridge funding" to help businesses stay open and limit job losses until businesses can apply for longer-term disaster funding from SBA or other sources. The BCSF will contract with a third party, Mountain BizWorks, a non-profit community development financial institution (CDFI), to administer this business program.
- The City Attorney has advised that this initiative meets the Economic Development requirements or the Community Development requirements in North Carolina. A public hearing is required as per N.C. Gen. Stat. 158-7.1.
- Both individuals and businesses will be encouraged to donate.
- As of Monday, April 13, 2020, BCHHS has received 2,050 applications for individual assistance. Seven hundred and seventy-five requests have been processed and 341 have been approved for a total of $138,000 in expenditures. Began with 9 workers processing claims and now at 20.
- As of Monday, April 13, 2020, Mountain BizWorks received 133 applications for businesses thus far. There have been 26 loans approved totalling $243,000 helping to retain 240 jobs, and are on track to approve a significantly larger round of loans this week.
- Partners include Buncombe County, City of Asheville, Asheville Area Chamber of Commerce, Mountain BizWorks; Land of Sky Regional Council, Town of Montreat, Biltmore Lake Charitable Fund, Ramble Charitable Fund, Buncombe County Tourism Development Authority; and over 400 friends and neighbors.

Council Goal(s):

- Financially Resilient City
- Equitable and Diverse Community
- Thriving Local Economy

Committee(s):

- None.

Pro(s):

- Provides immediate economic disaster assistance from a centralized fund, administered by existing experienced program management agencies.
- Supports both individuals and businesses in Asheville.

Con(s):

- The magnitude of this crisis may require additional resources. The City is limited in available funding.

Fiscal Impact:

- This economic development appropriation is not in the current adopted budget.
- The appropriation of $100,000 would come from the General Fund unassigned fund balance.
- A budget amendment is required.

Mayor Manheimer said that public comment was allowed via phone; however, no one called in for comment on this item.

Mayor Manheimer opened the public hearing at 5:36 p.m., and when no one spoke, she closed the public hearing at 5:36 p.m.

In response to Councilman Kapoor, Mr. Powers said that all donations are tax deductible. Mr. Powers also said that this program is for those who don't have other options available to them.

Mayor Manheimer said that members of Council have previously received a copy of the resolution and ordinance and they would not be read.

Vice-Mayor Wisler moved to approve the appropriation of $100,000 from General Fund unassigned fund balance to the Buncombe County Service Foundation (BCSF) to be used in the One Buncombe Fund. This motion was seconded by Councilwoman Mayfield and carried unanimously.

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Vice-Mayor Wisler moved to adopt a budget amendment to participate in One Buncombe Fund. This motion was seconded by Councilman Kapoor and carried unanimously.

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V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Thirteen individuals spoke about the need for the Tourism Development Authority and the City of Asheville to open up hotels for the homeless population, medical professionals and others who need safe housing.

One individual spoke about the need for a comprehensive urban forestry program and an urban forester.

In response to Councilman Haynes, Assistant City Manager Cathy Ball addressed the issues of hotels and what is taking place for the homeless population and others. Councilwoman Smith asked that the public be provided with updated information.

PRIMARY ELECTION RESULTS - CITY OF ASHEVILLE - MARCH 3, 2020

Attached is the abstract containing the number of legal votes in the Primary Election, City of Asheville, held on March 3, 2020.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:06 p.m.

Magdalen Burleson
CITY CLERK

MAYOR

2020 PRIMARY ELECTION
03/03/2020
ABSTRACT OF VOTES
FOR
BUNCOMBE COUNTY, NORTH CAROLINA

INSTRUCTIONS
The county board shall prepare abstracts of all the ballot items in triplicate originals. The county board shall retain one of the triplicate originals, and shall distribute one each to the clerk of superior court for the county and the State Board of Elections. The State Board of Elections shall forward the original abstract it receives to the Secretary of State (GS § 163A-1173)

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

The County Board of Elections for said county, having opened, canvassed, and judicially determined the original returns of the election in the precincts in this county, held as above stated, do hereby certify that the attached is a true abstract thereof, and contains the number of legal ballots cast in each precinct for each office or referendum named, the name of each person or choice voted for, their party affiliation (where applicable), and the number of votes cast for each person or choice for the item named.

This is the 13th day of March, 2020.

Board Member

Board Chair

Board Member

Board Secretary

Board Member

This day personally appeared before me, JACK QUINN, Chairman of the County Board of Elections, who being duly sworn, says the abstract of votes herein contained is true and correct, according to the returns made to said Board.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this the 13th day of March, 2020.

Official Signature of Notary Public

COLINNE M DUNCAN
Printed/Typed Name of Notary Public

My Commission Expires: MAY 1 2022

CORINNE M DUNCAN Notary Public Buncombe County NORTH CAROLINA (Seal)

March 03, 2020 Primary Election Results by Contest

Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
PRESIDENTIAL PREFERENCE - CST	Doni Blankenship	CST	1	1	0	0	0
	Charles Kraut	CST	3	2	1	0	0
	No Preference	CST	4	2	2	0	0
PRESIDENTIAL PREFERENCE - DEM	Deval Patrick	DEM	20	11	8	1	0
	Bernie Sanders	DEM	23,440	12,690	10,314	336	100
	Tom Steyer	DEM	1,193	123	1,036	32	2
	Elizabeth Warren	DEM	10,655	4,784	5,662	187	22
	Marianne Williamson	DEM	40	21	18	1	0
	Andrew Yang	DEM	109	59	47	2	1
	Michael Bennet	DEM	49	24	23	0	2
	Joseph R Biden	DEM	15,533	11,150	4,136	213	34
	Michael R Bloomberg	DEM	4,928	1,671	3,119	129	9
	Cory Booker	DEM	31	21	10	0	0
	Pete Buttigieg	DEM	3,074	70	2,867	134	3
	Julian Castro	DEM	22	12	10	0	0
	John K Delaney	DEM	22	13	8	1	0
	Tulsi Gabbard	DEM	366	213	148	5	0
	Amy Klobuchar	DEM	2,397	74	2,231	91	1
	No Preference	DEM	403	246	143	13	1
PRESIDENTIAL PREFERENCE - GRE	Howie Hawkins	GRE	23	13	10	0	0
	No Preference	GRE	15	11	4	0	0
PRESIDENTIAL PREFERENCE - LIB	James Orlando Ogle	LIB	9	8	1	0	0
	Steve Richey	LIB	7	7	0	0	0
	Kim Ruff	LIB	23	15	8	0	0
	Vermin Supreme	LIB	22	16	6	0	0
	Arvin Vohra	LIB	1	0	1	0	0
	Max Abramson	LIB	9	8	0	0	1
	Ken Armstrong	LIB	8	5	3	0	0
	Dan Behrman	LIB	5	5	0	0	0
	Kenneth Blevins	LIB	3	3	0	0	0
	Souraya Faas	LIB	7	6	1	0	0
	Erik Gerhardt	LIB	3	3	0	0	0
	Jedidiah Hill	LIB	4	3	1	0	0
	Jacob Hornberger	LIB	29	21	7	1	0

Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
	Jo Jorgensen	LIB	12	8	4	0	0
	Adam Kokesh	LIB	3	3	0	0	0
	John McAfee	LIB	22	18	4	0	0
	No Preference	LIB	76	52	24	0	0
PRESIDENTIAL PREFERENCE - REP	Donald J. Trump	REP	17,893	10,442	7,147	257	47
	Joe Walsh	REP	431	261	161	9	0
	Bill Weld	REP	476	264	194	14	4
	No Preference	REP	539	335	190	13	1
US SENATE - DEM	Erica D. Smith	DEM	18,791	9,762	8,605	345	79
	Steve Swenson	DEM	1,131	677	434	15	5
	Cal Cunningham	DEM	33,317	15,378	17,247	643	49
	Trevor M. Fuller	DEM	2,844	1,465	1,317	53	9
	Atul Goel	DEM	1,406	791	587	16	12
US SENATE - REP	Thom Tillis	REP	14,595	8,422	5,932	207	34
	Paul Wright	REP	1,488	933	526	19	10
	Larry Holmquist	REP	1,510	920	567	18	5
	Sharon Y. Hudson	REP	1,298	750	512	33	3
US HOUSE OF REPRESENTATIVES DISTRICT 11 - DEM	Michael O'Shea	DEM	7,240	3,670	3,396	147	27
	Phillip G. Price	DEM	4,948	2,467	2,379	92	10
	Steve Woodsmall	DEM	3,565	1,685	1,757	112	11
	Gina Collias	DEM	13,267	7,079	5,920	216	52
	Moe Davis	DEM	27,972	12,903	14,530	490	49
US HOUSE OF REPRESENTATIVES DISTRICT 11 - REP	Joey Osborne	REP	1,303	869	408	20	6
	Vance Patterson	REP	316	182	129	5	0
	Albert Wiley, Jr.	REP	105	50	54	1	0
	Chuck Archerd	REP	3,049	1,674	1,304	63	8
	Lynda Bennett	REP	4,657	2,596	1,982	64	15
	Matthew Burril	REP	113	75	34	3	1
	Madison Cawthorn	REP	4,728	2,982	1,689	40	17
	Jim Davis	REP	2,075	1,194	865	16	0
	Dan Driscoll	REP	1,688	995	652	40	1
	Steven Fekete, Jr.	REP	43	28	15	0	0
	Dillon S. Gentry	REP	69	46	19	3	1
	Wayne King	REP	920	478	426	13	3

Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
NC GOVERNOR - DEM	Ernest T. Reeves	DEM	5,621	3,370	2,143	79	29
	Roy Cooper	DEM	53,879	26,008	26,727	1,021	123
NC GOVERNOR - REP	Dan Forest	REP	15,881	9,286	6,339	216	40
	Holly Grange	REP	2,679	1,554	1,064	49	12
NC LIEUTENANT GOVERNOR - DEM	Allen Thomas	DEM	2,573	1,391	1,116	52	14
	Bill Toole	DEM	2,752	1,513	1,169	60	10
	Terry Van Duyn	DEM	35,964	16,445	18,801	652	66
	Chaz Beasley	DEM	3,507	1,785	1,621	92	9
	Yvonne Lewis Holley	DEM	9,368	5,121	4,053	148	46
	Ron Newton	DEM	1,535	838	664	31	2
NC LIEUTENANT GOVERNOR - REP	John L. Ritter	REP	1,633	955	646	26	6
	Mark Robinson	REP	5,820	3,473	2,262	67	18
	Scott Stone	REP	1,144	663	465	13	3
	Andy Wells	REP	3,246	1,866	1,331	45	4
	Buddy Bengel	REP	518	302	208	6	2
	Deborah Cochran	REP	1,228	649	551	21	7
	Renee Ellmers	REP	720	359	341	19	1
	Greg Gebhardt	REP	1,229	685	521	18	5
	Mark Johnson	REP	2,122	1,339	746	30	7
NC ATTORNEY GENERAL - REP	Jim O'Neill	REP	9,250	5,393	3,719	113	25
	Sam Hayes	REP	6,336	3,736	2,495	86	19
	Christine Mumma	REP	1,840	1,017	771	45	7
NC AUDITOR - DEM	Luis A. Toledo	DEM	10,842	5,360	5,189	260	33
	Beth A. Wood	DEM	42,337	20,462	21,030	738	107
NC AUDITOR - REP	Anthony Wayne (Tony) Street	REP	7,935	4,586	3,221	101	27
	Tim Hoegemeyer	REP	8,246	4,813	3,289	124	20
NC COMMISSIONER OF AGRICULTURE - DEM	Walter Smith	DEM	8,744	4,385	4,161	179	19
	Jenna Wadsworth	DEM	38,939	18,730	19,420	679	110
	Donovan Alexander Watson	DEM	4,815	2,389	2,297	117	12
NC COMMISSIONER OF INSURANCE - REP	Ronald Pierce	REP	5,634	3,317	2,223	73	21
	Mike Causey	REP	10,708	6,156	4,370	154	28
NC COMMISSIONER OF LABOR - REP	Chuck Stanley	REP	5,587	3,349	2,157	57	24
	Josh Dobson	REP	7,030	4,055	2,849	112	14

Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
NC COMMISSIONER OF LABOR - REP	Pearl Burris Floyd	REP	3,639	2,062	1,511	57	9
NC SECRETARY OF STATE - REP	E.C. Sykes	REP	4,593	2,635	1,877	71	10
	Chad Brown	REP	7,172	4,221	2,848	78	25
	Michael LaPaglia	REP	4,698	2,695	1,910	79	14
NC SUPERINTENDENT OF PUBLIC INSTRUCTION - DEM	Keith A. Sutton	DEM	10,737	5,369	5,157	183	28
	James Barrett	DEM	3,244	1,714	1,456	65	9
	Constance (Lav) Johnson	DEM	8,129	4,155	3,792	149	33
	Michael Maher	DEM	4,111	1,878	2,116	108	9
	Jen Mangrum	DEM	26,350	12,473	13,331	484	62
NC SUPERINTENDENT OF PUBLIC INSTRUCTION - REP	Catherine Truitt	REP	9,437	5,341	3,932	134	30
	Craig Horn	REP	7,141	4,320	2,710	94	17
NC TREASURER - DEM	Dimple Ajmera	DEM	21,427	10,415	10,562	371	79
	Ronnie Chatterji	DEM	16,903	7,675	8,818	382	28
	Matt Leatherman	DEM	12,159	6,295	5,611	227	26
NC STATE SENATE DISTRICT 48 - DEM	Najah Underwood	DEM	1,456	787	647	16	6
	Brian Caskey	DEM	3,610	1,591	1,926	87	6
	Cristal Figueroa	DEM	2,944	1,399	1,488	51	6
NC STATE SENATE DISTRICT 49 - DEM	Ben Scales	DEM	8,856	4,755	3,927	148	26
	Travis Smith	DEM	6,588	3,119	3,328	126	15
	Julie Mayfield	DEM	32,120	15,509	15,937	593	81
BUNCOMBE COUNTY BOARD OF COMMISSIONERS DISTRICT 01 - DEM	Terri Wells	DEM	12,610	5,940	6,449	196	25
	Nancy Nehls Nelson	DEM	6,286	2,741	3,414	117	14
BUNCOMBE COUNTY BOARD OF COMMISSIONERS DISTRICT 02 - REP	Anthony Penland	REP	4,257	2,584	1,613	53	7
	Mike Fryar	REP	1,478	928	527	19	4
BUNCOMBE COUNTY BOARD OF COMMISSIONERS DISTRICT 03 - DEM	Parker Sloan	DEM	9,722	4,718	4,811	175	18
	Donna Ensley	DEM	8,277	4,100	3,973	186	18
CITY OF ASHEVILLE CITY COUNCIL -	Larry Ray Baker		1,592	873	656	53	10
	Tim Collins		2,202	1,213	934	42	13
	Kristen Goldsmith		8,424	4,178	4,005	211	30
	Sandra Kilgore		9,077	4,711	4,080	248	38
	Rich Lee		10,324	5,078	4,973	249	24
	Shane McCarthy		3,746	1,918	1,719	98	11

Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
CITY OF ASHEVILLE CITY COUNCIL	Kim Roney		10,521	5,519	4,804	156	42
	Nicole Townsend		9,660	5,111	4,322	187	40
	Sage Turner		12,575	6,113	6,141	276	45
	Keith Young		11,373	5,654	5,445	230	44

Tuesday – April 28, 2020 - 5:00 p.m.

Special Meeting

Present: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor (participating via speaker phone); Councilwoman Julie V. Mayfield; Councilman W. Keith Young (participating via speaker phone); City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson

Absent: Councilwoman Sheneika Smith

Mayor Manheimer said that the purpose of this special meeting is to consider a resolution authorizing the City Manager to apply for and receive funds from Federal Emergency Management Agency funding to recover costs due associated with the COVID-19 pandemic event and to designate the applicant agents.

RESOLUTION NO. 20-73 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND RECEIVE FUNDS FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FUNDING TO RECOVER COSTS DUE ASSOCIATED WITH THE COVID-19 PANDEMIC EVENT AND TO DESIGNATE THE APPLICANT AGENTS

Fire Chief Scott Burnette said that this is the consideration of adoption of a resolution authorizing the City Manager to designate the applicant agents for the City of Asheville to apply for and receive reimbursement funds from FEMA Public Assistance.

Background:

- The COVID-19 pandemic began to affect the City of Asheville on March 13, 2020.
- The City of Asheville has incurred and will continue to incur expenses as a result of this event.
- FEMA has streamlined the Public Assistance project application process.
- Applicants are served on a first-come/first-served basis, so there is a sense of urgency.
- The first step in the application process is the designation of two applicant agents.
- The Primary's role (and Secondary's role in the Primary's absence) is to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available.
- Additionally, the agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- A financially resilient city

Committee(s):

- None

Pro(s):

- Allows for potential recovery of costs associated with the COVID-19 declared disaster

Con(s):

- None

Fiscal Impact:

- Funds received will be reimbursed for costs incurred responding to and in support of the COVID 19 pandemic.

In response to Councilwoman Mayfield, Chief Burnette said that the City will be able to apply for any COVID-19 related, actual out-of-pocket expenses. We may know the result of our application in a matter of weeks.

In response to Vice-Mayor Wisler, Chief Burnette said that we will continue to make applications for specific time periods and projects.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Mayfield moved to adopt a resolution authorizing Daniel Flinn, Division Chief - Administration, Fire Department and Abigail Riley, Financial Business Manager as primary and secondary agents to apply for and receive financial assistance from FEMA Public Assistance for the COVID 19 pandemic. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

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Mayor Manheimer adjourned the special meeting at 5:08 p.m.

Magdalen Burleson
CITY CLERK

Esther G. Manheimer
MAYOR

Tuesday – May 12, 2020 - 3:00 p.m.

This budget briefing was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; and City Clerk Magdalen Burleson.

Mayor Manheimer explained that this worksession is being held remotely and appreciated the patience of the public. The public may listen live by phone by dialling 855-925-2801 and enter Code 8658. Live stream of the meeting can be found at www.publicinput.com/AvlBudgetBriefMay122020.

City Manager Campbell said that we will be providing an update on Current Year Financial Status since April 14 Council Work Session; and a preview of the Fiscal Year 2020-21 (FY21) Manager's Recommended Budget. She said key takeaways will be (1) Ongoing major uncertainty; (2) Continuation budget with limited service enhancements; (3) Departments worked to make cuts with a focus on minimizing operational impacts; and (4) Even with state/federal support, fund balance needed to support operations

Chief Financial Officer Barbara Whitehorn then reviewed the current fiscal year update, outlining the notes from April 14 budget worksession: (1) Operational changes: Fare-free transit service; Free on-street and garage parking; Deferring/waiving some leases, monthly charges and loan payments; Contribution to One Buncombe Fund; and Shelter for people experiencing homelessness; (2) Significant revenue and expenditure impacts; (3) Spending will continue for essential services & implementation of $31,200 minimum pay; (4) Implementing targeted, strategic reductions and/or delays in spending where possible; (5) General and Parking Funds will use fund balance, as expenses will exceed revenues; and (6) Federal/State assistance will help to mitigate some financial impact.

She reviewed the changes to the General Fund since the April 14 budget worksession: (1) Lowered ABC revenue estimate by $200,000; (2) Anticipating ~20% decline from March to June in sales taxes after discussions with other cities; (3) State deferral of vehicle registrations for five months; (4) Ongoing **major uncertainty** in revenue estimates, especially sales taxes; (5) Identified approximately $1.0M in savings through departmental budget reviews and hiring freeze; (6) Anticipating expenses will exceed revenues in the range of $2.5M - $5.0M (Previous est. $2.8 - $5.5M); (7) Available fund balance at year end will drop to between 14-16%; and (8) Federal and State assistance amounts unknown.

She showed a chart of the current year sales tax estimates. The U.S. Census Bureau said that overall retail sales during March were down 8.7 percent seasonally adjusted from February and down 6.2 percent unadjusted year-over-year. The monthly drop is the largest ever recorded, exceeding a 4.3 percent decline in November 2008 during the Great Recession. April national retail sales data will be released on May 15. She then reviewed charts for the current year General Fund Update and and Fund Balance Update.

She then reviewed changes to the Enterprise Funds since the April 14 budget worksession (1) Transit COVID-19 expenses and budget shortfall will be covered with CARES Act funding - $500,000 May 12 budget amendment for bus driver protective equipment; and (2) $1.5M shortfall in Parking Fund due to suspension of parking deck and on-street parking fees. She used a chart to show the current year parking major revenues, and explained the transit use of CARE Act funding.

The financial impact summary is (1) General Fund projected fund balance decline: $2.5M - $5.0M; (2) Parking Services Fund projected fund balance decline: $1.5M; and (3) Other Enterprise Funds unlikely to experience major financial impact in the current year.

She then reviewed the framework for the Fiscal Year 2020-21 Manager's Preliminary Recommended Budget: Updates to key takeaways from the retreat include (1) Even more uncertain economic outlook; (2) Minimal revenue growth will be used up by ongoing operating cost increases, even after making reductions to expenditures; and (3) While enhancements can be considered if the fiscal picture improves later in the year, additional revenue will be needed to fund any new capital or operating investments.

She reviewed the guiding principles of essential service delivery (ensuring departments have the resources required to meet service delivery expectations); enhancing customer value (ensuring efficient service delivery that improves the customer experience); and strategic alignment (aligning resources - new and existing - to achieve community, Council and staff goals). She explained how we implement the guiding principles in a crisis (1) **Ensure safety** of our staff and community; (2) Work to **limit impacts** on existing services; and (3) Whether essential or strategic, not the time to reduce the services our community relies on.

Ms. Whitehorn then gave a preview of the Fiscal Year 2020-21 Manager's Preliminary Recommended Budget. It **continues funding for existing services** with limited enhancements, new programs or initiatives. And, it maintains current property tax rate (42.89¢) and recommends **no fee increases**.

She then reviewed the Council's strategic priorities, along with the Fiscal Year 2020-21 budget details. Fiscal Year 2020-21 General Fund salaries & wages (1) Funding for $31,200 minimum pay, LGERS required increase; (2) No funding to implement other recommendations of Compensation Study; (3) No general wage increase for employees; and (4) Assuming continuation of hiring freeze through first six months of FY21.

Fiscal Year 2020-21 General Fund operating expenditures (1) Primary goal: **continuity of operations**; (2) Continued **transit** support; (3) Collaborative work with departments to hold operating budgets flat year over year; (4) Budget developed with **intentionality** and a focus on **equity**; and (5) Recommend reallocation of portion of Strategic Partnership Funds (SPF) to support equity and address opportunity gap goals: (a) $35,000 to support ACS After-School Coordinator; and (b) $43,000 to Parks & Recreation for extended community center hours and summer youth/teen programming.

The Fiscal Year 2020-21 General Fund summary is (1) Continuity of operations and existing programs with no additional funding for new or enhanced services; and (2) Fund balance appropriation of up to $1.5M may be necessary, reducing fund balance to the range of 13% - 15%.

The Fiscal Year 2020-21 Enterprise Fund summary is (1) **No fee increases** in water and stormwater; (2) Uncertainty around re-implementation of fees for transit and parking may impact revenues in those funds; (3) Parking revenue likely will be slow to rebound; (4) Water Capital Improvement Program charge to be eliminated ($7M reduction in revenue) (a) Water capital fund balance to make up difference; and (b) External consultants working on rate study to better balance cost burden between commercial and residential customers; and (5) Harrah's Center budget reduced to reflect fewer expected events.

The Fiscal Year 2020-21 Capital Improvement Program (1) Projects already underway will continue; (2) No new projects funded; (3) Projects included if a delay could jeopardize external funding; and (4) General Obligation Bond projects continuing to ensure completion within

timeframe.

There is a continuation of capital investments, i.e., ongoing allocations for Facility maintenance, Computer replacement, Vehicle replacement, Road resurfacing, and Neighborhood sidewalks.

She said the key takeaways are (1) Ongoing major uncertainty; (2) Continuation budget with limited service enhancements; (3) Departments worked to make cuts with a focus on minimizing operational impacts; and (4) Even with state/federal support, fund balance needed to support operations.

City Manager Campbell, along with Ms. Whitehorn, responded to various questions/ comments from Council, some being, but are not limited to: what is fund balance and what is it a percentage of; what is included in the mitigating revenue loss for transit use of CARES Act funding; are we considering using CARES act funding for hazard or bonus pay for transit drivers and other transit workers; if the pandemic ends sooner and there is left-over CARES Act funding , does staff have any ideas on what we might spend it on; how confident does staff feel about estimates for sales tax; when will we start to know about sales tax revenue and what actions should be take to address that; we are keeping the OPEB contribution the same as prior year; what is the County projecting in sales tax; for planning purposes, will the state let us know where the sales tax comes from; confirmation that staff will provide Council a memorandum on budget assumptions; are there plans to restore bus routes, particularly to the Spruce Hill area; is dedicating the $78,000 to address opportunity gap goals the best us of those reallocated funds because of social distancing; and request for staff to provide information on the City's support for the Asheville-Buncombe Community Land Trust.

There was discussion, initiated by Councilman Haynes, regarding employee salaries, in particular firefighters pay. In summary, City Manager Campbell said that the compensation study will be completed in late May or early June and at that time we will look at all our employees' pay.

Mayor Manheimer adjourned the budget worksession at 4:25 p.m.

Tuesday – May 12, 2020- 5:00 p.m.

This regular meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson.

Mayor Manheimer explained that this meeting is being held remotely and appreciated the patience of the public. Public comment was taken by calling a toll free public input line. The public may also listen live by phone by dialling 855-925-2801 and enter Code 8659. In addition, written public comment was accepted. Live stream of the meeting can be found at www.publicinput.com/AshevilleCityCouncilMay122020.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

At the request of City staff, Consent Agenda "D" was removed from consideration.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON APRIL 14, 2020; AND SPECIAL MEETING ON APRIL 28, 2020

B. RESOLUTION NO. 20-74 - RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH RSM US LLP TO CONDUCT THE CITY'S AUDIT FOR FISCAL YEAR ENDING JUNE 30, 2020

Action Requested: Adoption of a resolution authorizing the Mayor to execute a contract with RSM US LLP for auditing City accounts for fiscal year ending June 30, 2020.

Background:

- North Carolina General Statute §159-34 requires that local governments have its accounts audited each fiscal year and submit a copy of the audit report and financial statements to the Local Government Commission. Staff recommends retaining the services of RSM US LLP to conduct an audit of the City's accounts for the fiscal year ending June 30, 2020.
- The estimated fee for fiscal year 2019-2020 audit is $98,200.
- Execution of this contract complies with the Audit Policy portion of City Council's Financial Policies which states that the City "shall enter into multi-year agreements of not more than five years in duration through a series of single-year contracts as consistent with applicable legal requirements."
- This will be the third consecutive year of contracting RSM US LLP to perform the City's audit.

Vendor Outreach Efforts:

- No competitive bid process was conducted this year.

Council Goal:

- Financially Resilient City

Committee:

- No prior Committee approval. Final audit results are presented annually to the Finance and Audit Committees.

Pro:

- Contracting with RSM US LLP aligns with City Council's financial policy and will help ensure the timely and successful completion of the annual audit.

Con:

- None

Fiscal Impact:

- Fees of $98,200 for the annual audit are budgeted in the Internal Audit operating budget.

Motion:

- Move to adopt a resolution authorizing the Mayor to execute a contract with RSM US LLP for auditing City accounts for the fiscal year ending June 30, 2020.

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C. RESOLUTION NO. 20-75 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A SUPPLEMENTAL AGREEMENT WITH CDM SMITH

FOR MAINTENANCE UPGRADES TO THE MILLS RIVER WATER TREATMENT PLANT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a Supplemental Agreement for professional services contract with CDM Smith for the design, bidding, and project management of the Mills River Water Treatment Plant - Miscellaneous Plant Upgrades - Phase 2 in the amount of $1,349,500 with a contingency of $40,000 for a total project cost of $1,389,500.

Background:

- Mills River Water Treatment Plant is over 20 years old. Assets and components required to produce high quality drinking water are reaching the end of their useful life.
- CDM Smith completed a Professional Engineer's Report in 2017 which is the basis of this second phase of the continued rehabilitation project.
- Phase 1 of the project is currently under construction. The water treatment plant rehabilitation is staged in 2 phases to allow for continued plant operation during rehabilitation.
- Phase 2 includes replacement of bulk chemical storage tanks, expansion of chemical storage and feed systems, additional raw and finished water storage, additional filter capacity, replacement of multiple motors and pumps, and filter control upgrades.

Vendor Outreach Efforts:

- Through a qualifications-based selection process beginning in August 2014, the City of Asheville selected nine consulting firms to provide on-call professional services for an array of different types of water system projects. CDM Smith was one of the selected firms due to their expertise in areas of water treatment plant construction and upgrades.
- The City of Asheville entered into a master agreement with CDM Smith on June 8, 2015 for on-call professional services valid for three years with the option to renew for two additional years. On April 19, 2018, the City of Asheville executed a renewal master agreement with CDM Smith for the additional two years of on-call professional services.
- If approved, the proposed engineering services described here within will be developed into a subcontract under the conditions of the master agreement.
- City of Asheville Water Resources Staff determined that utilizing the on-call professional services for General Projects was the best method to deliver this project and CDM Smith was the most qualified of the on-call firms. Based on the current master agreement, no additional vendor outreach was performed.

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Continued functionality of assets necessary to produce high quality drinking water.
- Ability to continue compliance with Federal and State regulations.

Con(s):

- Impacts could hamper the delivery of water into the water distribution system
- Impact the ability to meet future increased water demands
- Impact the ability to meet EPA and State regulations.

Fiscal Impact:

- The Water Resources Department currently has the funds needed for this construction agreement budgeted in the "Water Treatment Plant Project" in the Capital Improvement Program Fund.
- $1,349,500 with a contingency of $40,000 for a total project cost of $1,389,500

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a professional services - supplemental agreement with CDM Smith for the Mills River Water Treatment Plant - Miscellaneous Plant Upgrades - Phase 2 Design, Bidding, and Project Management.

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D. RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH PARKER TECHNOLOGIES INC. FOR THE PARKING GARAGE VIDEO CALL CENTER ANSWERING SERVICE

This item was removed from consideration.

E. MOTION ADOPTING THE REVISED FISCAL YEAR 2020-21 BUDGET CALENDAR

Action Requested: Motion to adopt a revised Fiscal Year (FY) 2020-2021 Budget Calendar.

Background:

- At the December 9, 2019, meeting, City Council adopted the Fiscal Year 2020-2021 Budget Calendar, which included the following key dates:
  - Formal presentation of the City Manager's Proposed Budget on May 12, 2020;
  - Budget Public Hearing on May 26, 2020; and
  - Budget adoption on June 9, 2020.
- As a result of the COVID-19 crisis, staff is recommending the following changes to the remaining dates on the calendar:
  - Budget Work Session on May 12, 2020
  - Set Budget Public Hearing on May 12, 2020;
  - Formal presentation of the City Manager's Proposed Budget on May 26, 2020;
  - Budget Public Hearing on June 9, 2020; and
  - Budget adoption on June 23, 2020.

Council Goal(s):

- A Financially Resilient City
- A Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Provides additional time to make FY 2020-2021 budget decisions while remaining in compliance with The North Carolina Local Government Budget and Fiscal Control Act which requires submission of the City Manager's Proposed Budget by July 1.

Con(s):

- None.

Fiscal Impact:

- None.

Motion:

- Motion to adopt the revised Fiscal Year 2020-2021 Budget Calendar.

F. RESOLUTION NO. 20-77 - RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE AND INSTALL SAFETY PROTECTION BARRIERS IN EXISTING TRANSIT VEHICLES

ORDINANCE NO. 4800 - BUDGET AMENDMENT TO FUND PURCHASE OF SAFETY PROTECTION BARRIERS IN EXISTING TRANSIT VEHICLES

Action Requested: Adoption of a resolution authorizing the City Manager to purchase and install safety protection barriers in existing transit vehicles including eighteen (18) Gillig buses, five (5) Proterra electric buses, and four (4) Vicinity buses for a total of twenty-seven (27) buses at a total estimated cost not to exceed $500,000; and a budget amendment in the Transit Capital Projects Fund in the amount of $500,000 from Federal Transit Administration (FTA) CARES Act funds to fund the purchases. In addition, the authorization includes the following tasks:

1. Execute a purchase order of approximately $160,000 to work with Gillig to engineer, design, retrofit and install the safety protection barriers in the eighteen (18) existing 30-foot diesel and diesel electric hybrid Gillig buses.

2. Execute a purchase order of approximately $140,000 to work with Proterra to engineer, design, retrofit, and install the safety protection barriers in the five (5) 35-foot electric buses;

3. Execute a change order to the existing City of Asheville/City of Oxford, Mississippi Contract No. 500350, not to exceed $100,000, in order to engineer, design, and install safety protection barriers, to the four (4) Grande West Vicinity buses previously purchased, prior to completing the bus build and delivering them to Asheville Rides Transit System; and

4. Execute a purchase order of approximately $100,000, to work with AROW Global Corporation, the manufacturer of the safety protection barriers, and/or selected vendor to provide assistance and oversight of the installation of the safety protection barriers in the identified transit buses.

5. Approve a sole source justification to procure the transit barriers from Gillig, Proterra and Vicinity bus manufacturers due to the configuration and specification of each of the buses to be retrofitted with the safety barriers.

Background:

- During February 2020, the Centers for Disease Control and Prevention (CDC) and other federal partners, including the United States Department of Transportation, issued guidance to the public transportation industry in response to the Coronavirus (COVID-19).
- During March 2020, the Federal Transit Administration (FTA) published a Notice of Funding Availability for the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which is intended to provide additional supplemental funding to transit systems to prevent, prepare for, and respond to COVID-19.
- On April 9, 2020, the FTA announced availability of $25 billion apportioned to the transit industry under the CARES Act and the Asheville Urbanized Area (UZA) would receive about $8.6 million.

- The FTA announced that the CARES Act funds are to be used for transit operating and capital expenses, and would consider all expenses incurred on or after January 20, 2020 in response to economic or other conditions caused by COVID-19.
- Transportation Department staff are working with the French Broad River Metropolitan Planning Organization (FBRMPO), as well as Buncombe, Haywood and Henderson Counties to allocate the CARES Act funding to eligible transit systems in the Asheville UZA.
- Transportation Department staff would work with the various bus manufacturers to engineer, design and retrofit existing buses in the fleet with safety protection barriers to protect ART drivers from assault and in emergency situations such as COVID-19.
- The total number of vehicles in the fleet to be retrofitted are 27, including 18 Gillig, 5 Proterra electric, and 4 Vicinity buses.
- Final design would include a sliding glass barrier in the driver's sitting area allowing face-to-face interaction with passengers without obstruction.
- Transportation Department staff recommends using CARES Act funds to purchase and install the safety barriers.
- CARES Act funds provide 100% of the Federal match of the anticipated funding and does not require any local match.
- Transportation Department staff will allocate the CARES Act funds to the Transit Capital Projects fund once received from the FTA.

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- None

Pro(s):
- CARES Act funding provides 100% of the funds for the project.
- No local match is required.
- Provides protection for the bus drivers.

Con(s):
- None

Fiscal Impact:
- As noted above, the CARES Act provides 100% of the funding with no local match required.

Motion:
- Motion to adopt a resolution authorizing the City Manager to purchase and install safety protection barriers in existing transit vehicles including eighteen (18) Gillig buses, five (5) Proterra electric buses, and four (4) Vicinity buses for a total of twenty-seven (27) buses at a total estimated cost not to exceed $500,000; and a budget amendment in the Transit Capital Projects Fund in the amount of $500,000 from Federal Transit Administration (FTA) CARES Act funds to fund the purchases.

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ORDINANCE BOOK NO. 33 - PAGE 66

G. RESOLUTION NO. 20-78 - RESOLUTION SUPPORTING THE N.C. DEPT. OF TRANSPORTATION IN FUNDING, DESIGNING AND CONSTRUCTING IMPROVEMENTS AT THE INTERSECTION OF BREVARD AND SARDIS ROADS

Action Requested: Adoption of a resolution supporting the N.C. Dept. of Transportation (NCDOT) in funding, designing, and constructing improvements at the intersection of NC 191 (Brevard Road) and NC 112 (Sardis Road).

Background:

- The NCDOT has identified a need to make improvements at the intersection of NC 191 (Brevard Road) and NC 112 (Sardis Road).
- The improvements include a right-turn lane with appropriate taper along the eastbound approach of the intersection in order to enhance the efficiency and safety of the intersection.
- The NCDOT will fund, design, and construct the project at a total estimated cost of $740,000.
- The NCDOT plans to use High Impact / Low Cost Funds for the project.
- The High Impact / Low Cost program was established in 2017 to provide funds to complete low cost projects with high impacts to the transportation system including intersection improvements, minor widening, and operational improvements.
- The funds are allocated equally to the 14 Divisions throughout the state.
- The projects are expected to be under contract within 12 months of funding approval by the NCDOT Board of Transportation.
- Projects that have a total cost greater than $250,000 require a resolution of support from the appropriate city, town, or county.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Enables a low cost project with high impacts to the transportation system to be constructed.
- Enhances the efficiency and safety of the intersection.
- The NCDOT is funding, designing, and constructing the project.

Con(s):

- None

Fiscal Impact:

- There is no fiscal impact to the City of Asheville.

Motion:

- Motion to adopt a resolution supporting the NCDOT in funding, designing, and constructing improvements at the intersection of NC 191 (Brevard Road) and NC 112 (Sardis Road).

RESOLUTION BOOK NO. 41 - PAGE 288

H. RESOLUTION NO. 20-79 - RESOLUTION UPDATING THE CITIZEN PARTICIPATION PLAN FOR THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT FUNDING & ACTION PLANS TO ADDRESS CONTINGENCY OPERATIONS DURING A LOCAL, STATE AND/OR NATIONAL EMERGENCY

Action Requested: Approval of an updated Citizen Participation Plan.

Background:

- The City of Asheville is a Participating Jurisdiction (PJ) in the U.S. Department of Housing and Urban Development (HUD) 's HOME program and an entitlement community for the CDBG program. As a recipient of federal funding, the City is required to have a Citizen Participation Plan.
- In addition to existing citizen participation plan requirements, under 24 CFR 91.105(a)(2)(i) through (iii) for local governments, the Citizen Participation Plan must also encourage citizens to participate in the development of the Analysis of Impediments (AI) / Assessment of Fair Housing (AFH) and any revisions in the same manner one would encourage citizen participation in the consolidated plan, any substantial amendments to the plan and the performance report.
- The City of Asheville is required by HUD to include contingency planning for encouraging public participation for HUD funded programs in light of emergency situations such as COVID-19.

Proposal:

- This revised Citizen Participation Plan meets the requirements for citizen participation in the development of and access to the City's AI/AFH, 5 Year Consolidated Plan, Annual Action Plans, and any substantial amendments thereto, and the City's performance report also known as the CAPER, Consolidate Annual Performance & Evaluation Report.
- The revised proposal also includes new language around contingency planning for public participation around HUD funds in a public health emergency.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community
- A Connected & Engaged Community

Committee(s):

- None

Pro(s):

- Accepting the updated Citizen Participation Plan is a HUD requirement and keeps the City of Asheville in compliance as the PJ & Entitlement Community.
- This Plan sets guidelines for encouraging participation in HUD funding & reporting, including plans for communication via the internet and social media and extended outreach to communities potentially affected by HUD funding and those often marginalized in the participation process.
- Community Development received input from various City of Asheville Departments, including the Communication & Public Engagement and Equity & Inclusion.

Con(s):

- The consequence of not adopting the revised Citizen Participation Plan would be to prevent the City from meeting its requirement to HUD.

Fiscal Impact:

- None

Motion:

- Motion to accept the updated City of Asheville Citizen Participation Plan.

RESOLUTION BOOK NO. 41 - PAGE 289

I. **RESOLUTION NO. 20-80 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH RESTOCON TO PROVIDE ADDITIONAL FUNDS TO REPLACE CENTER STAIRWELL IN THE CIVIC CENTER PARKING GARAGE**

Action Requested: Adoption of a resolution authorizing the City Manager to amend the Asheville Parking Garage Repairs contract with Restocon Corporation (# 91900331) increasing the total value of the contract to $408,000.

Background:

- The City of Asheville entered into a contract with Restocon Corporation in October 2018 for various repairs to the Harrah's Cherokee Center - Asheville parking garage.
- The repairs included a significant rehabilitation of the center stairwell within the garage.
- The scope of work was developed from a comprehensive garage condition assessment that was completed during October 2016.
- During February 2020, a detailed structural analysis of the center stairwell indicated a significant deterioration in the overall condition of the center stairwell and it was recommended to totally replace it.
- During March 2020, Restocon Corporation estimated that in order to replace the center stairwell, an additional $99,422 would be required.
- Contingency funds in the amount of $20,763 are included to ensure satisfactory completion of work by late summer 2020.

Vendor Outreach Efforts:

- N/A - This is a current contract.

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- None.

Pro(s):

- Enables the City to continue to provide safe and functional access within the parking garage.
- Part of an overall plan to extend the service life of the parking garage.

Con(s):

- The center stairwell is closed until the replacement work is completed.

Fiscal Impact:

- The appropriate funds are included in the current Parking Services Fund capital projects budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to amend the Asheville Parking Garage Repairs contract with Restocon Corporation (# 91900331) increasing the total value of the contract to $408,000.

RESOLUTION BOOK NO. 41 - PAGE 302

J. **RESOLUTION NO. 20-81 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH THE JOHN R.**

MCADAMS COMPANY, INC. FOR THE PEBBLE CREEK STREAM STABILIZATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract amendment with The John R. McAdams Company Inc. in the amount of $71,200 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $10,680 (15%) for a total Phase 2 budget of $81,880 for the Pebble Creek Stream Stabilization Project - Contract Amendment # 1.

Background:

- The approved Phase 1 budget for this project was $88,561.50 including contingency. Phase 1 realized a savings of $23,868.44 under the budgeted amount. The Phase 1 budget with savings, along with the Phase 2 budget amount of $81,880 results in a total budget of $146,573.06 for this project.
- The City of Asheville has maintenance responsibility on an existing Stormwater Easement through the Pebble Creek Community. There are existing gabion basket retaining walls that are failing along the stream banks located inside the easement. This project includes the design of a new conveyance system and retaining walls along the stream banks in the easement that will safely convey the stormwater through the tight corridor between the buildings.
- The RFQ for this project was advertised on January 10, 2019, with Statements of Qualifications received on January 24, 2019.
- Four (4) consulting firms submitted Statement of Qualifications. Qualifications were reviewed and on May 15, 2019, the John R. McAdams Company Inc. was selected as the best qualified firm.
- The Contract between the City of Asheville and The John R. McAdams Company Inc. was entered into on June 10, 2019.
- Without knowing the extent of failure, capacity of the existing channel, or influence on the surrounding utilities, Phase 1 was to conduct due diligence, preliminary engineering design, and community input so that a determination could be made on how best to move forward with Phase 2 to complete the design and take the project through construction. The first phase was under the threshold for the City Manager's signature authority.
- Professional Services, including Final Design, Permitting and Construction Administration for the contract would proceed immediately after approval of the Contract Amendment. The schedule for Construction Administration would be through April 2021, dependent on any issues that might arise during Permitting.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses through solicitation processes which included posting on the State's Interactive Purchasing System, City of Asheville website, City of Asheville Twitter Account, and requiring engineering firms to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Past engineering firms who have shown interest in bidding on City of Asheville projects were informed about the project's advertisement. During preparation for advertising this RFQ, the contract was shared with the Business Inclusion staff in the Community & Economic Development Department.
- Out of the four (4) qualifications received, no consultant firm was Minority Business or Women Owned Business certified. Two of the firms submitting qualifications proposed utilizing WBE subcontractors for portions of the project. The John R. McAdams Company was chosen for the design because of their qualifications specific to the needs of this project.

Council Goal(s):

- A Financially Resilient City

Committee(s):
- None

Pro(s):
- The contract amendment will allow The John R. McAdams Company to continue with the design and construction phase of this stream stabilization project.
- The stream stabilization project will protect the existing residential structures that are in very close proximity to the existing Stormwater Easement and stream.
- The capacity of the existing corridor will be increased to allow passage of larger storm events safely through the system.

Con(s):
- Construction may be somewhat disruptive to nearby residences. Efforts will be made to notify the public and minimize disruptions.

Fiscal Impact:
- Funding for this contract is budgeted in the Stormwater Utility Fund Capital Improvement Program.

Motion:
- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment with The John R. McAdams Company, Inc. in the amount of $71,200 and to enter into change orders to this contract, if needed, not to exceed a contingency amount of $10,680 (15%) for a total revised contract amount of $148,210 and a revised professional services budget amount of $146,573.06 for the Pebble Creek Stream Stabilization Project.

RESOLUTION BOOK NO. 41 - PAGE 303

K. ORDINANCE NO. 4801 - ORDINANCE AUTHORIZING THE CITY MANAGER TO TEMPORARILY SUSPEND OR DEFER FEES AND CHARGES LISTED IN THE FISCAL YEAR 2019-20 FEES AND CHARGES MANUAL AND OTHER RENTAL AND LOAN PAYMENTS TO THE CITY ON A CASE-BY-CASE BASIS, AS NECESSARY TO ADDRESS HARMS CAUSED BY THE COVID-19 PANDEMIC

Action Requested: Adoption of an ordinance authorizing the City Manager to temporarily suspend or defer fees and charges listed in the Fiscal Year (FY) 2019-20 Fees and Charges Manual and other rental and loan payments to the City on a case-by-case basis, as necessary to address harms caused by the COVID-19 pandemic.

Background:
- Fees and charges assessed by the City are reviewed annually and adopted by City Council as outlined in the FY 2019-20 Fees and Charges Manual.
- The City also has rental and loan payment schedules with other parties.
- Many Asheville businesses are either closed or operating in a limited capacity due to the COVID-19 pandemic, creating substantial economic challenges for owners, employees, and customers.
- Some businesses have requested temporary relief from City fees and charges and loan payments in an effort to help reduce their expenses.
- In support of these requests, several fees and charges and other payments have already been temporarily suspended or deferred or are under review for such action.

Council Goals:

- Transportation and Accessibility
- A Thriving Local Economy
- A Financially Resilient City

Committee:

- None.

Pros:

- Facilitates business operations that are able to continue during the COVID-19 pandemic.
- Reduces operating costs for businesses during the COVID-19 pandemic.
- Reduces transportation costs for the community during the COVID-19 pandemic, helping to maintain access to essential services, businesses, and employment.
- City Manager authority to temporarily suspend fees and charges and other payments provides heightened responsiveness to community needs during the COVID-19 pandemic.

Con:

- Loss or deferment of revenue to the City.

Fiscal Impact:

- Currently suspended fees result in monthly lost revenue of approximately $677,000.
- Loan payments deferred have no impact on operations and no long-term financial impact as the amounts will be repaid as part of the final payment on notes outstanding.
- Federal grant funds are expected to offset the loss of Transit Farebox revenue.

Motion:

- Motion to adopt an ordinance authorizing the City Manager to temporarily suspend or defer fees & charges listed in the FY 2019-20 Fees and Charges Manual and other rental and loan payments to the City on a case-by-case basis.

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L. **RESOLUTION NO. 20-82 - RESOLUTION TO RATIFY THE CITY MANAGER'S EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH RED ROOF INN FOR PROVISION OF 60 ROOMS FOR COVID-19 NON-CONGREGATE MOTEL SHELTER FOR UNSHELTERED AT-RISK PEOPLE EXPERIENCING HOMELESSNESS**

RESOLUTION NO. 20-83 - RESOLUTION TO RATIFY THE CITY MANAGER'S EXECUTION OF NEW SERVICES CONTRACT WITH HOMEWARD BOUND OF WESTERN NORTH CAROLINA TO CONDUCT ESSENTIAL SHELTER OPERATIONS

RESOLUTION NO. 20-76 - RESOLUTION TO RATIFY THE CITY MANAGER'S EXECUTION OF CONTRACT AMENDMENT WITH AXIS SECURITY FOR PROVISION OF 24/7 SECURITY AT RED ROOF INN

Action Requested: Approval of motions to ratify City Manager's execution of contracts with Red Roof Inn, Inc., Homeward Bound of Western North Carolina, and Axis Security.

Background:

- On April 8, the City entered into a 30-day licensing agreement with Homeward Bound of Western North Carolina to operate a 50-bed emergency homeless shelter at Harrah's Cherokee Center for persons experiencing unsheltered homelessness at significant risk of contracting COVID-19 because of age and/or underlying chronic health concerns.
- Operations have gone smoothly and have achieved the initial public health objective of prevention of COVID-19 among the community's unsheltered homeless population.
- The shelter's census has dwindled to 32 over the last week and best practices emerging across the country and in other North Carolina cities now indicate that non-congregate shelter settings in motels provide an appropriate address of public health concerns for those experiencing unsheltered homelessness during the COVID-19 pandemic and an opportunity to provide supportive services with the goal of transitioning as many of these individuals to permanent housing.
- The availability of FEMA reimbursement specifically for non-congregate COVID-19 emergency motel homeless shelters now make such options more feasible.
- Council previously authorized the City Manager at its special called meeting on April 28 to apply for, execute related contracts, and receive FEMA funding for various needs in the community. City staff will complete and submit a project application to FEMA specifically for this activity.
- City staff engaged multiple local hoteliers to secure an appropriate site where Homeward Bound of Western North Carolina could continue its existing staff efforts to operate the shelter in a new venue at the Red Roof Inn, 16 Crowell Rd., with which the City has contracted for 60 rooms initially at a nightly rate of $44.99 plus tax.
- The City has renewed its shelter operations agreement with Homeward Bound as well as extended its agreement with Axis Security Inc. to provide round-the-clock security to ensure the operational and property safety.
- The new arrangement will expand shelter capacity and increase the number of beds available to the community's most at-risk unsheltered persons experiencing homelessness.
- Outreach is both part of the City's overall COVID-19 homeless response and a key element of our ongoing strategy. There are people who will remain outdoors and we will continue to conduct outreach to those people and provide ongoing supportive services to outreach clients who have been sheltered in this effort, all with the ultimate goal of securing permanent supportive housing.

Vendor Outreach Efforts:

- Staff performed outreach to multiple hoteliers to secure competitive rates and the most appropriate property layout, per FEMA guidance.

Council Goal(s):

- A Diverse Community
- A Well-Planned and Livable Community
- Fiscally Resilient City

Committee(s):

- None

Pro(s):

- Expands existing COVID-19 homeless shelter operations capacity.
- Public Health and safety
- Non-congregate motel shelter operations, and security costs are eligible for FEMA reimbursement.
- Provides opportunities to provide counselling and supportive services to help these individuals transition into permanent housing.

Con(s):

- No set end date
- Potential Damages incurred at the Hotel are not eligible for reimbursement from FEMA

Fiscal Impact:

- Funding for the contracts will initially come from previously approved budget authorization that was approved as part of the Affordable Housing CIP project, so no budget amendment is required. Community & Economic Development will utilize Capital Improvement Program funding to cover up front costs pending FEMA reimbursement.

Motion(s):

- Motion to ratify the City Manager's execution of a Memorandum of Understanding with Red Roof Inn for provision of 60 rooms for COVID-19 non-congregate motel shelter for unsheltered at-risk people experiencing homelessness;
- Motion to ratify the City Manager's execution of new services contract with Homeward Bound of Western North Carolina to conduct essential shelter operations.
- Motion to ratify the City Manager's execution of contract amendment with Axis Security for provision of 24/7 security at Red Roof Inn.

Four comments were received from the public regarding housing the homeless at the Red Roof Inn and the security. Mayor Manheimer said that security is provided at homeless shelters as well - so this is not a different protocol. Assistant City Manager Cathy Ball said there is the ability to have people leave the rooms and go out. We worked with Mountain Mobility for on-demand transportation service. The location of the Red Roof Inn is not ideal but we cannot force hoteliers to partner with the City.

In response to Mayor Manheimer, City Attorney Campbell and Assistant City Manager Cathy Ball gave some background information regarding the homeless transition from Harrah's Cherokee Center to the Red Roof Inn. We are working very closely with homeless advocacy groups about the best way to work with the homeless. We are also providing wrap-around services to move this population to transition or permanent housing.

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RESOLUTION NO. 20-83 - RESOLUTION BOOK NO. 41 - PAGE 305
RESOLUTION NO. 20-76 - RESOLUTION BOOK NO. 41 - PAGE 286

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilwoman Mayfield moved for the adoption of the Consent Agenda, minus Consent Agenda "D". This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER A LAND USE INCENTIVE GRANT FOR BEAUCATCHER COMMONS 2 RESTAURANT COURT DEVELOPMENT

Vice-Mayor Wisler moved to continue this public hearing to consider a land use incentive grant for Beaucatcher Commons 2 Restaurant Court development until May 26, 2020. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

B. PUBLIC HEARING TO CONSIDER A LAND USE INCENTIVE GRANT FOR TRIBUTE DEVELOPMENT COLLIER AVENUE APARTMENTS

Vice-Mayor Wisler moved to continue this public hearing to consider a land use incentive grant for Tribute Development Collier Avenue Apartments until May 26, 2020. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

C. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO A PREVIOUSLY APPROVED CONDITIONAL ZONING AT 137 BROAD STREET FROM COMMUNITY BUSINESS I TO COMMUNITY BUSINESS I/CONDITIONAL ZONE TO INCLUDE AN ADJACENT PARCEL FOR THE CONSTRUCTION OF A NEW MIXED-USE BUILDING

Vice-Mayor Wisler moved to continue this public hearing to consider an amendment to a previously approved conditional zoning at 137 Broad Street from Community Business I to Community Business I/Conditional Zone to include an adjacent parcel for the construction of a new mixed-use building until May 26, 2020. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. ORDINANCE NO. 4802 - ORDINANCE AMENDING THE FIREARMS ORDINANCE TO ALLOW BOW HUNTING FOR DEER POPULATION CONTROL ON PRIVATE PROPERTY

Assistant City Attorney Aarin Miles said that this is the consideration of adoption of an ordinance to amend Sec. 11-7 of the Code of Ordinances of the City of Asheville.

Background:

- On January 28, 2020, Christopher Arbor, a teacher at Asheville School, spoke at the Public Safety Committee, during public comment requesting that the City amend its firearm ordinance to allow bowhunting of deer in order to control the deer population, with concerns of lyme disease and deer interfering with the school's forestry efforts.
- Mr. Arbor was accompanied by Joe Lasher of Backyard Bow Pro, who would be the third party that Asheville School would contract with to hunt the deer on the School's property, if permitted. Mr. Lasher indicated that meat from the harvested deer would be donated to food banks.
- Another person, who was the President of the Hillside Terrace Neighborhood Association, spoke to the Committee in support of the amendment indicating that this initiative would help with neighborhood beautification.
- On February 25, 2020, Legal presented research to the Public Safety Committee.
- Christopher Arbor, Steven Beltrem, Joe Lasher, and the President of the HIllside Terrace Neighborhood Association were present and provided public comment in response to staff presentation.
- Legal staff was directed by the Public Safety Committee to draft a proposed amendment to Sec. 11-7: Discharge of Firearms and Weapons, of the Code of Ordinances of the City of Asheville.
- This amendment would allow archery hunting of deer within the City limits under very limited circumstances to include: property size restrictions, height from which hunting must occur, occurring only during the Western Deer season or with a depredation permitted issued by the North Carolina Wildlife Resource Commission, the hunter

possess a valid NC hunting license, and hunter receives a permit to proceed from APD prior to commencing archery hunting on the property.

Vendor Outreach Efforts:
- None

Council Goal(s):
- Clean and Healthy Environment
- Connected and Engaged Community

Committee(s):
- Public Safety Committee - February 25, 2020 - Voted unanimous for Legal to draft ordinance amendment.

Pro(s):
- If this is an effective means of controlling deer, it would assist in agricultural production within the City which aligns with the Food Policy, as well as creating a better balance of deer population and their food supply.

Con(s):
- Discharge of any type of weapon within the City may be viewed as a risk and a public safety concern. Additionally, if exceptions are made, enforcement of the ordinance as it relates to discharge of other types of weapons or for control of other nuisance animals, may become more difficult

Fiscal Impact:
- None

Ms. Miles responded to various questions from Councilwoman Mayfield, noting that donating the harvested deer to a food back is not a requirement of the ordinance. The ordinance does require a depredation permit issued by the North Carolina Wildlife Resource Commission. The hunter must possess a valid North Carolina hunting license, must have written permission from the property owner, and must receive a permit to proceed from the Asheville Police Department prior to commencing archery hunting on the property.

Mayor Manheimer announced that no public comment was received on this item.

Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Kapoor moved to adopt the amendment to Sec. 11-7 entitled "Discharge of Firearms or Weapons," of the Code of Ordinances of the City of Asheville. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Eight voice-mail comments were received regarding housing the homeless; one regarding the budget; one person who requested assistance; and two people who were opposed to re-opening hotels.

Councilman Young said that politics aside, we must pull together and do the right thing to help the City weather this storm.

Closed Session

At 5:54 p.m., Councilman Kapoor moved to go into closed session for the following reasons: (1) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(6). This motion was seconded by Councilman Young and carried unanimously by roll call vote.

At 6:06 p.m., Vice-Mayor Wisler moved to come out of the closed session. This motion was seconded by Councilman Kapoor and carried unanimously by roll call vote.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:06 p.m.

Magdalen Burleson
CITY CLERK

MAYOR

Tuesday – May 26, 2020- 5:00 p.m.

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson.

Mayor Manheimer said that the City Council wants you to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; live call in; and email.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MAY 12, 2020

B. RESOLUTION NO. 20-84 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH J. BARTHOLOMEW CONSTRUCTION LLC FOR THE SHELBURNE ROOF AND WINDOW REPLACEMENT PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with J. Bartholomew Construction, LLC in the amount of $632,500, for the Shelburne Roof and Window Replacement project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of 5% ($31,625).

Background:

- This property located at 75 Shelburne Road was returned to City ownership at no cost to the City from a Federal agency about ten years ago. At the time of transfer to City ownership, the building was in poor condition and has continued to deteriorate.
- Currently this facility houses Facilities Maintenance and several Police operations. The site also serves as a materials storage facility for Public Works stormwater, sanitation, and fleet management.
- The building now houses essential City functions that require dry, secure conditions.
- The roof and masonry are leaking. This project will replace roofing systems throughout the 1960's building and complete structural masonry repairs. High-bay windows in the former "drill hall", while significantly deteriorating, are currently functional.
- Request for Bids was first advertised on March 11, 2020. No pre-bid meeting was held due to observance of pandemic public health concerns. Additional site information was provided to bidders.
- Formal bids were received April 30, 2020. The bids were not opened because only two bids were received.
- Request for Bids was Re-Advertised on May 5, 2020. Contractors were offered site visits following current COVID-19 restrictions per the State of North Carolina, Buncombe County, and the City of Asheville.

- Window Replacement not accepted: Additive Alternate #2 for upper window replacement did not meet the project budget. Windows are currently functioning and will need to be addressed in a future project.
- Construction will begin around July 15, 2020 with completion around November 15, 2020.
- Two bids were received and formally opened on May 14, 2020, their names and Base Bid + Alternate # 1 amounts are listed below:

o J. Bartholomew Construction	Hendersonville, NC	$ 632,500
o WNC Roofing	Fletcher, NC	$ 774,000

J. Bartholomew Construction, LLC was the lowest responsive, responsible bidder.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. The low bidder is not MWBE. The Contractor did document outreach to MWBE sub-contractors. Hemphill Concrete and Finishing (Black Minority Business Enterprise) of Brevard, NC will be performing masonry repairs.

Council Goal(s):

- A Clean and Healthy Environment & A Financially Resilient City

Committee(s):

- None

Pro(s):

- The roof system will be insulated per current codes and leak free.

Con(s):

- None

Fiscal Impact:

- Funding for this contract is included in the Capital Improvement Program (CIP).

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with J. Bartholomew Construction, LLC, in the amount of $632,500, for the Shelburne Roof and Window Replacement project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the 5% contingency amount of $31,625.

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C. RESOLUTION NO. 20-85 - RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SEWER EASEMENT ON CITY-OWNED PROPERTY ON OLD HAYWOOD ROAD AND EASTVIEW CIRCLE TO HAWTHORNE AT HAYWOOD APARTMENTS LLC FOR CONSTRUCTION OF A SEWER SERVICE LINE

Action Requested: Adoption of a resolution authorizing the City Manager to grant a sewer easement to Hawthorne at Haywood Apartments, LLC.

Background:

- The City was approached by a local developer who is building a new phase of the Hawthorne at Haywood Apartments and needed a connection to the nearest Metropolitan Sewerage District (MSD) sewer line. The closest opportunity for sewer connection is a line on Eastview Circle.
- The N.C. Dept. of Transportation does not allow sewer within the roadway of Eastview Circle and no remaining right of way outside of pavement is accessible for the sewer installation.
- The only feasible connection left is across city property (9618-90-5267) at the intersection of Old Haywood and Eastview Circle.
- The Real Estate Division consulted other City departments to determine whether it would be in the City's best interest to allow this easement on City property. The Asheville Fire Department uses the property as a fire station and Asheville Police Department has a traffic division at this location.
- Representatives of both departments indicated that they had no objections to this sewer extension. The Streets Department was also consulted and they have no objection.
- The easement being requested is approximately 100 linear feet long and is 20 feet wide. The width is mandated by MSD regulation specifying minimum width. Fair Market Value has been determined to be $4,820 and the developer has agreed to pay this amount.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- Project will bring much needed rental units to the Asheville area.
- City is receiving compensation for the easement.

Con(s):

- There will be temporary disruption on City property during construction.

Fiscal Impact:

- City is receiving unbudgeted revenue for the easement in the amount of $4,820.

Motion:

- Motion to approve the resolution authorizing the City Manager to grant a sewer easement to Hawthorne at Haywood Apartments, LLC

RESOLUTION BOOK NO. 41 - PAGE 307

D. ORDINANCE NO. 4803 - TECHNICAL BUDGET AMENDMENT TO THE FISCAL YEAR 2019-20 GENERAL FUND (2100 FUND) BUDGET TO ACCOUNT FOR THE REFUNDING COMPONENT OF THE 2018 GENERAL OBLIGATION BOND DRAW PROGRAM

Action Requested: Adoption of a technical budget amendment to the Fiscal Year (FY) 2019-20 General Fund (2100 Fund) budget in the amount of $22,445,994 to account for the refunding component of the 2018 General Obligation (GO) Bond draw program.

Background:

- In 2016, the voters of Asheville approved a GO bond referendum for $74 million.
- The City uses a draw program to minimize the cost of debt. A draw program is a model using short-term debt (24-59 month) during the construction of projects. This short-term debt is then "refunded," or refinanced with long-term debt (20 years). This model minimizes the interest the City pays on debt during construction, ensuring that the City's debt capacity is used most efficiently.
- In June 2018, the City entered into a GO bond draw program in an amount not to exceed $23 million.
- Over the subsequent 21 months, the City drew down on the loan to fund various GO-related projects. In March 2020, the City repaid the interim GO bond ($22.2 million) by issuing 20 year, fixed-rate bonds.
- The FY 2019-20 budget did not include appropriations for the refunding of the 2018 GO bond draw program debt with long-term debt because the amount to be refinanced and the timing were not yet determined when the FY 2019-20 budget was adopted.
- This technical amendment incorporates this appropriation into the budget in order to ensure that the General Fund does not exceed the approved annual budget in the City's Comprehensive Annual Financial Report (CAFR).

Council Goal:
- Financially Resilient City

Committee(s):
- None

Pro(s):
- Amends the FY 2019-20 budget in order to ensure statutory budgetary compliance.

Con(s):
- None

Fiscal Impact:
- There is no net fiscal impact from this technical budget amendment. It will simply amend the FY 2019-20 budget in the General Fund to reflect the receipt of refunding proceeds from the bank and the subsequent payment to bondholders to defease the prior debt issuance.

Motion:
- Motion to approve a technical budget amendment to the Fiscal Year 2019-20 General Fund (2100 Fund) budget in the amount of $22,445,994 to account for the refunding component of the 2018 General Obligation Bond draw program.

ORDINANCE BOOK NO. 33 - PAGE 72

E. RESOLUTION NO. 20-86 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH GMV SYNCROMATICS TO PROVIDE DIGITAL REAL-TIME ARRIVAL/DEPARTURE SIGNAGE AT THE DOWNTOWN TRANSIT CENTER

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with GMV Syncromatics in an amount not to exceed $188,068 to provide digital real-time arrival/departure signage at the downtown transit center.

Background:

- The City of Asheville is currently in the process of renovating various aspects of the downtown transit station at 49 Coxe Ave.
- Recently completed portions of the renovation project include a complete renovation of the interior waiting room and ART staff space; new paint, furniture, and lighting on the platform, and new static signage for the platform bays and building.
- Outstanding items include the addition of solar panels to the roof (to be completed this summer), ADA improvements to the sidewalks and ramps adjacent to the transit station on the west side, and the addition of digital real-time arrival/departure signage to improve the rider experience.
- The City issued a request for proposals February 13, 2020,and received 5 proposals.
- The vendor was selected by a committee of transit staff from the City, ART and City IT staff.
- Installation of the signage will be done under a separate city contract.

Vendor Outreach Efforts:

- A Request for Proposals was issued and posted on the City's bid page as well as the State Department of Administration Historically Underutilized Business website.
- No bids were received from disadvantaged or minority businesses.
- Electrical work and installation of the signage will be bid separately and will include additional outreach to local disadvantaged and minority businesses.

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- None

Pro(s):

- Digital signage will be placed at the transit center inside the passenger waiting area and outside on the platform to provide riders with real-time transit arrival and departure information, as well as rider alerts and messages.
- The digital signage will improve the rider experience and provide additional opportunities for the City and ART to communicate with riders.

Con(s):

- The cost of the signage.

Fiscal Impact:

- The contract is for 3 years with options to renew for two additional years for a total of 5 years.
- The total 5 year cost of the contract is $188,068. This includes $137,573 in hardware and $6,995 in annual software licensing, support, and maintenance fees for the first year. Years 2 through 5 would include an annual payment of $10,875 for software licensing, support and maintenance.
- The contract allows for additional signage purchases to be made as funding is available in order to expand the system.
- The hardware component ($137,573) of the project is to be funded primarily through previously awarded Federal Transit Administration funds budgeted as part of the transit center renovation project. The City is responsible for 20% of this cost ($27,514), which is also budgeted in that same capital project. Annual maintenance, support and licensing fees are included in the Transit Operations Fund budget and will be funded with City funds.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract with GMV Syncromatics in an amount not to exceed $188,068 to provide digital real-time arrival/departure signage at the downtown transit center.

RESOLUTION BOOK NO. 41 - PAGE 308

F. RESOLUTION NO. 20-87 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ESRI INC. FOR GIS SOFTWARE MAINTENANCE

Action Requested: Adoption of a resolution authorizing the City Manager to renew a three-year contract with Esri, Inc. for GIS software maintenance.

Background:

- On August 22, 2017, Council approved Resolution No. 17-185 Esri, Inc. for a three-year contract for GIS Software Maintenance.
- This new contract would allow the City of Asheville to continue building an award-winning GIS program using Esri software for GIS dashboards, Map Asheville, the open data program, water utility management, Public Works asset management, Equity mapping and storytelling, and other initiatives.
- Currently, Esri software is also providing a central data repository and dashboard for the coordinated COVID-19 response.

Vendor Outreach Efforts:

- Esri provides a competitive enterprise license agreement for public sector clients. Changing the City's underlying GIS infrastructure would result in significant costs in terms of lost productivity and the need to rebuild existing GIS assets.
- While City staff keeps a close eye on the enterprise GIS software market, there are few alternatives and none that can provide the same level of value compared to Esri.

Council Goal(s):

- Connected and Engaged Community
- A Diverse Community
- A Well-Planned and Livable Community

Committee(s):

- None

Pro(s):

- Increased support of departmental business requirements via greater options for GIS software licensing
- Ability to install additional software without additional purchases
- Hold the line on increasing software maintenance costs

Con(s):

- If continued funding is not appropriated, some staff will lose the ability to utilize GIS software and data.

Fiscal Impact:

- The first year is $55,500; $5,500 will come from the Water Service Fund and $50,000 will come from IT Services GIS Application Service funding.

- Funding for the first year of the contract is included in the adopted Fiscal Year 2019-20 Budget.
- The total for the three-year contract is $178,155, including sales tax.

Motion:
- Motion to approve the adoption of the resolution authorizing the City Manager to enter an agreement with Esri, Inc. for a three-year contract for GIS Software Maintenance.

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G. RESOLUTION NO. 20-88 - RESOLUTION APPOINTING VICE-MAYOR WISLER TO REPRESENT THE CITY OF ASHEVILLE ON THE FRIENDS OF FONTA FLORA STATE TRAIL BOARD OF DIRECTORS

Action Requested: Adoption of a resolution appointing Vice-Mayor Gwen Wisler to the Friends of the Fonta Flora State Trail, Inc. Board of Directors.

Background:
- The Fonta Flora State Trail is the second state trail in North Carolina. It starts in Burke County at Lake James and is planned to extend through McDowell and Buncombe Counties to terminate in Asheville.
- The City Council of the City of Asheville approved the adoption of the Fonta Flora State Trail extension to Asheville on December 13, 2016, via Resolution # 16-273.
- The Friends of the Fonta Flora State Trail, Inc. is a newly formed non-profit organization designed to support local jurisdictions to coordinate and hasten the planning and implementation of the Fonta Flora State Trail from Morganton to Asheville.
- The Board of Directors is currently being formed and will be made up of elected officials, economic development officials, and trail builders from the three county area.
- Vice-Mayor Gwen Wisler, liaison to the Greenway Committee, was invited to sit on the board for a three-year term.

Council Goal(s):
- Transportation and Accessibility
- Connected and Engaged Community

Committee(s):
- All committees suspended until further notice due to COVID-19.

Pro(s):
- The City of Asheville will have a representative on the Board of Directors.
- State trail status should provide high level planning and funding opportunities to governing entities that are involved with the state trail.

Con(s):
- Time commitment would be required for the city's representative.

Fiscal Impact:
- There is no fiscal impact for this action.

Motion:
- Adopt a resolution appointing Vice-Mayor Gwen Wisler to the Friends of the Fonta Flora State Trail, Inc. Board of Directors

RESOLUTION BOOK NO. 41 - PAGE 310

H. RESOLUTION NO. 20-89 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH MATTERN & CRAIG INC. FOR THE NEW HAWCREEK BOND SIDEWALK PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract amendment with Mattern & Craig, Inc. in the amount of $39,405, for a total contract amount of $719,780 and to further authorize change orders up to the contingency amount of $35,500 (5.2%) for Bond Sidewalk Bundle B.

Background:

- This project, New Haw Creek Sidewalks, is part of the original Bond Sidewalk Bundle B design contract consisting of three other active GO bond sidewalk projects with Mattern & Craig, Inc.
- The City originally entered into a contract in the amount of $573,725 for Bond Sidewalk Bundle B design services (Resolution 17-261, dated November 27, 2017), and later expanded the scope of services to meet the requirements the Federal grants that were awarded to supplement the project budgets. The first contract amendment resulted in a revised contract of $680,375 (Resolution 19-109, dated May 14, 2019)
- Design consideration, to date, for the Haw Creek sidewalk envisioned the sidewalk being constructed on the west side of the road past Dogwood Grove then crossing to the east side of the road.
- Certain challenges with constructing on the east side of the road prompted the suggestion to further evaluate construction on the west side allowing crossings at intersections of Beverley Road and Bel Road.
- Site investigation of the original alignment identified obstructions. The full significance of these obstacles was not realized until a design review workshop in February 2020.
- Understanding the significance of the east side obstructions prompted an investigation of a new alignment. After preliminary design work on the new alignment, it was determined that the new alignment is feasible and recommended.
- This amendment to the design services contract will include additional survey as well as additional drainage and retaining wall design required for constructing on the west side of Haw Creek. The cost of this additional work is $39,405, bringing the total cost of the design contract for the four projects to $719,780.
- The additional contingency of $35,500 is being requested to cover unexpected changes which may occur in the design of this and the other three active projects in this bond package.
    - New Haw Creek design will be complete in August 2020, with construction completion in May 2020.
    - Johnston Boulevard design will be complete in November 2020, with construction completion in January 2023.
    - Onteora Boulevard design will be complete in October 2020, with the construction completion in April 2021.

Vendor Outreach:

- During the establishment of the original contract, staff performed outreach to minority and women owned businesses through solicitation processes which included posting on the State's Interactive Purchasing System and encouraging consultants to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. No MWBE firms submitted qualifications for consideration as the prime consultant.

Council Goal(s):

- Smart City
- Well-planned and livable community

Committee(s):
- None

Pro(s):
- Design of sidewalk that will meet City and National standards
- Improve mobility and safety on city streets
- Adhere to federal guidance and project federal funding

Con(s):
- Construction will be disruptive to adjacent residences and businesses

Fiscal Impact:
- Funding for this contract is already included in the 2016 General Obligation (G.O.) Bond Program and has since been supplemented by federal grant funding at an 80% Federal/20% City level.

Motion:
- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment with Mattern & Craig, Inc. in the amount of $39,405, for a total contract amount of $719,780 and to further authorize change orders up to the contingency amount of $71,000 (9.8%) for Bond Sidewalk Bundle B.

RESOLUTION BOOK NO. 41 - PAGE 311

I. RESOLUTION NO. 20-90 - RESOLUTION APPROVING THE 2020 GENERAL OBLIGATION BOND DRAW PROGRAM

Action Requested: Adoption of a resolution directing the City Manager and Chief Financial Officer to pursue debt financing for capital projects with a draw program that includes the issuance of interim, variable rate General Obligation Bonds (GOs) in an amount not to exceed $25,000,000. The interim GOs will provide construction financing for projects which, upon completion, will be permanently financed through longer-term, fixed rate GOs.

Background - Timeline:
- In 2016, the voters of Asheville approved a GO bond referendum for $74 million.
- In June 2018, the City entered into a GO bond draw program in an amount not to exceed $23 million.
- In March 2020, the City refunded the interim GO bonds ($22.2 million) by issuing 20 year, fixed rate bonds.
- In June 2020, the City wishes to enter into its second GO bond draw program in an amount not to exceed $25 million, and in keeping with the 2016 referendum mandate.

Background - Draw Program:

- The City uses a draw program to minimize the cost of debt. The program allows the City to draw down funds as they are needed during the construction of projects (24-59 months). This short-term debt is then "refunded," or refinanced with longer-term, fixed rate debt (20 years).
- This approach minimizes the interest the City pays on debt during construction and ensures that the City's debt capacity is used most efficiently.

Council Goal:
- Financially Resilient City

Committee(s):
- None

Pro(s):
- Allows the City to move forward with the Capital Improvement Program as funds are spent

Con(s):
- None

Fiscal Impact:
- The initial draw on the GO bonds for costs incurred to date is $5.1 million. At current variable rates associated with this facility (roughly 1.92%), the annualized interest expense on the initial draw is $98 thousand. As further draws are made on the bonds, the interest expense will increase accordingly. Funds are included in the City's FY 2020-2021 proposed debt service budget to cover these costs. They are also included in the City's multi-year capital improvements debt model.

Motion:
- Motion to approve the proposed General Obligation Bond Resolution

RESOLUTION BOOK NO. 41 - PAGE 312

J. RESOLUTION NO. 20-91 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE CONTRACT WITH PARKER TECHNOLOGIES INC. FOR THE PARKING GARAGE VIDEO CALL CENTER ANSWERING SERVICE

Action Requested: Adoption of a resolution authorizing the City Manager to amend the existing parking garage call center contract (# 91700296) with Parker Technology, Inc., increasing the total value of the contract to $91,000, and to extend the contract until May 31, 2020.

Background:
- The City of Asheville entered into a contract with Passport Labs in February 2017 for a video-based customer answering / "call for assistance" service within the four City-operated parking garages.
- The fee structure paid is dependent on the number of "call for assistance" buttons placed at each parking garage exit, as well as the hours within a day that each assistance point is monitored.
- At the beginning of the contract, not all garage exits were equipped with "call for assistance" buttons, and all in-place buttons were only being monitored during evening and weekend hours.
- During May 2018, additional "call for assistance" buttons were installed, and all exits used by hourly garage customers were enhanced to 24/7 monitoring.
- Parking Services raised all parking garage gates on March 18, 2020 due to COVID-19 response. No use of the video call for assistance service has been recorded since then, although the garages have remained open for patrons.

- The contract expired in February 2020 and the requested additional funds would allow Parking Services to pay for services through May 31, 2020.

Vendor Outreach Efforts:
- N/A - This is a current contract.

Council Goal(s):
- Transportation and Accessibility.

Committee(s):
- None.

Pro(s):
- Enables the City to continue to provide timely assistance for parking garage customers.
- Provides "face-to-face" customer support.

Con(s):
- None

Fiscal Impact:
- The cost of increasing the contract value in order to maintain 24/7 customer assistance is included in the current Parking Services Fund operating budget.

Motion:
- Motion to adopt a resolution authorizing the City Manager to amend the existing parking garage call center contract (# 91700296) with Parker Technology, Inc., increasing the total value of the contract to $91,000, and to extend the contract until May 31, 2020.

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K. RESOLUTION NO. 20-92 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH LOOMIS ARMORED US, LLC, FOR ARMORED CARRIER SERVICE

Action Requested: Approval for a contract between the City and Loomis Armored US, LLC, a cash pickup & delivery service, in an amount not to exceed $160,000 over a five year period.

Background - Timeline:
- Various City departments and divisions accept cash payments for services - including Water, Parking, WNC Nature Center, Harrah's Cherokee Center Asheville and Development Services.
- State Statute (NC 159-32) requires that cash receipts in excess of $500 be deposited with a financial institution on a daily basis.
- The City has not had a consistent, coordinated method for making cash deposits.
- To ensure compliance with State statute and improve employee safety, Finance and the aforementioned departments have undertaken an effort to standardize cash deposit activities across the City using Smart Safes and armored car pickup.
- Following a Request for Proposals process, Loomis Armored US, LLC was chosen as the preferred vendor.
- Under the proposed contract, Loomis Armored US, LLC will provide armored vehicle cash pick-up & delivery services as well as State Statute compliant "smart safes" for the periods of time in between cash pickup.

Council Goal:
- Financially Resilient City

Committee(s):
- None

Pro(s):
- Improved employee safety, ensuring that employees are not responsible for carrying cash to the bank.
- Compliance with State Statute through the use of Smart Safes on site.
- Efficient use of City resources, APD officers will not be needed to escort Water Resources deposits to the bank.

Con(s):
- None

Fiscal Impact:
- Contracted service costs not to exceed $160 thousand over a five year period. Each department or division has included these costs in their respective budgets.

Motion:
- Move to adopt a resolution authorizing the Mayor to execute a contract with Loomis Armored US, LLC.

RESOLUTION BOOK NO. 41 - PAGE 335

L. **RESOLUTION NO. 20-93 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, A U.S. DEPT. OF JUSTICE CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM GRANT**

ORDINANCE NO. 4804 - BUDGET AMENDMENT TO ACCEPT A U.S. DEPT. OF JUSTICE CORONAVIRUS EMERGENCY SUPPLEMENTAL FUNDING PROGRAM GRANT

Action Requested: Adoption of a resolution to apply for and accept the 2020 Coronavirus Emergency Supplement Funding (CESF) grant and adopt a budget amendment in the City's Special Revenue Fund in the amount of $153,278.

Background:
- The City of Asheville received an email notifying us of the opportunity to apply for a Department of Justice (DOJ) Coronavirus Emergency Supplemental Funding Program (CESF) grant.
- The DOJ has preliminarily determined that the Asheville Police Department (APD) is eligible to
receive a 2020 award of $153,278 which is allocated solely to the APD.
- The APD will use the funds to prevent, prepare for, and respond to the coronavirus pandemic.

Council Goal(s):
- A Connected and Engaged Community

Committee(s):

- None

Pro(s):
- Allows for reimbursement for purchases pertaining to the Coronavirus pandemic.

Con(s):
- None

Fiscal Impact:
- There is no local match required.

Motion:
- Motion to adopt a resolution approving the application and acceptance of the grant and a budget amendment to appropriate the funding.

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ORDINANCE BOOK NO. 33 - PAGE 73

M. RESOLUTION NO. 20-94 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, WITH THE EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY FOR THE 2020 HIGH INTENSITY DRUG TRAFFICKING AREAS GRANT

ORDINANCE NO. 4805 - BUDGET AMENDMENT FOR THE 2020 HIGH INTENSITY DRUG TRAFFICKING AREAS GRANT

Action Requested: Adoption of a resolution to apply for and accept the 2020 High Intensity Drug Trafficking Areas (HIDTA) Grant; and adopt a budget amendment in the City's Special Revenue Fund in the amount of $285,416.

Background:
- The City of Asheville receives an annual opportunity to receive a HIDTA Program Grant.
- The Office of National Drug Control Policy has preliminarily determined that the City of Asheville
  is eligible to receive a grant of $285,416.
- The purpose of the HIDTA program is to reduce drug trafficking and production in the United States, specifically in areas where drug related activities are having a significant harmful impact.
- The Asheville HIDTA is comprised of members of the United States Drug Enforcement Administration, Asheville Police Department, and the Sheriff Offices' of several Western North
  Carolina Counties.
- Grant funds are used for overtime, travel, services and supplies. All expenses are tracked and
  audited by local and Federal authorities.
- The Asheville HIDTA is the direct beneficiary of the grant funds. A United States Drug Enforcement Administration supervisor, who is the Asheville HIDTA manager, determines how
  grant funds will be expended. All members of the Asheville HIDTA receive reimbursement when
  they incur qualified expenses conducting Asheville HIDTA business..
- The Asheville Police Department acts as the fiduciary for the grant. When expenses are incurred,

the fiduciary settles the claims using appropriated City of Asheville funds and then requests a
100% reimbursement from the Federal Government.

Council Goal(s):
- A Connected and Engaged Community

Committee(s):
- None

Pro(s):
- Fosters partnerships with Federal and local law enforcement agencies.

Con(s):
- None

Fiscal Impact:
- There is no local match required.

Motion:
- Motion to adopt a resolution approving the application and acceptance of the grant; and a budget amendment to appropriate the funding.

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N. RESOLUTION NO. 20-95 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE SELECTION OF A CONTRACTOR TO PROVIDE SUPPLEMENTAL TRANSIT SERVICE IN THE CITY OF ASHEVILLE TRANSIT AREA

ORDINANCE NO. 4806 - BUDGET AMENDMENT IN THE TRANSIT SERVICES FUND FROM CARES ACT FUNDING TO PROVIDE BUDGET AUTHORIZATION FOR THE CONTRACT COST

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Young Transportation in an amount not to exceed $962,000 to provide supplemental transit operations support for the City of Asheville in an effort to restore portions of fixed-route transit services that have been reduced due to COVID-19 impacts to service capacity; and a budget amendment in the Transit Services Fund in the amount of $962,000 from CARES Act funding to provide budget authorization for the contract cost.

Background:
- The COVID-19 pandemic has impacted the City of Asheville's fixed-route transit service, Asheville Rides Transit (ART), in a number of specific ways that have resulted in the need to reduce transit service.
- Specifically, social distancing requirements have necessitated limiting the number of people on a bus to 10 (including the driver). This has essentially reduced the overall service capacity by more than 50%, resulting in instances of overcrowding and not being able to pick up all riders.
- Additionally, staffing levels at ART have also been impacted, both due to COVID-19, natural employee turnover, and nationwide driver shortage, which has been exacerbated by COVID-19.
- Staffing shortages contributed to the need to cut 3 routes (170, S6, and one bus on WE1

route) in March, which has had a significant negative impact on many ART riders.

- Approximately $3.75 million in CARES Act funding has been provided to the City of Asheville specifically to be used for transit expenses related to COVID-19, including expenses related to purchasing operational support.
- The City released an RFP on May 13 requesting proposals to provide supplemental transit operations support, specifically requesting the provision of large vehicles and drivers to be used 12 hours per day in order to cover the peak ridership times of day on the 3 routes that were previously cut (170, S6, WE1). The contractor may also be asked to provide pick-ups and drop-offs to aid in overcrowding being experienced due to the 10-person limit per bus.
- It is unknown how long these services will continue to be necessary, though it is likely that it will no longer be needed when ART staffing levels return to normal and physical distancing measures are no longer required.
- The $962,000 cost to be authorized is a maximum amount and includes 4 buses for 12 hours per day, operating 7 days per week, between June 1 and December 31. It is possible that the number of buses per day needed may be less than 4 on any given day, and it is possible that the City may not need the additional support through December, however staff requests authorization for this maximum amount in case it is needed. Any remaining funds would be returned to the Transit Operations Fund.
- This supplemental service is not new or supplanted service and has no impact on the existing contract with RATPDev, Inc. or the Collective Bargaining Agreement between RATPDev, Inc. and its staff.

Vendor Outreach Efforts:

- A Request for Proposals was issued and posted on the City's bid page as well as the State Department of Administration Historically Underutilized Business website.
- The City received one proposal from a minority/woman-owned business based in Winter-Garden, Florida; however the proposal did not meet the selection criteria as well as Young Transportation's proposal and therefore was not selected.

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- None

Pro(s):

- The contract will provide service 12-hours per day to cover peak ridership times, primarily on the 3 routes that were previously cut. The contractor may also provide service to pick up and drop off riders that may be left at a stop due to the bus being full as a result of the 10-person limit.
- CARES Act funding can be used to fund this contract, rather than City funds.

Con(s):

- The cost to procure additional private services to supplement our fixed-route transit service.

Fiscal Impact:

- The contract is for a not-to-exceed amount of $962,000. CARES Act funding will be used to fund these services, and there is a 0% City match required.
- A budget amendment is needed in order to provide sufficient budget authorization to encumber the contract in the current year Transit Services Fund budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a contract with Young Transportation in an amount not to exceed $962,000 to provide supplemental transit operations support for the City of Asheville in an effort to restore portions of fixed-route transit services that have been reduced due to COVID-19 impacts to service capacity; and a budget amendment in the Transit Services Fund in the amount of $962,000 from CARES Act funding to provide budget authorization for the contract cost.

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Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Smith and carried unanimously by roll call vote.

III. PRESENTATIONS & REPORTS:

A. PRESENTATION OF THE FISCAL YEAR 2020-21 BUDGET

City Manager Campbell was pleased to present the Fiscal Year (FY) 2020-21 Annual Operating Budget. She thanked the Finance & Budget Department, Department Directors, and City Council. The budget document can be accessed on-line.

City Manager Campbell then gave a brief overview of (1) a brief discussion of expected year-end results; and (2) FY 2020-21 Manager's Recommended Budget (a) challenges of budgeting in uncertain economictimes; and (b) recommendations.

Key takeaways included: (1) Ongoing major uncertainty; (2) Continuation budget with limited service enhancements; (3) Departments worked to make cuts with a focus on minimizing operational impacts; and (4) Even with state/federal support, fund balance needed to support operations.

Chief Financial Officer Barbara Whitehorn reviewed a PowerPoint of the FY 2019-20 year-end update: In the General Fund (1) Significant revenue loss from sales taxes, ABC revenue, and investment earnings; (2) Identified $1 million in savings; (3) $2.5-4.5 million use of fund balance; and 94) Available fund balance at year end will drop to between 14-16%. She showed a chart tracking sales tax for the year-end results.

State and federal assistance: (1) State CRF Assistance o $942,000 from Buncombe County; (2) Federal CARES Act Funding o $615,000 Community Development Block Grant (CDBG) Program. o $3.7 million for COVID-19 Transit Impacts; and (3) Dept. of Justice Coronavirus Emergency Supplemental Funding Program (CESF) o $153,000 for the Police Department.

Year-end results for the Enterprise Funds include: (1) Parking (a) Revenue loss from free parking. o $500,000/month; and (b) Identified savings to reduce expected fund balance use to $1.4 million; (2) Transit (a) Revenue loss from fare-free; and (b) Transit COVID-19 expenses and budget shortfall will be covered with CARES Act funding.

The financial summary for the year-end results (1) General Fund use of fund balance - range of $2.5 - $4.5M; (2) Continue to monitor sales taxes and regularly report to Council; (3)

Parking Fund use of fund balance - approximately $1.4M; and (4) State & federal assistance helping offset financial impacts.

Key drivers in the budget development of the FY 2020-21 Manager's Recommended budget include (1) Even more uncertain economic outlook; (2) Minimal revenue growth will be used up by ongoing operating cost increases, even after making reductions to expenditures; and (3) While enhancements can be considered if the fiscal picture improves later in the year, additional revenue will be needed to fund any new capital or operating investments.

Our guiding principles include (1) essential service delivery - ensuring departments have the resources required to meet service delivery expectations; (2) enhancing customer value - ensuring efficient service delivery that improves the customer experience; and (3) strategic alignment - aligning resources (new and existing) to achieve community, City Council and staff goals.

We implement these guiding principles in a crisis by (1) ensuring safety of our staff and community; (2) work to limit impacts on existing services - whether essential or strategic, not the time to reduce the services our community relies on; and (3) be prepared for the plan to change.

The FY 2020-21 recommended budget continues funding for existing services with limited enhancements, new programs or initiatives; and maintains current property tax rate (42.89¢) and recommends no fee increases. She showed a chart of the summary budget, along with a chart of Fiscal Year 2020-21 General Fund revenues.

For the FY 2020-21 General Fund operating expenses, the primary goal is (1) continuity of operations; (2) continued transit support; (3) collaborative work with departments to hold operating budgets flat year over year; and (4) budget developed with intentionality and a focus on equity.

FY 2020-21 salaries & wages: (1) Funding for $31,200 minimum annual pay, LGERS required increase; (2) No general wage increase for employees; (2) Assuming continuation of hiring freeze through first six months of FY 2020-21; (4) Delayed implementation of other recommendations of Compensation Study. o Base pay of all employees, including firefighters being evaluated; and (5) Firefighter Pay Plan (a) Trainee pay: $32,630 annually (6 mo.); (b) Firefighter starting pay: $33,935 annually (~2 yrs.) - Step increases, 2.5%; (c) Sr. Firefighter pay: $40,603 annually; and (d) Other Pay - Education Pay, 1.5-5% - Certification Pay, 2-3%

We aren't making deeper cuts today (1) Flat Budgets (a) Maintain levels of service for the community; (b) Departments minimized increases; and (c) Overall increase driven by Transit improvements in FY 2020-21; (2) Staffing (a) Amount of work expected of employees is increasing during the crisis; and (3) Hold Steady and Prepare for Change.

Strategies for a prolonged recession will be to communicate Early and Often with Council and the Community (1) Continuation of hiring freeze; (2) Maintenance and Capital Investments (a) Defer facility and infrastructure maintenance; and (b) Defer capital projects not already in progress; and (c) Service Cuts.

In the FY 2020-21 General Fund operating budget, we recommend reallocation of a portion of Strategic Partnership Funds (SPF) to support equity and address opportunity gap goals: (1) $35,000 to support ACS After-School Coordinator; (2) $43,000 to Parks & Recreation for extended community center hours & summer youth/teen programming; and (3) $15,000 to Pisgah Legal Services Tenant Eviction Response Team.

She then outlined several of Council's strategic priorities that are on-going.

In summary for the General Fund, revenue is $133.1 Million; expenditures are $134.6 Million; for a use of Fund Balance of $1.5 Million. Continuity of operations and existing programs with no additional funding for new or enhanced services. Fund balance appropriation of $1.5 Million included in the budget, reducing fund balance to the range of 13-15%.

For the FY 2020-21 Enterprise Funds, (1) No fee increases in water and stormwater; (2) Uncertainty around re-implementation of fees for transit and parking may impact revenues in those funds; and (3) Parking revenue likely will be slow to rebound.

In summary for the Enterprise Funds: (1) Transit Fund - $2.1 million (21%) increase in costs (a) Continuation of service enhancements implemented in January, 2020; and (b) Increased paratransit costs; (2) Harrah's Cherokee Center Fund - Budget reduced by $1.1 million to reflect fewer expected events (a) Use of $217k in fund balance; (3) Water Resources Fund (a) No fee increases; and (b) Water Capital Improvement Program charge to be eliminated ($7.4 million reduction in revenue) (i) Water capital fund balance to make up difference; and (ii) External consultants working on rate study to better balance cost burden between commercial and residential customers.

She then reviewed a chart of summary of Enterprise Funds.

For the FY 2020-31 Capital Improvement Program (1) Projects already underway will continue; (2) No new projects funded; (3) Projects included if a delay could jeopardize external funding; and (4) GO bond projects continuing to ensure completion within timeframe.

She noted that key takeaways include (1) Ongoing major uncertainty; (2) Continuation budget with limited service enhancements; (3) Departments worked to make cuts with a focus on minimizing operational impacts; and (4) Even with state/federal support, fund balance needed to support operations.

The public hearing on the budget will be held on June 9 with options of live telephone, pre-recorded and written public comment. The budget adoption is scheduled for June 23, 2020.

In response to Councilman Kapoor, Ms. Whitehorn said that they will provide Council with a list of the continuing capital projects, along with a list of a list of streets they anticipate to repair.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER A LAND USE INCENTIVE GRANT 2 RESTAURANT COURT RENTAL COMMUNITY, BEAUCATCHER VISTA LLC

Community Development Program Director Paul D'Angelo said that this is the consideration of a resolution granting a land use incentive grant for 2 Restaurant Court rental community, Beaucatcher Vista LLC. This public hearing was advertised on May 1, 2020. On May 12, 2020, the public hearing was continued to this date.

Review::

- Kirk Booth d/b/a as Beaucatcher Vista LLC has proposed the development of a 40-unit, 100% affordable multifamily property on a 1.31 acre parcel located at 2 Restaurant Court (PIN #9658-08-2350) in Asheville directly off of Tunnel Road. All 40 units are intended to be 1 bedrooms, with 30 of the units set aside for households at or below 60% of Area Median Income (AMI) and the remaining 10 for 80% AMI households.

- The property is situated in close proximity to commercial and transit amenities, including an ART bus stop, an Ingles grocery and pharmacy, and a number of potential employers. These are all factors prioritized in the LUIG policy.

Proposal:

- The developer has requested a Land Use Incentive Grant (LUIG) award estimated at $289,481.85. In addition, the developer seeks a loan of $1,000,000 from the City's Housing Trust Fund, which request will be considered at the May 26, 2020, Council meeting.
- The property's location and commitment to affordable housing merits a score of 150 on the LUIG scoring matrix, resulting in an award period of 21 years. The City's LUIG policy caps award terms at 20 years plus 1 from the date of release of all occupancy permits for the property.
- The current assessed value of the parcel is $786,000 with an annual City tax obligation of $3,371.15. An estimate of post-construction value from the developer is $4,000,000.
- True valuation will be determined by Buncombe County Tax Assessor after project completion. A project valued at $4,000,000 at the current City tax rate of 0.4289 would result in an annual grant award of $13,784.85. Over the 21 year award period, the total value of the LUIG award would amount to $289,481.85.
- This request will be presented in unison with a $1,000,000 Housing Trust Fund request. The combined City subsidy should both awards be approved is $1,289,481.85, or a total City subsidy of $32,237.05 per affordable unit.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- None

Pro(s):

- The proposed project will create 40 affordable rental housing units made available to households earning 80% or less of AMI for a period of 20 years.
- The proposed project addresses the City's stated priority for one-bedroom apartments.

Con(s):

- None.

Fiscal Impact:

- The parcel has a current tax value of $786,000 and with an annual City of Asheville tax bill of $3,371.15.
- The estimated tax value upon completion is $4.0M, which at current rates would result in a City tax bill of $17,156. The difference in tax payment is $13,784.85. An equivalent amount would be granted back annually to the property owner for 21 years.
- The maximum term of a LUIG is 20 years plus 1. Therefore, over a period of 21 years, the estimated value of this LUIG award is $289,481.85

Vice-Mayor Wisler said that she has heard concerns regarding the developer's neighboring development at 444 Beaucatcher Road. The concerns include garbage and recycling, intrusion of cottages into the setback required, no sidewalk and curbs, cottages are built with their backs to the street; and lack of maintenance of the vegetative buffer. Via email, Planning & Urban Design Director Todd Okolichany said that the 444 Beaucatcher Road was permitted in 2012 and had 12 units. It's possible that sidewalks were not required at that time. He said that the planner for that project still works from the City and he felt sure that the project

would not have been approved if it hadn't conformed to the City's standards. Councilwoman Mayfield asked that these concerns be addressed prior to the final vote on this matter.

Mr. Chris Day, with Civil Design Concepts, said this project proposes 40 affordable housing. They had a neighborhood meeting in December and heard concerns of trash, landscaping, etc. All traffic ties to Restaurant Court. They are providing required buffers. Regarding trash, they will have a dumpster on site that will be managed. At this time they have no commitments on renewable energy components.

Mayor Manheimer opened the public hearing at 5:59 p.m.

Two individuals spoke about the concern of problems associated with the developer's prior development at 444 Beaucatcher Road. Concerns included garbage, no recycling, vegetative buffer, etc.

In accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Vice-Mayor Wisler moved to recess this item until June 9, 2020, at which time this public hearing will be voted on. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

In response to Vice-Mayor Wisler, City Attorney Branham said that when this matter comes back up for final vote, the public hearing portion of this process will have been concluded, but City Council will be able to discuss the item prior to any vote.

B. PUBLIC HEARING TO CONSIDER A LAND USE INCENTIVE GRANT FOR TRIBUTE DEVELOPMENT COLLIER AVENUE APARTMENTS

Community Development Program Director Paul D'Angelo said that this is the consideration of a resolution granting a land use incentive grant for Tribute Development Collier Avenue Apartments. This public hearing was advertised on March 13, 2020. On March 13, 2020, this public hearing was continued to April 14, 2020. On April 14, 2020, this public hearing was continued to May 12, 2020. On May 12, 2020, this public hearing was continued to this date.

Action Requested: Approve the application for the Land Use Incentive Grant application for Tribute Companies Collier Development.

Review:

- Tribute Company has applied for a Land Use Incentive Grant (LUIG) for their development at 11 Collier Avenue per the LUIG policy adopted by City Council and amended on October 22, 2019.
- The development consists of 54 rental apartments with 100% (54) of the homes proposed serving individuals and families earning between 60% and 80% Area Median Income (AMI) for 20 years.
- This project is located in the Asheville Central Business District -
    - 11 Collier Avenue (PIN# 9648-38-5770)
- The developer estimates a total development cost of $6.5M.
- Tax Value of the property, to be based on the Buncombe County Tax Assessment estimate, is $4,776,599 post-completion.
- The project, as presented to staff, meets the following Eligibility Requirements:
    - The proposed development consists of two or more dwelling units for rent;
    - At least 10% of the units will meet the affordability standards set by the City of Asheville for households earning 80% or less of the Area Median Income (AMI).

  - The affordable units will be affordable to and leased to income-eligible households for at least 20 years.
  - The proposed development must be located inside the city limits.
  - The proposed development must be located to provide residents convenient access to jobs, schools, and services.
  - The proposed development must be 70% residential in use based on square footage not to include a parking structure if applicable.
- Per the LUIG Scoring Matrix and based upon the policy, the project will receive 110 total points for affordability and an additional 50 points for the location for a total score of 160 points. Per the policy, this will equal 21 years of grants in the amount of the City Property Taxes payable on the Collier Ave. Development.

Proposal:

- Affordable Rental Housing
  - The proposed project will provide fifty-four (54) affordable units (100% of the units) to individuals and families earning between 60% to 80% of the area median income for an affordability period of twenty (20) years. Under this category, the project qualifies for 100 points.
- Rental Assistance
  - The proposed project will accept 5 Housing Choice Vouchers / Rental Assistance in the community, and possibly consider more. Under this category, the project qualifies for 10 points.
- Superior locational efficiency
  - The proposed project is located within .25 mile of a 1/2 hour transit stop served by an existing sidewalk, within the Central Business District, within 1 mile from a job or urban center, and within a .5 mile from a Transportation Amenity. Under this category, the project qualifies for 50 points.
- Staff has scored the project with 160 points, which qualifies the project for twenty-one years (21) of Land Use Incentive Grant.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- Housing & Community Development Committee - February 11, 2020 - approved
- Finance & HR Committee - February 25, 2020 - approved

Pro(s):

- The proposed project will provide 54 affordable rental housing units to households earning 80% or less of area median income;
- The proposed project will have an affordability period of twenty (20) years;
- The proposed project addresses the pressing need for affordable one-bedroom apartments (54);
- The proposed project should have a significant economic impact. Construction wages and material purchases will positively affect the local and regional economy;
- 54 affordable units located in the central business district (walkability score of 87 - very walkable, bike score of 70 - very bikeable) provides options for our downtown community workers who fall within the 80% AMI incomes.
- Tribute Companies will communicate with the Asheville Housing Authority as the development prepares to come online that they are accepting Housing Choice Vouchers.

Con(s):

- Cost estimates are not yet fully developed, and project costs as presented may change as it moves towards development.
- The Collier Development, while not required, offers no parking for its residents and can add to the individual or family transportation costs.

Fiscal Impact:

- The parcel has a combined current tax value of $521,000 and pays city property taxes of approximately $2,235 annually.
- Under the estimated tax value of $4,776,599 post-completion, the annual city property tax will be approximately $20,487.
- The difference is $18,251 which would be granted to the property owner annually after payment for 21 years.
- For 21 years and 54 affordable units at or below 80% AMI, the city will grant back a total of $383,292 over the 21 years of the LUIG which equals $7,098 per unit of subsidy which is lower than the estimate of up to $80,000 in subsidy for 80% AMI homes as suggested by our Lord Aeck Sargeant consultants and a subsidy cap that has been noted in other LUIG Staff Reports.
- After year 21, the City will receive the approximate $20,487 annually in city tax revenue (depending on future property tax increases, etc.). Please note the City will still receive property taxes of approximately $2,235 in years 1 - 21.

Councilwoman Mayfield said that many people are trying to preserve this property and wanted the public to know that if this land use incentive grant gets approved, that does not mean that negotiations with the developer are finished. Those efforts are continuing.

Mayor Manheimer opened the public hearing at 6:19 p.m.

Mr. Chris Day, with Civil Design Concepts, said that they are in active conversation with Ravenscroft Reserve to preserve this land.

Two voicemail comments were received opposing this item, as this is the last potential public green space in the South Slope neighborhood.

Councilman Haynes confirmed that voting on recessing this matter does not constitute support for the project.

In accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilman Young moved to recess this item until June 9, 2020, at which time this public hearing will be voted on. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

C. PUBLIC HEARING TO AMEND THE 2019-20 U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT ANNUAL ACTION PLAN

Vice-Mayor Wisler moved to continue the public hearing to amend the 2019-20 U.S. Dept. of Housing & Urban Development Annual Action Plan to June 9, 2020. This motion was seconded by Councilwoman Smith and carried unanimously by roll call vote.

D. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO A PREVIOUSLY APPROVED CONDITIONAL ZONING AT 137 BROAD STREET FROM COMMUNITY BUSINESS I TO COMMUNITY BUSINESS I/CONDITIONAL ZONE TO INCLUDE AN ADJACENT PARCEL FOR THE CONSTRUCTION OF A NEW MIXED-USE BUILDING

Councilman Young moved to continue this public hearing to consider an amendment to a previously approved conditional zoning at 137 Broad Street from Community Business I to Community Business I/Conditional Zone to include an adjacent parcel for the construction of a new mixed-use building until July 28, 2020. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

E. PUBLIC HEARING RELATIVE TO AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE OPEN SPACE REQUIREMENTS

Councilman Young moved to continue this public hearing to consider an ordinance to amend the Unified Development Ordinance to update open space requirements until June 23, 2020. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. RESOLUTION NO. 20- 96- RESOLUTION APPROVING A HOUSING TRUST FUND LOAN AWARD FOR 2 RESTAURANT COURT RENTAL COMMUNITY, BEAUCATCHER VISTA LLC

Director of Community Development Programs Paul D'Angelo said that this is consideration of support of a request by Beaucatcher Vista LLC to utilize the Housing Trust Fund to construct affordable rental housing at the property located at 2 Restaurant Court.

Review::

- Kirk Booth d/b/a as Beaucatcher Vista LLC has proposed the development of a 40-unit, 100% affordable multifamily property on a 1.31 acre parcel located at 2 Restaurant Court (PIN #9658-08-2350) in Asheville directly off of Tunnel Road. All 40 units are intended to be 1 bedrooms, with 30 of the units set aside for households at or below 60% of Area Median Income (AMI) and the remaining 10 for 80% AMI households.
- Since 2009, Mr. Booth has completed 9 affordable housing projects in partnership with the City of Asheville resulting in 136 affordable units. This will be his second project using a factory-built product manufactured by Clayton Homes in Tennessee. The technology promises a faster, more efficient construction process, with on-site responsibilities restricted mostly to installation and finishing. He anticipates the units will be available by early 2021.

Proposal:

- The developer seeks a loan of $1,000,000 from the City's Housing Trust Fund (HTF). In addition, the developer has requested a Land Use Incentive Grant (LUIG) award estimated at $289,481.85, which request will be considered at the May 26, 2020, Council meeting. Loan commitments from TruPoint Bank for $1,910,600 and Buncombe County for $296,334 have already been secured. The development partnership is committing the property (valued at $786,000) as equity.
- The units will be located in two separate buildings framing an interior breezeway, and set back towards the rear of the property facing resident parking. All units will be

approximately 450 square feet, and possess full baths, kitchens, and enclosed bedrooms.
- Units will be made available to qualified affordable residents, as well as persons possessing rental assistance. The developer has a demonstrated history of close engagement with the Asheville Housing Authority, Homeward Bound, and other entities providing resident placement and rental assistance.

Council Goal(s):
- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):
- None

Pro(s):
- The project produces 40 units of affordable housing at a location near the City's core, with good access to transit and essential services. The developer's commitment to set aside the majority of these units for 60% AMI households and citizens utilizing rental assistance addresses one of the City of Asheville's highest stated needs.
- The per unit HTF subsidy of $25,000 per affordable unit ($32,237.05 of combined City subsidy) which is lower than the current estimate of up to $80,000 in subsidy for 80% AMI homes as suggested at the Affordable Housing Workshop on September 6, 2019.
- Mr. Booth is an experienced developer, and familiar with City of Asheville affordable housing programs and the expectations associated with them.
- The developer's use of a modular construction product promises a less risk versus a fully site-built construction process.

Con(s):
- None.

Fiscal Impact:
- The project would require $1,000,000 from the City's Housing Trust Fund.
- The loan will be structured to require full repayment of principal and interest (accruing at 2% annually) over a term of 20-years.

In response to Vice-Mayor Wisler, City Attorney Branham said that this action is to approve a Housing Trust Fund loan. If the land use incentive grant requested is not approved, the development would no longer be viable and there would be no Housing Trust Fund loan for this development.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Mayfield moved to approve the request by Beaucatcher Vista LLC to borrow funds from the Housing Trust Fund. This motion was seconded by Councilman Young and carried unanimously by roll call vote.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Five voicemail comments were received, four of which were concerned about fireworks in west Asheville; and one opposing the re-opening of non-essential businesses during COVID-19. One live call-in supported raising all firefighters to $15/hour and also supported efforts for virtual board/commission meetings. Deputy Police Chief James Baumstark provided Council with an update on the concerns about fireworks in west Asheville stating that they are increasing patrol in the Pisgah View area (which seems to be the source of the fireworks) to talk to residents, using social media to advise people of the danger of fireworks and educate them which fireworks are legal and which are not, etc. Councilwoman Mayfield also noted that she spoke with the Executive Director of the Housing Authority who will remind tenants about quiet times requirements in their leases.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:51 p.m.

Magdalen Burleson
CITY CLERK

Edwin C. Manheimer
MAYOR

Tuesday – June 9, 2020- 5:15 p.m.

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson.

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; live call in; and email.

PLEDGE OF ALLEGIANCE

Vice-Mayor Wisler led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON MAY 26, 2020

B. RESOLUTION NO. 20-97 - RESOLUTION ACCEPTING THE ANNUAL FLOOD MITIGATION ACTIONS REPORT AND SUPPORTING THE RE-CERTIFICATION AS A MEMBER OF THE COMMUNITY RATING SYSTEM PROGRAM

Action Requested: Adoption of a resolution accepting the annual Flood Mitigation Actions report and supporting the re-certification as a member of the Community Rating System Program.

Background:

- The City of Asheville joined the Community Rating System (CRS) program, a program through the Federal Emergency Management Agency (FEMA), and administered by the Insurance Services Office (ISO) in 2014. As required by the CRS program, a Repetitive Loss Area Analysis (RLAA) was prepared in 2014 by Brown and Caldwell to supplement the Buncombe-Madison Regional All Hazards Mitigation Plan.
- CRS provides lower insurance premiums under the National Flood Insurance Program. The premium reduction is in the form of a CRS Class. The classes are obtained by actions that are above and beyond the requirements of the National Flood Insurance Program administered by FEMA.
- Currently, property owners in Asheville receive a 10 percent reduction in their flood insurance premiums through participation in the CRS program.
- In order to maintain the current status in the CRS program, staff is required to provide to council the annual report of the Flood Mitigation Actions Items that were part of the RLAA report from Brown and Caldwell adopted by Council on December 10, 2013.
- Highlighted in the report, staff from multiple departments continue to work together, looking for ways to reduce flooding and damage from floods.
- We do this through community outreach from the City website, social media, flyers, and events, working with the Army Corps of Engineers and other partners on flood mitigation opportunities, and working with developers and property owners on ways to protect their properties from flooding.

Vendor Outreach Efforts:

- Not Applicable.

Council Goal(s):
- A Clean and Healthy Environment
- Thriving Local Economy

Committee(s):
- None

Pro(s):
- The property owners in Asheville will continue to receive a 10% reduction on their flood insurance.
- Provides a higher level of protection through the current flood ordinance, improving resilience.
- Promotes public education of the Special Flood Hazard Areas.

Con(s):
- None

Fiscal Impact:
- There is no additional fiscal impact to continuing the efforts necessary for the CRS program, staff time is currently programmed into the annual operating budget.

Motion:
- Motion to approve a resolution accepting the report prepared by City staff for the flood mitigation action associated with the repetitive loss area analysis report.

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C. **RESOLUTION NO. 20-98 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE PROPERTY ALONG FEDERAL ALLEY FROM THE STATE OF NORTH CAROLINA TO FACILITATE IMPROVEMENTS IN FEDERAL ALLEY**

RESOLUTION NO. 20-99 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION FROM TRIBUTE INVESTMENT & DEVELOPMENT INC. FOR THE ACQUISITION OF PROPERTY ADJACENT TO FEDERAL ALLEY

Action Requested: Authorize the City Manager to acquire property from the State of North Carolina to facilitate improvements in Federal Alley that will make the area more pedestrian friendly and to facilitate ingress and egress from a new mixed use development and; to accept funds from Tribute Investment & Development as reimbursement for the purchase price.

Background:
- Tribute Development wants to improve an existing unopened City right-of-way, known as Federal Alley, with sidewalks and vehicle access to benefit the future mixed use development at Asheland and Coxe. The City's Planning Department supports these right-of-way improvements since they will benefit public infrastructure and provide much needed cross-connections between Asheland and Coxe.
- However, the existing Federal Alley is narrow, and to accommodate the sidewalk, additional property (718.2 square feet of real property) was needed from the adjacent

property owner - the State of NC (specifically, the area is used by NC State Minerals Lab). The State prefers to sell the property to the City of Asheville rather than the developer.
- Although the developer will construct the improvements, the improved alley will be owned and maintained by the City of Asheville's Streets Department.
- The value of the area in question has been determined by appraisal to be $49,225. The State has agreed to sell the property to the City of Asheville for that amount.
- Tribute has agreed to reimburse the City the purchase price and they will construct the improvements outlined above.
- The Board of Trustees acting on behalf of NCSU has authorized the State of NC to sell this property to the City of Asheville.
- The Council of State will vote on the sale this summer. They have accepted the City's initial Offer Letter containing these terms.

Council Goal(s):
- A More Livable Community

Committee(s):
- None

Pro(s):
- Supports the development of projects that increase pedestrian safety and accessibility in the downtown area of Asheville.
- City will acquire property and be reimbursed by Tribute for the cost of the purchase.

Con(s):

- None

Fiscal Impact:
- As noted earlier in the staff report, the City will be reimbursed for its purchase of the property. Since the transaction will not take place until next fiscal year, the budget for the purchase and the reimbursement will be included in the Fiscal Year 2020-21 Budget Ordinance that Council is scheduled to approve on June 23, 2020.

Suggested Motion:
- Move to adopt a (1) resolution to authorize the City Manager to acquire property along Federal Alley from the State of NC and (2) resolution to accept funds from Tribute to cover those costs.

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RESOLUTION NO. 20-99 - RESOLUTION BOOK NO. 41 - PAGE 345

D. RESOLUTION NO. 20-100 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT AMENDMENT WITH EQUINOX ENVIRONMENTAL CONSULTATION & DESIGN INC. FOR THE SWANNANOA RIVER GREENWAY - PHASE II PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute an amendment to the existing greenway design contract between the City of Asheville and Equinox Environmental Consultation and Design, Inc. (Equinox, contract #91900109), in the amount of $454,811.20 increasing the total value of the contract to $612,449.30 and to enter into change

orders to this contract not to exceed an additional 10% of the current contract amount or $45,481.12.

Background:

- The City of Asheville entered into a contract with Equinox in July 2018 for a feasibility analysis of potential greenway routes within the Swannanoa River area.
- The September 2019 feasibility analysis determined that coordination with the North Carolina Department of Transportation (NCDOT) on NCDOT's work within the area would result in the best value for the City's project.
- The scope of work for the contract amendment includes surveys, greenway design, geotechnical engineering, permitting, public engagement, and other tasks needed for greenway design.
- During March and April 2020, Equinox assembled a design team and estimated that the design and construction document creation would cost $454,811.20.
- The referenced segment of this greenway will connect new housing along Thompson St to recreation and shopping facilities.
- This segment is part of a much larger Wilma Dykeman Riverway Corridor system. In total the Wilma Dykeman Riverway will provide nearly 10 miles of greenway. Between this segment and the segment in the RiverArts District nearly 3.5 miles of this greenway will be built by 2021
- Additional phases are contingent upon future funding and coordination with the NCDOT.
- The design to construction contract process is estimated to have an 18-month duration. Assuming a July 1, 2020 design phase start date, the construction contract advertisement is projected to start in December 2021.

Vendor Outreach Efforts:

- Staff performed outreach through solicitation processes using the State's Interactive Purchasing System and requesting prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. No MWBE service providers are being used in the delivery of this contract. Equinox was unable to find local MWBE businesses for the services needed on this project, but is committed to using MWBE participation as needed and available for other services going forward.

Council Goal(s):

- Transportation and accessibility.

Committee(s):

- None

Pro(s):

- Greenway construction would enhance multi-modal transportation within the area and provide alternatives to commuters
- Contributes to increasing the City's greenway inventory
- Works towards defining Asheville as a recreation destination

Con(s)

- Eventual construction will be disruptive to the area.

Fiscal Impact:

- With this supplemental increase of $454,811.20, the total amount of the contract is increased to $612,449.30. Adding in a 10% contingency of $45,481.12 to the supplemental increase brings the total required budget to $657,930.42. This contract is

funded through the General Obligation Bond Program as part of the Transportation and Infrastructure Program.

Motion:

- Motion to adopt a resolution to authorize the City Manager to execute an amendment to the existing greenway design contract between the City of Asheville and Equinox Environmental Consultation and Design, Inc., in the amount of $454,811.20 increasing the total value of the contract to $612,449.30 and to enter into change orders to this contract not to exceed an additional 10% of the current contract amount or $45,481.12.

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E. RESOLUTION NO. 20-101 - RESOLUTION OF SUPPORT FOR THE FEDERAL TRANSIT ADMINISTRATION PUBLIC TRANSPORTATION AGENCY'S SAFETY PLAN

Action Requested: Adopt a resolution of support for the Federal Transit Administration Public Transportation Agency Safety Plan.

Background:

- On July 19, 2019, the Federal Transit Administration (FTA) Final Rule for the Public Transportation Agency Safety Plan (PTASP) became effective, which requires public transportation operators to develop processes and procedures to implement the safety plans.
- The PTASP ensures that the City of Asheville develops performance targets as part of its Plan as required by the FTA in the National Public Transportation Safety Plan (NSP).
- The PTASP ensures the City of Asheville develops criteria as part of its plan to address applicable federal requirements and standards set forth by the FTA, and to include a timeline for conducting an annual review to update the City's PTASP.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- The PTASP will be managed by staff in the Transit Planning Division in the Transportation Department and coordinated with the City's Transit Management Company, RATPDev Inc.
- The PTASP requires working with the French Broad River Metropolitan Planning Organization.

Con(s):

- None

Fiscal Impact:

- N/A

Motion:

- Motion to adopt a resolution of support for the City of Asheville's Federal Transit Administration Public Transportation Agency Safety Plan.

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F. **RESOLUTION NO. 20-102 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT EXTENSION WITH THE N.C. DEPT. OF PUBLIC SAFETY FOR THE STATE REGIONAL HAZARDOUS MATERIALS RESPONSE TEAM NUMBER 6**

Action Requested: Adoption of 2020 Contract Extension Agreement for the State Regional Hazardous Materials Response Team Number Six (6)

Background

- North Carolina is divided into seven geographical regions for the purpose of hazardous material emergency response.
- The North Carolina Department of Public Safety contracts with municipalities across North Carolina to respond into the geographical regions and provide technician level hazardous materials emergency response.
- The region's six areas encompass the westernmost twenty counties.
- The City of Asheville has been a regional hazardous materials provider since Fiscal Year 1994-1995.
- The State of North Carolina provides funding that fully supports the operational costs of the program.
- The City receives $69,000 annually for administration, equipment, training, medical surveillance, and workman's compensation.
- The truck and equipment provided to the City by the State for use on State and local hazmat missions are valued at $1.5 million.
- The City is reimbursed at 100% of the costs expended when the team is deployed for a state mission.
- The current agreement ends on June 30, 2020, and a new agreement for the next four years was originally set to begin July 1, 2020, but due to circumstances surrounding COVID-19, the North Carolina Department of Public Safety Division of Emergency Management wants to activate the fifth-year extension clause of the agreement for four months with the City of Asheville for Hazardous Materials Emergency Response Services from July 1, 2020 through October 31, 2020.
- The Asheville Fire Department will come before Council in the coming months for the renewal of the agreement for November 1, 2020 - June 30, 2024.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Smart City

Committee(s):

- None

Pro(s):

- The State of North Carolina provides the hazardous materials response truck, all response equipment and provides for administrative costs of operating the team. In addition, the state funds extensive training for members of the Asheville Fire Department to enable us to competently handle hazardous materials emergencies.
- The City of Asheville has full use of the truck and all specialty equipment within the City of Asheville. Without the state hazardous materials contract, Asheville taxpayers would need to provide much of the resources necessary to properly respond to Hazardous Materials emergencies within Asheville.

- With the contract, we have the advantage of the equipment and resources being funded at the state level, rather than at the local level.
- During the twenty nine years that we have provided regional hazardous materials response services, we have not experienced difficulties or disadvantages with the program. This program is also consistent with the City's Strategic Operating Plan.
- Firefighter and citizen safety will be enhanced.

Con(s):
- None identified

Fiscal Impact:
- There are no fiscal impacts that have been identified

Motion:
- Move to adopt a resolution authorizing the City Manager to enter into a four month contract extension agreement with the North Carolina Department of Public Safety to provide regional hazardous materials emergency response for region 6.

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G. RESOLUTION NO. 20-103 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE TERMS OF THE 2019 AGREEMENT WITH ADVENT HEALTH TO PROVIDE ANNUAL PHYSICALS EXAMINATIONS FOR FIREFIGHTERS

Action Requested: Adoption of a resolution authorizing the City Manager to amend the terms of the 2019 agreement with Advent Health to provide annual physical examinations for firefighters in 2019 in the amount of $117,300.

Background:
- The current Fiscal Year (FY) 2019 agreement with Advent Health allocates $89,125 and allows firefighters to receive required annual physical examinations in accordance with standards set forth by the National Fire Protection Association.
- The original term of the FY2019 contract was July 1, 2018 to June 30, 2019.
- The Asheville Fire Department (AFD) and Advent agreed to amend the original agreement to extend the term of the contract to December 31, 2019, but no funds were added to the contract.
- Due to the way in which Advent processes patients, bills those patients, and invoices those patients, there were some discrepancies with invoicing and billing for firefighter physicals.
- During the six month extension period, AFD and Advent were working out the correct number of employees and the services they received during this time to ensure the correct amount of funds were available and added to the agreement at the expiration of the extension.
- Furthermore, the original term of the agreement date ending alongside the end of the fiscal year caused logistical difficulties in contract renewal and service conducted--waiting for the new fiscal year's funding to renew the agreement and/or enter a new agreement with Advent Health meant ceasing firefighter physicals for the duration it took to get the amendment executed.
- The Asheville Fire Department and Advent Health did not want to have this break in service because of the extremely difficult nature of conducting 275 physicals in a 52 week period (and alternatively 413 physicals in a 76 week period).

- All firefighter physicals conducted between July 1, 2018 and December 31, 2019 were assigned to the FY19 contract and Advent has correctly and appropriately invoiced the City for the remaining physicals conducted from July 1, 2019 to December 31, 2019.
- The agreement needs to include an additional six months of firefighter physicals at the cost of $40,175. This brings the total cost of the contract to $117,300, which pushes the contract above the $90,000 threshold.
- The Asheville Fire Department and Advent Health have entered into a new agreement for FY20 with a changed scope of service for firefighter physicals. The new agreement term is for January 1, 2020 to December 31, 2020 in the amount of $77,125.
- This new agreement term no longer aligns with the end of the fiscal year and remediates the logistical difficulties the Department was having with agreement execution versus physicals conducted.

Vendor Outreach Efforts:

- Prior to entering the original contract with Advent Health, similar organizations were solicited to provide estimates of their services. SiteMed, which held the contract previously, did not provide the organizational efficiency needed to examine 275 firefighters throughout the course of the year. The costs of Mission Hospital's services were prohibitive. Thus, the services and costs of Advent Health best fit the mission of Asheville Fire Department's desire to provide its firefighters with the best care to meet and exceed health standards while controlling costs. A review of the costs, operational efficiencies, and satisfaction of the firefighters with the services, factored into making the determination to renew the agreement with Advent Health.
- No MWBE firms were identified for this contract.

Council Goal(s):

- Smart City

Committee(s):

- None

Pro(s):

- Meets best practices for the industry by complying with consensus standards of NFPA 1582 that will reduce risks and provide for the health, safety, and effectiveness of firefighters
- Allows for the continued medical monitoring and testing of firefighters to ensure they are fit for the challenges of emergency response

Con(s):

- None

Fiscal Impact:

- Funding for the physicals is included in the adopted FY 2019 – 2020 budget, thus there are no additional impacts.

Motion:

- Move to adopt a resolution authorizing the City Manager to amend the agreement with Advent Health for $117,300 for firefighter physicals.

RESOLUTION BOOK NO. 41 - PAGE 349

H. RESOLUTION NO. 20-104 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH J. BRADY

CONTRACTING INC. FOR THE HARRAH'S CHEROKEE CENTER RENOVATION & HVAC MODERNIZATION PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to amend the contract with Brady Services, Inc. in the amount of $166,360.77, for a revised total maximum price amount of $4,219,637.65 to complete the Harrah's Cherokee Center Asheville (HCCA) Facility Renovation & HVAC Modernization Project.

Background:

- This amendment authorizes capital project funds required to close out the HVAC modernization phase of the project.
- This three phase project installed 1) flexible theater seating in the arena, a sound and lighting package; 2) converted a storage room into a press/meeting room with additional supporting projects including the expansion of storage for the displaced room; and 3) modernized much of the building's 1970's era HVAC system.
- The project was included in the City's 2016-17 fiscal year capital improvements budget. The project is partially funded by a $1,500,000 grant from the 2016 Tourism Product Development Fund.
- On August 28, 2018, City Council authorized a contract amendment to begin the Phase 2 facility renovation (press/meeting room renovation and storage expansion). This phase was completed in November 2018 ahead of the HVAC Modernization to meet a HCCA scheduling commitment.
- On March 26, 2019, City Council authorized a contract amendment to begin the HVAC Modernization phase. This phase replaced critical parts of the building's 40+ year old HVAC system. Where equipment could not be replaced due to budget constraints, it was upgraded with zone controls, monitoring, and other smart technology systems.
- All new and upgraded equipment included in this project were integrated with the recently installed building automation system.
- The City used the Construction Manager at Risk (CMAR) delivery method to contract with J. Brady Contracting, Inc. to complete the facility renovations and HVAC modernization. This delivery method was chosen because it allows a lead contractor to coordinate the efforts of many different trades over a large area and a broad scope.
- The CMAR delivery method groups the work into smaller "bid packages". The HVAC modernization project was grouped into six (6) separate bid packages and a total of 14 bids were received from first tier subcontractors across all bid packages.
- The project is complete and this contract amendment reconciles all changes through the end of the project. Additionally this amendment will secure an extended service agreement for the new equipment.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned business through solicitation processes which included posting on the State's Interactive Purchasing System and required vendors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. MWBE firms were involved in the completion of this work through the prime contractor.

Council Goal(s):

- A Thriving Local Economy

- A Clean and Healthy Environment

Committee(s):
- None

Pro(s):
- Improved the venue's ability to host a wider range of events.
- Reduced energy consumption with new efficient equipment or with upgrades to existing equipment with intelligent controls.
- Capital investment provided reliable building infrastructure, reducing repair costs, and downtime associated with broken HVAC equipment.

Con(s):
- Redirecting budget from other HCCA capital maintenance projects means that less funding is available in the short term for other deferred maintenance needs.

Fiscal Impact:
- The amount of this contract amendment exceeds the available budget in the (HCCA) Facility Renovation & HVAC Modernization project. Funds from the HCCA General Maintenance project will be used to fund this contract amendment.

Motion:
- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment to the construction manager-at-risk (CMAR) contract with J. BRADY CONTRACTING, INC., in the amount of $166,360.77, for a total maximum price of $4,219,637.65 for the Harrah's Cherokee Center Asheville Facility Renovation and HVAC Modernization.

RESOLUTION BOOK NO. 41 - PAGE 350

I. RESOLUTION NO. 20-105 - RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND A CONTRACT WITH WALTER P. MOORE & ASSOCIATES TO PROVIDE PROFESSIONAL MANAGEMENT FOR THE ONGOING WORK TO REPLACE THE CENTER STAIRWELL AT THE HARRAH'S CENTER PARKING GARAGE

Action Requested: Adoption of a resolution authorizing the City Manager to amend the Harrah's Cherokee Center - Asheville Garage Repairs project management contract with Walter P. Moore & Associates (# 91700048) increasing the total value of the contract to $92,280.

Background:
- The City of Asheville entered into a contract with Walter P. Moore & Associates in June 2016 for a condition assessment and project management of various repairs to the Harrah's Cherokee Center - Asheville parking garage.
- The repairs included a significant rehabilitation of the center stairwell within the garage.
- The scope of work was developed from a comprehensive garage condition assessment that was completed during October 2016.
- During February 2020, a detailed structural analysis of the center stairwell indicated a significant deterioration in the overall condition of the center stairwell and it was recommended to totally replace it.
- During May 2020, Walter P. Moore and Associates estimated that in order to provide project management services for the replacement of the center stairwell, an additional $5,400 would be required.

- The current contract is $85,800 and this amendment will increase the contract by $6,480 (including contingency funds in the amount of $1,080) for a new total contract of $92,280. Contingency funds are included to ensure satisfactory completion of the work by late summer 2020.

Vendor Outreach Efforts:
- N/A - This is a current contract.

Council Goal(s):
- Transportation and Accessibility.

Committee(s):
- None.

Pro(s):
- Enables the City to continue to provide safe and functional access within the parking garage.
- Part of an overall plan to extend the service life of the parking garage.

Con(s):
- The center stairwell is closed until the replacement work is completed.

Fiscal Impact:
- The required funds are included in the current Parking Services Fund capital projects budget.

Motion:
- Motion to adopt a resolution authorizing the City Manager to amend the Harrah's Cherokee Center - Asheville Garage repairs project management contract with Walter P. Moore & Associates (# 91700048) increasing the total value of the contract to $92,280.

RESOLUTION BOOK NO. 41 - PAGE 351

J. **RESOLUTION NO. 20-106 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY TO THE FEDERAL TRANSIT ADMINISTRATION FOR THE FISCAL YEAR 2020 CARES ACT SECTION 5307 URBAN TRANSIT FORMULA FUNDS, AS WELL AS APPROVE THE FISCAL YEAR 2020 CARES ACT FUND SUBRECIPIENT AND SUBALLOCATION AGREEMENT**

ORDINANCE NO. 4807 - BUDGET AMENDMENT FOR FISCAL YEAR 2020 TRANSIT MULTI-YEAR FUND BUDGET

Action Requested: Adopt a resolution authorizing the City Manager to apply for the FY 2020 CARES Act (Section 5307) grant funds and to sign all appropriate agreements with the Federal Transit Administration (FTA), Federal and State agencies, execute subrecipient agreements; and amend the FY 2020 Transit Multi-Year Fund (6510) budget by $4,936,900 to include that portion of the CARES Act revenue which will be passed on to the subrecipients.

Background:
- In March 2020, the Federal Transit Administration (FTA) published a Notice of Funding Availability for the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which is intended to provide additional supplemental funding to transit systems to prevent, prepare for, and respond to COVID-19.

- On April 9, 2020, the FTA announced availability of $25 billion apportioned to the transit industry under the CARES Act, including $8.6 million for the Asheville Urbanized Area (AUZA). The FTA announced that the CARES Act funds will be used for transit operating and capital expenses and all other expenses incurred on or after January 20, 2020 in response to economic or other conditions caused by COVID-19.
- At its April 28, 2020 special meeting, the French Broad River Metropolitan Planning Organization (FBRMPO) Board approved and adopted a resolution allocating the CARES Act funding to eligible AUZA transit systems. The chart on page 2 outlines the amount allocated to each transit system in the AZUA region.
- CARES Act funds will provide 100% of the Federal match of the anticipated funding and does not require any local match.
- Transportation Department staff is working with all subrecipients on how they will use the funds allocated to them and will submit an application to the FTA in the amount of $8.6 million by June 30, 2020 for approval.
- Transportation Department staff is recommending approving the CARES Act Subrecipient and Suballocation Agreement to be executed between the City of Asheville and subrecipients and approve Haywood County to become a formal subrecipient of the City of Asheville, instead of the non-profit transportation contractor.
- On May 1, 2020, the Transportation Department staff submitted the required Federal Split Letter to the FTA Region VI Office outlining the FBRMPO-approved allocation of CARES Act funds.
- The budget amendment will provide expenditure authorization for the $4.9 million in grant funds which will be passed on to the subrecipients.

FBRMPO ALLOCATED FY2020 CARES ACT (SECTION 5307) FUNDS		
	PROPOSED DISTRIBUTION/ PERCENT	**ESTIMATED DISTRIBUTION/AMOUNT**
City of Asheville	**42.63%**	**$3,668,469**
Buncombe County	**28.62%**	**$2,462,856**
Henderson County	**20.41%**	**$1,756,356**
Haywood County	**8.34%**	**$717,688**
SUB-RECIPIENTS TOTAL		**$4,936,900**
ALLOCATED TOTAL		**$8,605,369**

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- N/A

Pro(s):
- CARES Act funds will enable the City of Asheville to use federal funds to help offset operational and capital expenses incurred on or after January 20, 2020 in response to economic or other conditions caused by COVID-19.

Con(s):

- N/A

Fiscal Impact:

- The CARES Act provides 100% of the funding with no local match required. As noted above, the budget amendment included with this staff report will appropriate the funding that will be passed on to the subrecipients. Council has already taken action at prior meetings to budget $1,462,000 in CARES Act funding for City of Asheville uses, including purchasing protective barriers for buses and contracting for supplemental operations support. The City will continue to utilize CARES Act funding to help offset operational and capital expenses associated with the COVID-19 response, and bring forward additional budget amendments as needed.

Motion:

- Motion to adopt a resolution authorizing the City Manager to apply for the FY 2020 CARES Act (Section 5307) grant funds, and to sign all appropriate agreements with the Federal Transit Administration (FTA), Federal and State agencies, execute subrecipient agreements, and amend the FY 2020 Transit Multi-Year Fund (6510) budget by $4,936,900 to include that portion of the CARES Act revenue which will be passed onto the subrecipients.

Four voicemail comments were received to urge the city to use the full amount of the Community Development block grant funds for a rental assistance program.

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ORDINANCE BOOK NO. 33 - PAGE 76

K. **RESOLUTION NO. 20-107 - RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE SAFETY PROTECTION BARRIERS USING SOLE SOURCE PROCUREMENT FROM GILLIG AFTERMARKET PARTS FOR INSTALLATION IN EXISTING 18 GILLIG BUSES IN ASHEVILLE RIDES TRANSIT FLEET**

Action Requested: Adoption of a resolution authorizing the City Manager to purchase safety protection barriers using sole source procurement from Gillig Aftermarket Parts for installation in existing eighteen (18) Gillig transit buses in Asheville Rides Transit (ART) fleet.

Background:

- On May 12, 2020, the City Council adopted a Resolution authorizing the City Manager to execute a purchase order of approximately $160,000 to work with Gillig to engineer, design, retrofit, and install safety protection barriers from AROW Global Corporation, the manufacturer of the safety protection barriers, in eighteen (18) existing 30-foot diesel and diesel electric hybrid buses.
- A sole source procurement through Gillig Aftermarket Parts is necessary to ensure that the safety barriers are designed and installed correctly to fit the various Gillig bus models that the City of Asheville owns. AROW Global corporation is Gillig's approved provider of the safety protection barriers.
- CARES Act funds will be used to purchase and install safety protection barriers in the existing eighteen (18) Gillig buses.
- The use of sole-source procurement is permitted in this instance pursuant to N.C.G.S. 143-129(e)(g)(iii) as equipment compatibility is an overriding concern.

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- None

Pro(s):
- Provides protection for transit bus drivers
- Use CARES Act funding to purchase and install the safety protection barriers in the Gillig buses
- No local match is required

Con(s):
- None

Fiscal Impact:
- As noted above, the CARES Act provides 100% of the funding with no local match required. The budget for this purchase was adopted at City Council's May 12, 2020 meeting.

Motion:
- Motion to adopt a resolution authorizing the City Manager City to purchase safety protection barriers using sole source procurement from Gillig Aftermarket Parts for installation in existing eighteen (18) Gillig transit buses in Asheville Rides Transit (ART) fleet.

RESOLUTION BOOK NO. 41 -PAGE 353

L. RESOLUTION NO. 20-108 - RESOLUTION ACCEPTING AN OFFER FOR SALE OF AIR RIGHTS OVER WALL STREET; DIRECTING THE CITY CLERK TO ADVERTISE FOR UPSET BIDS; AND IF NO BIDS ARE RECEIVED OR ACCEPTED, AUTHORIZING THE CITY MANAGER TO SELL AIR RIGHTS TO COLLABORATIVE PARTNERSHIP PROPERTIES IN ORDER THAT A BALCONY CAN BE CONSTRUCTED OVER WALL STREET

Action Requested: Adoption of a resolution accepting an offer for sale of air rights over Wall Street; directing the City Clerk to advertise for upset bids; and if no bids are received or accepted, authorizing the City Manager to grant air rights to Collaborative Partnership Properties who want to construct a balcony over the sidewalk along Wall Street.

Background:
- The City was approached by a local architect concerning air rights over the sidewalk along Wall Street for a unit within a building located at 26 Battery Park.
- Initial concerns were raised by Streets and Downtown Planning regarding the well-being of street trees on Wall Street.
- The architect met with the City's Arborist who requested that the balcony be shortened in length to reduce the impact on the trees. The owners agreed to a design revision and they agreed that their contractor would again meet with the Arborist to discuss protecting the trees during construction.
- It was determined that the balcony for the office space unit would be 21 feet long and 5 feet wide for a total request of 105 square feet of air rights that would be needed to accommodate the balcony.
- The construction of the balcony, along with the air rights easement, will not substantially impair or hinder the use of the right of way as a passage.

- The value of the air rights was determined by consulting two recent appraisals of land value in the surrounding area. The value was determined to be $753 and the owners have agreed to pay that amount.
- A public notice will be placed in the newspaper after the City Council has approved the air rights and a sale will not occur until 10 days after the notice has been published.

Council Goal(s):
- A Well Planned and Livable Community

Committee(s):
- None

Pro(s):
- City is receiving compensation for the air rights being granted.

Con(s):
- There will be temporary disruption during construction.

Fiscal Impact:
- City is receiving unbudgeted compensation for the air rights in the amount of $753.

Motion:
- Motion to adopt a resolution accepting an offer for sale of air rights over Wall Street; directing the City Clerk to advertise for upset bids; and if no bids are received or accepted, authorizing the City Manager to grant air rights to Collaborative Partnership Properties who want to construct a balcony over the sidewalk along Wall Street.

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M. ORDINANCE NO. 4808 - ORDINANCE WAIVING CONSTRUCTION PERMITTING FEES IN RELATION TO THE ASHEVILLE ART MUSEUM'S CONSTRUCTION OF AN EXIT PASSAGEWAY AT 2 SOUTH PACK SQUARE

Action Requested: Adoption of an ordinance waiving construction permitting fees in relation to the Asheville Art Museum's construction of a fire resistant Exit Passageway at 2 South Pack Square.

Background:
- The City of Asheville owns real property located at 2 South Pack Square, the Asheville Art Museum ("AAM"), and at 18 Biltmore Avenue, The Wortham Performing Arts Center, ("Wortham").
- AAM is required to construct, as part of its renovation project, a fire resistant Exit Passageway through the arcade from Biltmore Avenue leading to Wortham.
- The construction of the proposed Exit Passageway will promote the safe operation of the City's facilities.
- AAM has requested that the City waive the construction permitting fees that it would normally be required to pay in order to construct the Exit Passageway.
- The basis for this fee waiver request is that the proposed project is intended to, in part, benefit a City-owned property.
- Completion of this Exit Passageway is required in order for AAM and Wortham to gain certificates of occupancy.

Council Goals:
- Transportation and Accessibility

- A Thriving Local Economy
- A Financially Resilient City

Committee:
- None.

Pros:
- Will facilitate the safe operation of a City-owned facility.

Con:
- Limited loss of revenue to the City.

Fiscal Impact:
- Waived fees are expected to total approximately $6,000.

Motion:
- Motion to adopt an ordinance waiving construction permitting fees in relation to the Asheville Art Museum's construction of an Exit Passageway at Biltmore Avenue.

ORDINANCE BOOK NO. 33 - PAGE 77

N. RESOLUTION NO. 20-109 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ASHEWELL MEDICAL GROUP TO PROVIDE FDA-APPROVED COVID-19 ANTIBODY AND PCR TESTING FOR CITY EMPLOYEES

Action Requested: Adoption of a resolution authorizing the City Manager to enter into an agreement with Ashewell Medical Group for up to $148,750 for COVID-19 testing.

Background:
- The agreement allows for up to 850 city employees to be tested for COVID-19 and its antibodies at $175 per employee and a total of $148,750.
- Ashewell Medical Group will provide FDA-approved antibody and PCR testing of COVID-19 for employees who have been working in the community since March 2020.

Vendor Outreach Efforts:
- Three local vendors provided quotes for testing
- Ashewell Medical Group is a woman-owned business.

Council Goal(s):
- Clean and Healthy Environment

Committee(s):
- None

Pro(s):
- Testing will provide information for employees, their families, and leadership about the impacts working in the pandemic has had so far.
- Testing will provide reassurance to employees and the community as workgroups are reassembled.
- Enhanced PPE and procedures developed based on outcomes
- Understanding what level of potential immunity we have in our employee community

Con(s):

- None

Fiscal Impact:

- Funding for this agreement will come from the existing Fiscal Year 2019-20 Health Fund budget. There will be an opportunity for the City to be reimbursed for these expenses from FEMA.

Motion:

- Move to adopt a resolution authorizing the City Manager to enter into an agreement with Ashewell Medical Group for $148,750 for COVID-19 Testing for frontline City Employees.

RESOLUTION BOOK NO. 41 - PAGE 356

O. RESOLUTION NO. 20-110 - RESOLUTION AUTHORIZING THE CITY MANAGER TO TEMPORARILY SUSPEND OR DEFER RENT AND LOAN PAYMENTS TO THE CITY ON A CASE-BY-CASE BASIS, AS NECESSARY TO ADDRESS HARMS CAUSED BY THE COVID-19 PANDEMIC AND TO RATIFY ANY ADMINISTRATIVE DECISION ALREADY ENACTED TO DEFER LOAN PAYMENTS OR TO SUSPEND COLLECTION OF RENTS

Action Requested: Adoption of a resolution authorizing the City Manager to temporarily suspend/waive or defer rental (including capital contributions to leased property) and loan payments to the City on a case-by-case basis, as necessary to address harms caused by the COVID-19 pandemic.

Background:

- On May 12, 2020, the City Council adopted an ordinance authorizing the City Manager to temporarily suspend fees and charges listed in the FY 2019-20 Fees and Charges Manual. At the time of adoption, the temporary suspension or deferral of rental or loan payments to the City on a case-by-case basis was also contemplated as discussed in the May Staff Report. However, that action was inadvertently left out of the adopted ordinance. Adoption of this resolution will correct that omission.
- The City has rental (including capital contributions to leased property) and loan payment schedules with other parties.
- Many Asheville businesses are either closed or operating in a limited capacity due to the COVID-19 pandemic creating substantial economic challenges for owners, employees, and customers.
- Some businesses have requested temporary relief from loan payments, rent payments, and capital contributions in an effort to help reduce their expenses.
- Categories and Criteria for suspending or deferring rent payments or loan payments.
- This action is intended to aid businesses during the formal declaration of emergency. When that declaration expires, any further deferral or waiver would be considered case-by-case by the City Manager.

Council Goals:

- A Thriving Local Economy
- A Financially Resilient City

Committee:

- None

Pros:

- Facilitates business operations that are able to continue normally during the COVID-19 pandemic.
- Reduces operating costs for businesses during the COVID-19 pandemic.
- City Manager authority to temporarily suspend or defer rent or loan payments and capital contributions provides heightened responsiveness to community needs during the COVID-19 pandemic.

Con:

- Loss or deferment of revenue to the City.

Fiscal Impact:

- Loan payments deferred (discussed below) have no impact on operations and no long-term financial impact as the amounts will be repaid as part of the final payment on notes outstanding.
- Rent or capital contribution payments to the City temporarily waived or suspended could result in a loss of revenue to the City of approximately $4,000 to $8,500 for rental payments and up to $18,900 in capital contributions (assuming three to six months of waiver), depending on how many Lessee's request relief and for how long. To date, the City has only received one request to waive rent and one request for waiver of capital contribution.

Motion:

- Motion to adopt a resolution authorizing the City Manager to temporarily suspend/waive or defer rental (including capital contributions to leased property) and loan payments to the City on a case-by-case basis and to ratify any administrative decision already enacted to defer loan payments or to suspend collection of rents.

RESOLUTION BOOK NO. 41 - PAGE 357

P. **RESOLUTION NO. 20-111 - RESOLUTION RATIFYING THE CITY MANAGER'S EXECUTION OF THE EXISTING MEMORANDUM OF UNDERSTANDING WITH RED ROOF INN FOR PROVISION OF 60 ROOMS FOR COVID-19 NON-CONGREGATE MOTEL SHELTER FOR UNSHELTERED AT-RISK PEOPLE EXPERIENCING HOMELESSNESS**

RESOLUTION NO. 20-112 - RESOLUTION RATIFYING THE CITY MANAGER'S EXECUTION OF THE CONTRACT WITH HOMEWARD BOUND OF WESTERN NORTH CAROLINA TO CONDUCT ESSENTIAL SHELTER OPERATIONS

Action Requested: Approval of resolutions to ratify City Manager's execution of contract extensions with Red Roof Inn, Inc. and Homeward Bound of Western North Carolina.

Background:

- On May 12, 2020, Council ratified the City Manager's execution of agreements with Red Roof Inn, Inc., Homeward Bound of Western North Carolina, and Axis Security for operations of a COVID-19 motel-based non-congregate emergency homeless shelter for persons experiencing unsheltered homelessness and at significant risk of contracting COVID-19 because of age and/or underlying chronic health concerns.
- Sixty-five people (couples, families occupying some rooms) are currently in shelter and will continue to achieve the public health objective of prevention of COVID-19 among the community's unsheltered homeless population.
- It is desirable to continue this program, but the current term of the City's agreements with its partner organizations terminate in advance of the June 9th City Council Meeting.

- To avoid any lapse in service to this population, it is necessary to execute the amendments prior to June 9th to continue the agreements.
- The existing agreements with the vendors allow for extensions to continue operations if needed, however additional funding is necessary.
- The existing agreement with Axis Security requires only an extension beyond the current term ending on June 30th. Sufficient funds for this activity were previously approved on May 12th and no additional amounts are needed to extend the term of the contract for security. No council action on this contract is requested at this time.

Council Goal(s):
- A Diverse Community
- A Well-Planned and Livable Community
- Fiscally Resilient City

Committee(s):
- None

Pro(s):
- Continues the successful operation of the existing expanded COVID-19 homeless shelter.
- Addresses public health and safety.
- Non-congregate motel shelter, essential operations, and security costs are eligible for FEMA reimbursement.

Con(s):
- Potential damages incurred at the Hotel are not eligible for reimbursement from FEMA

Fiscal Impact:
- Additional costs for the extensions include $100,000 for Homeward Bound for up to two additional 30 day periods and $183,024 for Red Roof Inn for up to two additional 30 day periods.
- Funding for the contracts will come from previously approved budget authorization that was approved as part of the Affordable Housing Capital Improvement Program, so no budget amendment is required. Community & Economic Development will utilize Capital Improvement Program funding to cover upfront costs pending FEMA reimbursement.

Motion(s):
- Motion to adopt a resolution to ratify the City Manager's execution of an amendment of the existing Memorandum of Understanding with Red Roof Inn for provision of 60 rooms for COVID-19 non-congregate motel shelter for unsheltered at-risk people experiencing homelessness for up to two (2) additional 30 day terms, at a total cost not to exceed $183,024; and
- Motion to adopt a resolution to ratify the City Manager's execution of new services contract with Homeward Bound of Western North Carolina to conduct essential shelter operations for up to two (2) additional 30 day terms, at a total cost not to exceed $100,000,

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RESOLUTION BOOK NO. 20-112 - RESOLUTION BOOK NO. 41 - PAGE 363

Q. RESOLUTION NO. 20-113 - RESOLUTION AMENDING THE 2020 CITY COUNCIL MEETING SCHEDULE TO ADD A REGULAR FORMAL MEETING ON JULY 14, 2020

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilman Kapoor moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Young and carried unanimously by roll call vote.

III. PRESENTATIONS & REPORTS:

A. DRAFT I-26 CONNECTOR PROJECT AESTHETICS COMMITTEE REPORT: PHASE 1 - VERTICAL AESTHETIC TREATMENTS

Director of Transportation Ken Putnam introduced Ted Figura, Chair of the I-26 Connector Project Aesthetics Committee.

Action Requested: Receive the draft I-26 Connector Project Aesthetics Committee Report: Phase 1 - Vertical Aesthetic Treatments and provide appropriate comments and feedback to help the Aesthetics Committee with their ongoing work.

Background:

- City Council approved a motion to establish the I-26 Connector Project Aesthetics Committee on April 24, 2018.
- City Council approved the initial committee members on July 24, 2018 via Resolution # 18-192.
- The first Aesthetics Committee meeting was held on October 3, 2018 and they currently meet every two weeks.
- The Aesthetics Committee recommendations are being developed in two phases.
    1. Phase 1 - Vertical Aesthetics Treatments (structural aspects, subject report).
    2. Phase 2 - Horizontal Aesthetics Treatments (horizontal, primarily landscaping, aspects, will begin shortly). A project budget of 1% to 1 ½% of the construction budget for each section is typically set up for horizontal aesthetics treatments so there should be no fiscal impact for the City.
- The report is labeled "draft" because some issues affecting the recommendations remain unresolved and some cost information is incomplete.
- The I-26 Connector project number is identified as I-2513. The current final design / construction phases for the four separate sections are listed below.
    1. I-2513A - June 2022
    2. I-2513B - June 2021
    3. I-2513C - June 2025
    4. I-2513D - June 2021
- The I-26 Connector project will be constructed using a design-build process.
- Separate from the Aesthetics Committee recommendations, the Transportation Department staff identified infrastructure type improvements (betterments) including sidewalks, multi-use transportation paths, bicycle lanes, and replacing two existing pedestrian bridges.
- City Council will need to review and approve a design-build agreement with betterments between the North Carolina Department of Transportation (NCDOT) and the City at a later date including the estimated costs that the City would be responsible for.
- By receiving the I-26 Connector project Aesthetics Committee's Phase-1 report, City Council is not agreeing to implement all recommended aesthetic treatments discussed in the report, but rather is committing to using the report to help inform future conversations and negotiations between the City and NCDOT in relation to the I-26 connector project.

- The estimated costs included in the subject agreement would have to be submitted with the partially signed agreement (Staff is appealing that decision with NCDOT).

Council Goal(s):
- Transportation and Accessibility.

Committee(s):
- None

Pro(s):
- Once-in-a-lifetime opportunity to enhance the appearance of a major City gateway.
- Provides multi-use transportation (greenway) network connecting downtown Asheville and West Asheville across the Jeff Bowen bridges.

Con(s):
- City's cost share for enhanced Vertical Aesthetics Treatments recommendations.

Fiscal Impact:
- Cost estimates vary for the vertical aesthetic treatments. If the standard agreed upon treatments were approved, there would be no cost to the City. Cost estimates for vertical aesthetic treatments that exceed the standard agreed upon treatments range from $6,200,000 to $9,800,000. There is currently no funding included in the City's Capital Improvement Program (CIP) for vertical aesthetic treatments.
- There is, however, $2,000,000 currently programmed in the City's CIP to fund the City's share of the cost for betterments identified by the Transportation Department staff. The City's share of the betterment costs would be $1,700,000 which is 17% of the total cost for betterments and the NCDOT would be responsible for the rest of the cost.

Suggested Action:
- Receive the draft I-26 Connector Project Aesthetics Committee Report: Phase 1 - Vertical Aesthetic Treatments and provide appropriate comments and feedback to help the Aesthetics Committee with their ongoing work

Mr. Figura reviewed a PowerPoint. The following is the Executive Summary of their report: "The I-26 Connector is one of the largest transportation projects ever to take place in Asheville, and it will have a major impact on its residents and visitors. Proposed more than 30 years ago, the Connector will affect the I-26 corridor from I-40 to the Woodfin town line, reconfiguring several interchanges and removing interstate traffic from the Bowen Bridge. Its size and scale will leave a permanent impact on Asheville's character.

"The City of Asheville and its partners, the County and the Asheville Area Tourism Development Authority (TDA), have a once-in-a-lifetime opportunity to not only soften the impact of the Interstate's expansion but to create unique and positive place-making experiences that will benefit the City for decades to come. While the North Carolina Department of Transportation (NCDOT) is providing some aesthetic improvements at no cost to the City, the more powerful place-making statements recommended in this report will require the investment of local dollars if they are to become reality.

"Members of the I-26 Connector Aesthetics Committee (AC) fully acknowledge the extraordinary fiscal challenges that all local parties are facing due to the coronavirus pandemic. Yet, this opportunity is too important to be lost. Although some expenditures may be able to be postponed, most of the aesthetic improvements recommended in this report must be built as the project is being constructed. Consequently, NCDOT requires an upfront commitment from the City to fund these elements. The AC urges City Council to make this commitment and to

explore wide-ranging and innovative means to fund these improvements.

"The AC has been working with NCDOT, interest groups and concerned citizens to ensure the project's adverse impacts are addressed and minimized. The AC has considered not only the interstate traveler's experience, but also what citizens and tourists will encounter in the City's streets and neighborhoods. Using a broad definition of aesthetics, the AC has developed recommendations for treatments and for related engineering modifications to minimize the adverse effects of the project and maximize its aesthetic appeal. The engineering design recommendations contained in the City's streets and neighborhoods.

"Using a broad definition of aesthetics, the AC has developed recommendations for treatments and for related engineering modifications to minimize the adverse effects of the project and maximize its aesthetic appeal. The engineering design recommendations in the report are suggestions for the design-build contractor to consider and, if implemented, but would greatly improve the project at no additional cost to the City.

"These engineering design recommendations include:

- limiting the Interstate's expansion to six through lanes and minimizing the number of auxiliary lanes;
- tightening the Haywood Road interchange to save more properties and improve West Asheville's walkability and connectivity;
- reducing the height, size and complexity of the spans crossing the French Broad River; and
- reconfiguring I-240 and connections to Patton Avenue to provide greater connectivity for the Hillcrest community, save properties along Hill Street, and lower I-26 elevations near Riverside Cemetery.

"The AC recommends aesthetic treatments to apply throughout the Interstate corridor and for key components of the project. The Committee's recommendations pertaining to the entire corridor generally can be implemented with little or no cost to the City. A stacked stone liner treatment, for instance, will be provided by NCDOT for all walls and bridge abutments along the Interstate. However, local funding will be required if key components of the I-26 Connector are to be enhanced. The AC identified the three most significant components as the Bowen Bridge, Patton Avenue east of the bridge, and the Haywood Road Bridge and intersection.

• The Bowen Bridge would become a signature gateway into Downtown Asheville. Multi Use paths (MUP) are recommended on both spans of the bridge, enhanced with specialty pavement, attractive railings, decorative lighting, and moveable planters. Monument pillars greet those crossing the bridge from both sides. Spectacular LED lighting located on the bridge's exterior would be an extra feature. The bridge will reflect its original art moderne style, as required by the State Historic Preservation Office (SHPO).

• Patton Avenue (East) would transition to the Downtown with compatible sidewalk treatment and decorative lighting. An MUP will continue from the Bowen Bridge into Downtown. With NCDOT approval, the City could install public art on a widened median at a future date.

• Haywood Road Bridge would make a statement viewed from both the Interstate and from Haywood Road. From Haywood Road, the bridge would be flanked by monument pillars with enhanced sidewalk treatment, lighting, and custom railings. The overall design of the bridge would reflect the distinctive character of the West Asheville neighborhood. As with all the interstate bridges, a place would be reserved for the installation of iconic medallions facing the interstate traffic.

" The AC also recommends aesthetic treatments for the following areas, listed below from north to south:

• For the Broadway Street Underpass, the AC recommends a design evoking a railroad underpass, with an MUP along the east side of the street.

• Riverside Drive would be shifted back to its current right-of-way and be two lanes to reduce impacts on the Montford neighborhood and Riverside Cemetery.

• The AC's recommendations to reduce the Connector's adverse impacts on Riverside Cemetery have been incorporated into the recommendations made by the Section 106 Consulting Parties and would be implemented as mitigation at no cost to the City.

• The AC recommends that the French Broad River Crossings be designed to be simple, sleek and with wide spans to minimize intrusion into the river.

• The Atkinson Street Bridge should include an MUP and be designed with box abutments and other simple architectural features to enhance its appearance.

• The State Street Bridge should be designed with an arched underpass with a stacked stone linear inset.

• For the Amboy Road Underpass and Traffic Circle, the AC recommends the bridge create a tunnel effect with stone facia mimicking the tunnels on the Blue Ridge Parkway. Entrance traffic circles would be landscaped with a stamped concrete border and sidewalks.

• The Brevard Road Bridge would have decorative lighting and landscaped medians (if retained on Brevard Road).

• Greenways constructed as part of the project should be lighted and landscaped, with grading, signage, traffic control and lane markings designed to facilitate pedestrian and bicyclist safety where greenways intersect with vehicular traffic. Project design also needs to accommodate future greenway connections.

"Detailed recommendations are contained in the report, as are a break-down of cost estimates.

"To summarize, the I-26 Connector will forever transform Asheville's look and feel. The City has a choice - made more difficult by present circumstances— to allow the adverse impacts of the Interstate's expansion to predominate, or to soften and alter those impacts through improvements recommended in this report. While NCDOT will fund some aesthetic treatments, it is up to the City and its partners—Buncombe County and the TDA—to take this once-in-a-lifetime opportunity and turn vision into reality."

Below is the cost summary:

Better Bucket	
Bowen Bridge	**$3.6M ($681K deferrable)**

Haywood Rd. Bridge/Interchange	$546K ($87K deferrable)
Patton Avenue (East)	$380K (155K deferrable)
Other	$1.7M ($1.6M deferrable)
Total Better Bucket	$6.2M
Best Bucket (added cost)	
Bowen Bridge	$2.3M (2.1M deferrable)
Haywood Rd. Bridge/Interchange	$192K
Patton Avenue (West)	$79K
Amboy Road Area	$378K
Riverside Drive	$654K
Total Best Bucket (added cost)	$3.6M
Total Better + Best	$9.8M (some costs still TBD)

Mr. Figura said that the AC will continue to work with the NCDOT to (1) refine options; (2) develop Aesthetics Package for Request for Proposals (RFP) - description of funded recommendations to be included in the RFP; (3) consult on changes proposed by design-build contractor; and (4) continue to develop Phase II landscaping recommendations.

Councilwoman Mayfield thanked the members of the I-26 Connector Aesthetics Committee and the tremendous amount of work they did. She also thanked the NCDOT and AECOM for their help, and our own transportation staff. She explained the importance of these improvements to the success of the overall project for us. We have options – need to figure out the right process to determine which of options is appropriate. Which options may depend on when we have to pay for the improvements. We are still waiting on the timing of payment requirements from NCDOT. Also depends on who else can join the City in these investments – Buncombe County and the Tourism Development Authority. The City has set aside $2 million, but most of this will cover the betterments. She welcomed feedback from the public. Due to this COVID-19 pandemic, she said we will figure out other strategies to obtain public input.

Vice-Mayor Wisler thanked Councilwoman Mayfield who has worked diligently on this project for years.

In response to Vice-Mayor Wisler, Mr. Figura and Councilwoman Mayfield said that they will try to produce some images on what the funding options would look like with no funding vs. what the Aesthetics Committee is proposing.

Councilwoman Mayfield noted that this will come back to Council on the final recommendations and a funding plan.

On behalf of Council, Mayor Manheimer thanked the Aesthetics Committee for their hard work and dedication.

B. UPDATE FROM THE CHIEF OF POLICE

City Manager Debra Campbell thanked City Council for the opportunity to share her thoughts durings such an important time in our City and our nation's history. While we are still facing the many impacts of a global pandemic, we also laid to rest another Black man, Mr. George Floyd, who unfortunately died at the hand of a law enforcement officer. It is another sad day in our nation's history but we will channel our sadness into our commitment to serve our community with honor, respect and hope. Although we have made some progress, there are many systems that have contributed to the racial inequities that have put us where we are today, including some actions by local government. People are experiencing and expressing valid feelings of sadness, anger, fear and uncertainty. We hear, see and respect these feelings and the experiences of all those who have been impacted by structural racism acts by individuals. As an organization, we must have more resolve than ever to address the issues of social and economic inequities. Now is the time. We sincerely hope we have reached a crucial mass of people who reject the inequities in our systems that have caused so much harm for so long. The systems are complex and we acknowledge it will be a long hard road. She wanted everyone to know we will continue our work to be a local government that inspires trust from the people we serve. We will also be an organization that commits to being better today than we were yesterday. From Police Chief David Zack, you will hear about the City's work we have done to date related to police reform, our plans to address community demands and hear definite timelines and schedules to implement actions to improve relations with the community and enhance oversight and accountability of police officers.

Police Chief David Zack said that he has condemned, and will continue to condemn, as do the men and women of the Asheville Police Department (APD), the unjustified killing of George Floyd by law enforcement. All four officers have been arrested and charged. Now justice must prevail.

He reviewed a PowerPoint as follows: Key takeaways: (1) We have heard community concerns about systemic racism and police violence nationwide, to include past APD incidents; (2) APD has made progress since the August 2017 incident involving Mr. Johnnie Rush; (3) More changes must and will be made; and (4) 30/60/90 day action plan for APD.

He acknowledged that (1) There is community distrust for APD; (2) Community concern regarding APD's ability to police itself; (3) Residents deserve a detailed account of all that occurred during the protests; and (4) APD cannot solve systemic racism alone. Our plan forward will require the participation of government and community partners.

Independent review (1) Recommend an outside entity to complete a full after action report to determine if APD actions during the protests were justified; (2) Just because actions are

justified, doesn't make them necessary. This will be looked at as well; (3) Due process will be followed; and (4) Unjustified or unnecessary action will result in the appropriate discipline.

Community incident briefings: (1) After action reports on an incident of this magnitude takes significant time to complete; (2) Asheville residents want some answers now, they will get them; (3) Shortly after my arrival I contracted with LE transparency engagement advisors to keep the public better informed during critical incidents like this; (4) They will be in our City as early as tomorrow with the goal of providing a better understanding of what took place during protests. Bringing in transparency engagement advisors to create a series of videos accounting for APD actions during protests (a) Will include body worn camera footage and radio communication; and (b) Provide community with first-hand footage to determine if APD actions were justifiable and necessary.

8 Can't Wait Campaign: (1) 8 police reforms that Campaign Zero states will "decrease police violence by 72%"; and (2) APD has all 8 in place. Our use of force policy, as well as many other departmental policies, are available on the Asheville Police Department's website.

Use of force changes: (1) In 2018 APD worked with members of the community to establish the Community Police Policy Work Group; (2) Group reviewed and provided feedback on APD use of force policy; and (3) feedback was incorporated into current use of force policy.

Ban chokeholds: (1) APD does not train or condone the use of chokeholds; (2) Chokeholds are prohibited, except for situations where an officer reasonably believes that deadly force is necessary and there are no alternatives to that level of force; and (3) APD Use of Force Policy Section 402.4(D).

Require De-escalation: (1) When safe, officers will use de-escalation techniques to attempt to slow down and/or stabilize a situation to allow for more time, options, and resources for incident resolution; and (2) APD Use of Force Policy, Section 402.1(A).

De-escalation training: (1) De-escalation is an element in all APD tactical training; (2) Integrating Communication, Assessment, and Tactics (ICAT) - mandatory for all sworn personnel; (3) Crisis Intervention Training - 85% of all APD officers are certified in CIT - Certification a requirement to carrying a taser. ICAT - training program created by the Police Executive Research Forum (PERF) to ICAT - training program created by the Police Executive Research Forum (PERF) to provide first responding police officers with the tools, skills, and options needed to successfully and safely defuse a range of critical incidents. Designed especially for situation involving persons who are unarmed or are armed with weapons other than firearms, and who may be experiencing a mental health or other crisis

Require warning before shooting: (1) Prior to use of lethal force, where safe and feasible, officers will identify themselves as law enforcement and order the subject to stop the activity which has caused the potentially deadly encounter; and (2) APD Use of Force Policy, Section 402.3(B).

Exhausting all options: (1) Officers must only use the amount of force that is objectively reasonable, necessary under the circumstances, and proportional to the threat or resistance of a subject; and (2) APD Use of Force Policy, Section 402.2(B).

Duty to intervene: (1) Ethical Policing is Courageous (EPIC) - all sworn and non-sworn APD employees have completed this training where the duty to intervene is emphasized; (2) Current APD Use of Force policy, section 402.2(C) states "any officer present and observing another officer that is using force that is clearly beyond that of which is reasonable or necessary,

should safely intercede to prevent use of excessive force"; and (3) Must be promptly reported to supervisor.

Ban shooting at moving vehicles: (1) Officers will not fire any weapon from or at a moving vehicle, except to counter an imminent threat of death or serious physical injury to officer or another person, and no other means are available at that time to avoid or eliminate danger; and (2) APD Use of Force Policy, Section 402.4(B),

Require use of force continuum: (1) APD trains officers to operate on a use of force continuum; (2) Training teaches officers to make force decisions based on the level of threat presented; and (3) Our defensive tactics training includes transitioning between responses so officers are well-equipped to move up and down the continuum based on the threat presented.

Require comprehensive reporting: (1) Officers are required to report any use of force; (2) All use of force incidents are reviewed by officer's chain of command and Professional Standards section; (3) Review includes body worn camera footage, interviews with officers, witnesses, and person that had force used against them; (4) APD Use of Force Policy, Section 402.6; (5) Within five days of receiving a use of force report, Professional Standards Commander will submit a report to the FBI Use of Force Data Collection Database; and (6) Fewer than 45% of agencies report this information to FBI.

Highlights for 30/60/90 Day Action Plan for APD: (1) department-wide restructuring; (2) equitable promotional process; and (3) higher accountability in use of force reporting.

30 days: (1) Expand current definition of what constitutes use of force; (2) Increase indicators into early intervention system to identify/address issues before they become a problem; (3) Revise promotional process to reflect merit based and equity; (4) Drug Suppression Unit (DSU) will be abolished. Too much emphasis has been placed on enforcement of low level drug crimes. Must place greater focus on violent and property crime; (5) We must partner with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to assist with reducing gun violence in particular; (6) Based on accepted industry benchmarks, 6% of arrests usually result in use of force to effect the arrest. The reports from the Asheville Police Department are not reflective of this, and therefore we need to expand the current definition of what constitutes use of force.; and (7) Increase the signs and indicators into the early intervention system intended to help identify and address issues before they become a problem.

60 days: (1) Complete promotional processes to support a department wide restructuring; (2) Have independent monitor in place to conduct after action report; (3) Create a department liaison with the District Attorney's Office to identify cases that could not meet prosecution standards as they apply to interrogation, search and seizure, warrant application, and evidence collection and storage; and (4) Implementation of TIP411 to provide community ability to anonymously report crime and officer misconduct.

Beyond 90 days - organizational chart showed a new Community Engagement Division. This Division: (1) Fully staffed division whose sole purpose will be to quickly respond to neighborhood quality of life issues and more complex societal issues such as substance abuse, homelessness, and mental health. The centerpiece of all our reform involves a complete restructuring of the department to create a fully staffed Community Relations Division, bringing the community back into community policing. This division will address challenges from neighborhood quality of life issues to complex societal issues such as homelessness. The division will include several full time officers dedicated to homeless outreach and working with existing homeless service providers. In addition, I will establish an integrity unit, who will focus on ensuring that policies and procedures are consistently being followed. (2) Homeless Outreach Team: (a) Full time officers dedicated to facilitating access to mental, medical, and social service

care. This will be their only function; and (b) We will be researching existing models in cities such as Austin, San Diego, and Cincinnati who have developed successful programs; (3) Mental Health Addiction Coordinator; (a) Review reports for any underlying mental health conditions and follow up after all reports of overdose; and (b) Arrests and incarceration only exacerbates these conditions; (4) Integrity Unit: (a) Sole focus will be to ensure policies and procedures are consistently being followed through random and scheduled oversight; and (b) Consistently monitoring our soon to be established customer satisfaction surveys where residents can more readily provide positive and negative feedback following calls for service, traffic stops, random encounters, etc. where a formal complaint may not normally be considered; and (5) Implementation of gun violence reduction strategy: (a) Data-driven identification of responsible groups and individuals at highest risk of being involved in a shooting; (b) Respectful communication of risk directly to those high risk groups and individuals; (c) Make services, supports, and opportunities available to those highest risk groups; and (d) Focused enforcement on groups/individuals that continue to engage in violence crime.

In summary, (1) Our community demands and expects change; (2) APD has been evolving and will continue to; (3) Our plans are actions and not words; (4) Our goals are reachable and will define our agency culture; and (5) It is our intent to bring to the residents of Asheville a police department they can be proud of.

City Manager Campbell then reviewed the 30 day response to rallying together - community demands: (1) Resolution to remove monuments on tonight's agenda; (2) Work with the community on the renaming of streets - process already in place to rename any city street; and (3) Provide protocol, practices and resource allocation data from the Equity and Inclusion Department on the our City Website.

She said the 60 day response to rallying together - community demands: (1) Continue partnering with Asheville City Schools and Buncombe County Schools to address Opportunity Gaps; (2) Community conversations around budget to support transparency and needs; and (3) initiate conversations with the district attorney's office regarding the probation decision for Mr. Hickman.

She then said the 90 day response to rallying together - community demands: (1) Better understand and work through solutions for remaining demands: - (a) Creation of "Harm Free Zones"; and (b) All Civilian Oversight Committee; (2) utilize best practices to recruit people of color; and (3) develop Race and Gender Conscious Policy in response to the disparity study as part of City contracting and procurement.

In response to Councilwoman Smith, Chief Zack said that the use of tear gas is a use of force and the officers are required to make their reports per the policy. All body cam footage is being downloaded for review.

When Councilwoman Mayfield asked about the plan to work with community partners on the restructuring, refining and change of some of the policies, Chief Zack said that the Homeless Outreach Team is a community partnership model, and they will be seeing what has been successful in other cities. Community involvement is the center of the new Community Engagement Division.

Councilwoman Mayfield said that before restructuring occurs, she suggested that there be opportunities to sit down and meet with some community leaders to talk more about their ideas on restructuring, as we have a lot of creative people who would like to participate in the restructuring proposal

In response to Councilman Haynes, Chief Zack said that they will use existing personnel

for the new Community Engagement Division by realigning certain positions. This restructuring requires no additional funding.

Councilman Kapoor read the following statement: "I want to speak directly to the officers at the Asheville Police Department. Last week was probably the most difficult week that you have ever experienced as a police officer. Many of you had to work hours well beyond your normal shifts for days straight. Some of you had bottles thrown at you without knowing what was in them. Some of you had fireworks shot at you and at least one of you had your clothing set on fire by them. All the while, your job and in fact your duty was to protect people in their exercise of constitutionally protected speech – speech that was overwhelmingly critical of you. I think that very few people could deal with that and I want to thank you. During my time on Council, I've had a chance to meet and get to know many of you as people, and not just as police officers. You've shared stories with me of what it's actually like to be a police officer in this city. What I've learned from you is that to do your job effectively, the people that you serve and protect in the community need to trust you. And if we're being honest with each other, right now many of them don't. Last week changed things in this country. Nationwide, people saw things across the country that have shaken their confidence in police. People are hurting right now in this city and their pain is real. I am asking you to buy-in to the reforms that Chief Zack talked about not because you have to, but because you actually want to take a step in the direction of establishing trust. You cannot control what happens in other parts of the country, but each one of you can impact what happens here in Asheville. Though it may not seem that way now, there is an opportunity for all of us to come out stronger than when we began if people work together. Please take that step. "

Councilwoman Mayfield read the following statement: "Last week has been challenging in many ways – one of the hardest of my time on council for sure. People rightly look to council for action and change, and that can be hard to do in the midst of an immediate crisis. People look to us to be in charge, but we are not in charge of operational decisions like those made last week. Left me feeling helpless and the public feeling angry and frustrated at the lack of response. With the immediate events of last week behind us, however, now IS OUR time to act. We are taking first steps today with our vote on the confederate monuments and by postponing the budget adoption so we can identify new and different investments to make in our communities. And the chief has laid out some helpful reforms. But there is much more to be done. As someone who began my career as a HR advocate with Amnesty International, fighting the death penalty and other government abuses of power, and as someone who got into government work because I fervently believe in the power and purpose of government to protect people and improve their lives, I am elated about the opportunity before us to make sweeping change. I am sick, of course, about the immediate reason we are here – the tragic, senseless and needless murder of George Floyd. That tragedy, however, has presented us with this moment of transformation when we can be our best. We have the right people in place in the city staff and on council, we have momentum and leadership in the community, and we are a small, creative, engaged, and passionate city – together we can rise to the opportunities presented by this moment. I challenge us all not to squander it. Thank you to the thousands of people who emailed and called us. I love that you engaged with us and she assured everyone that we've never seen anything like this. " Some questions raised by Councilwoman Mayfield include: (1) What can we do participatory budgeting around in the coming year? (2) Can we overlay the urban renewal maps with properties owned and used by the city to look for opportunities to give them back or otherwise put them to use for the black community - Specifically re the Biltmore Ave. property - can we make space available there or elsewhere for black owned businesses/nonprofits?; (4) Can we bring to a close the long process of amending our personnel policies so there are faster consequences for bad behavior?; (5) Can we regularly report to council traffic stop numbers and other indicators of racially-motivated policing?; and (6) Can we bring the Racial Equity institute to town just for the police to ensure they have this important experience?

City Manager Campbell said that as we start the work over the next few months, some of the items raised will be a part of that work. She felt we can include them in our 30/60/90 day list of things we want to respond to. We want to be action oriented. She was not saying that we can do everything in 90 days, but we can get started. Our commitment to the community is that this is urgent and we will move quickly.

Councilman Young said that a big conversation needs to be about how we do public safety, and we need to begin by looking at a menu of options which will lead to reallocation of funding. We need to also address more than funding - explore the other systems the APD touches, i.e., the criminal justice system, police accountability, reforming the Civil Service Board, a Citizens Review Board, and the school to prison pipeline. We need to make changes on how we interact with those systems. He would reject any options of change by staff without input from the Black community. He is ready to get started.

Councilman Haynes read the following statement: "At Saturday's Black-led protest march the Mayor, City Manager, and other elected officials listened as people in our African American community lifted their voices, shared their pain, frustration and anger of the ongoing racism they have faced in Asheville that was reignited by the senseless murder of George Floyd at the hands of members of the Minneapolis Police force. From those voices came a list of very substantive and actionable demands for our City. I want to say clearly that I am in full support of those demands. I have also heard the call for years for us to examine our priorities and reflect those priorities in how we use our resources, in other words the relationship between our stated priorities and our ability to carry them out via the tool of our budget. The Defunding of the APD must begin now as part of this budget and continue into the next. We need to not only deny the 400,000 increase being requested but seek **much deeper cuts**, reallocating funds towards programs providing opportunity to the Black Community and poverty remediation. There is also a loud chorus of Black Voices around the Nation demanding these funds derived from the defunding of the police be directly invested into the black community. Philip and Thenjiwe McHarris wrote in the New York Times: 'The only way we're going to stop these endless cycles of police violence is by creating alternatives to policing." They went on to state: "the solution to ending police violence and cultivating a safer country lies in reducing the power of the police and their contact with the public.' I agree with this statement as a goal moving forward. They called for reinvesting cuts in police budgets into alternative emergency response programs. Here in Asheville, Asheville in BLACK has called on us to create a strategic plan for policing alternatives with goals, action steps, resources committed, and a timeline. I am in full agreement with this call and want to see us commit to bringing this about in our City via creating an action plan. We can create alternative emergency response programs made up of social workers, counselors, mediators etc. who would respond to many 911 calls of which they are exceedingly qualified to manage and eliminate an unnecessary armed police presence. This along with a major reduction in the scope of police responsibilities should result in a *smaller* yet **more efficient** police workforce. Police Chief David Zack addressing these Black Leaders made a vow to the Black Community to bring about the necessary changes to the APD and its culture that will lead to a more **just** policing, and declared that cause, his *primary* reason for coming here. It's now imperative that we begin to work immediately on these changes, that they come about through deep listening to the Black Community, while seeking their *direct* and **continuous** collaboration with both the City of Asheville and the APD. Demilitarization of Police forces is now being called for across this nation. The excessive use of *weaponry* turned on protesters recently here in Asheville and across the nation, *radicalizes* protesters and has highlighted the need for *major* reform of crowd control tactics. Containing protesters with Blue Walls of heavily armed officers in full riot gear induces conflict among otherwise peaceful protests, along with sending a message of us versus them. There is current legislation being put forth to end the program supplying police

forces with U.S Military surplus along with demands that police forces return the stockpiles of military grade weapons sitting in police armories everywhere. **We must eliminate combat training and military grade weapons for officers** that would ultimately be **used on our own citizens**. We need to encourage all officers to *abide by their oath of office* and remind them that their true role is to 'serve and to protect'. So I would like to move some proposals forward, Mayor Manheimer. Should we take these one by one? (1) That we instruct staff to audit the APD budget to find the appropriate areas to make meaningful cuts. I hear and wholeheartedly agree with our African American community leaders who called on us via Black Asheville Demands to reduce the APD budget by 50 percent and to invest those funds into the black community. I would like to see a draft budget toward those ends; (2) That we **commit** to addressing all demands being made by Black Asheville and its allies through community participation in decision making; (3) That we commit to a serious strategic plan to create policing alternatives in Asheville this year that is clear, intentional, and resourced with goals, action steps, and a timeline; and (4) As part of an effort to Demilitarize the APD, I am requesting that Chief David Zack on his own accord or through the appeal of City Manager Debra Campbell make available to the public, a complete inventory of military grade arms contained in the APD Armory. I would like to hear the results of this audit by our next Council meeting and that this topic be added to our next agenda so that we can begin the process to authorize the returning/retiring of this weaponry that **should not** be used by municipal police forces on our citizenry."

Mayor Manheimer appreciated Council working together through this process. She also thanked staff who have been working around the clock. The City and County have also worked together and will be considering a joint resolution regarding monuments. She especially thanked the people because change doesn't happen unless people come together with enough will to make that change happen. This isn't the first time we have tried to embark on significant change. We tried to get legislation to create a citizen review board, changes to the Civil Service Board, and legislation for body cam access. The City was there alone and didn't have the voice of the community to help make those changes. In the case of the Civil Service Board (only six in the state of North Carolina), the City terminates an employee (including officers), but the Civil Service Board reinstates them. She was glad there are so many people engaged and didn't want to lose that engagement. The City needs your help and support to make some of these changes that are outside our control. She also acknowledged that she has criticized the actions of our police force more than once, but does support them because they do care for our community.

C. CITY MANAGER UPDATE ON FISCAL YEAR 2020-21 INTERIM BUDGET

Mayor Manheimer said that we received 1,379 people who called in and left voicemail messages, mostly regarding the budget. That is almost 57 hours of voicemail messages. In addition, we received 1,642 written comments, mostly regarding the budget. The voicemail messages will be transcribed and those, along with the written comments, will be posted on the City's website.

Mayor Manheimer said that in light of what we have heard from the community, she asked for a motion to continue the budget public hearing until August 25, 2020. City Manager Campbell noted that the budget before Council is not what we would like to be considered, so we are asking to continue the public hearing until we do have a budget that we think is appropriate.

City Manager Campbell said we are hearing (1) Defund the Police Department to fund other services; (2) Ensure police accountability, both individually and organizationally; and (3) Repair past and continuing harm to Asheville's black community.

She said the response is: (1) We have heard the community; (2) We want to respond and move forward together; (3) Racism is a systemic problem, not just a police problem, and the

City cannot solve it alone; (4) The solution lies in collaborative work with the County, schools, and other organizations to address social disparities and equity; and (5) The solution needs to be strategic and reflect community values.

Her recommendation is that we adopt an interim budget. We will spend the next 60 days engaging the community to develop the final budget, with the final budget will be adopted early September.

She reviewed the revised budget schedule - Budget public hearing on August 25 and Council adoption on 9-8-20.

Why did the budget show an increase to the Police Department of $410,000? (1) $200,000: state-mandated increase in the City's contribution to the Local Government Employee Retirement System (LGERS); (2) $108,000: fuel and fleet maintenance costs associated with the implementation of a take-home vehicle program approved during the current fiscal year; (3) $81,000: lease costs associated with the relocated South District Substation; (4) $21,000: The department will no longer receive state grant funding for the DWI Task Force. Salary costs that used to be partially covered by the grant will be fully funded in the General Fund in FY 2020-21; and (5) No new personnel or equipment.

Why did the budget show an increase to the Fire Department of $1,000,000? (1) $200,000: state-mandated increase in the City's contribution to the Local Government Employee Retirement System (LGERS); (2) $316,000: the City's share of the cost for 15 firefighter positions that were added in November 2018 and November 2019 as part of the Staffing for Adequate Fire & Emergency Response (SAFER) grant program; (3) $200,000: increases to the AFD overtime budget and fleet and fuel budget based on spending trends from recent fiscal years; and (4) $284,000: other cost increases associated with the firefighters added in 2018 and 2019.

In summary, we are listening, hearing, and trying to be responsive to all community needs in a constrained fiscal situation. We must use these challenges as an opportunity to rethink and reinvest in collaboration with the community. An interim budget allows time to engage the community.

Councilman Haynes asked that the line item budget for all departments be made available. City Clerk Burleson said that department summaries (which show expenses by category, as well as highlights of any major budget to budget changes for each department) is available on the City's website.

Councilman Young moved to amend the budget schedule to hold the budget public hearing on August 25, 2020, and adoption of the budget on September 8, 2020. This motion was seconded by Councilwoman Smith and carried unanimously by roll call vote.

Councilman Young moved to continue the budget public hearing until August 25, 2020. This motion was seconded by Councilwoman Smith and carried unanimously on a roll call vote.

IV. UNFINISHED BUSINESS:

A. RESOLUTION NO. 20-114 - RESOLUTION GRANTING A LAND USE INCENTIVE GRANT FOR 2 RESTAURANT COURT RENTAL COMMUNITY, BEAUCATCHER VISTA LLC

Mayor Manheimer said that this public hearing was held on May 26, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding

public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

After reviewing the written public comments made 24 hours after the public hearing, Mayor Manheimer closed the public hearing at 7:10 p.m. and said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Mayfield said that neighbors had complained about trash issues. She said that the developer, Kirk Booth, has installed a trash dumpster so there will no longer be overflowing trash bins at the 444 Beaucatcher Road development.

Councilman Kapoor moved to grant a land use incentive grant for 2 Restaurant Court Rental Community, Beaucatcher Vista LLC. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

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B. RESOLUTION NO. 20-115 - RESOLUTION GRANTING A LAND USE INCENTIVE GRANT FOR TRIBUTE DEVELOPMENT COLLIER AVENUE APARTMENTS

Mayor Manheimer said that this public hearing was held on May 26, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing at 7:13 p.m. and said that members of Council have previously received a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved to grant a land use incentive grant for Tribute Development Collier Avenue Apartments. This motion was seconded by Councilman Kapoor and carried on a 6-1 roll call vote, with Councilman Haynes voting "no"

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ADDITION TO AGENDA

Mayor Manheimer asked that the agenda be modified to add an item under New Business, and that the New Business item be considered before the public hearings. The new item will be a joint resolution with Buncombe County to remove the Confederate monuments located at the Buncombe County Courthouse and in Pack Square Park, and to establish a jointly appointed task force to recommend action regarding the removal or repurposing of the Vance Monument.

Councilman Young moved to approve modifying the agenda to add a new agenda item, which is a joint resolution with Buncombe County to remove the Confederate monuments located at the Buncombe County Courthouse and in Pack Square Park, and to establish a jointly appointed task force to recommend action regarding the removal or repurposing of the Vance Monument, to New Business and that it be considered before the public hearings. This motion was seconded by Vice-Mayor Wisler and carried unanimously by a roll call vote.

V. NEW BUSINESS:

A. RESOLUTION NO. 20-216 - JOINT RESOLUTION OF THE CITY OF ASHEVILLE AND BUNCOMBE COUNTY TO REMOVE THE CONFEDERATE MONUMENTS LOCATED AT THE BUNCOMBE COUNTY COURTHOUSE AND IN PACK SQUARE PARK, AND TO ESTABLISH A JOINTLY APPOINTED TASK FORCE TO RECOMMEND ACTION REGARDING THE REMOVAL OR REPURPOSING OF THE VANCE MONUMENT

Mayor Manheimer read the resolution as follows: "WHEREAS, Monuments to Confederate soldiers and military leaders, which were installed in Asheville and many other communities in the South in the late 19th and early 20th Centuries by white Southerners seeking to preserve the Confederacy, are widely perceived as offensive and painful public reminders of the legacy of slavery and present realities of systemic racism in our country; and WHEREAS, A memorial monument honoring the 60th Regiment of North Carolina Confederate soldiers currently stands in front of the Buncombe County Courthouse, sitting on county-owned land; and WHEREAS, A memorial monument known as the "Robert E. Lee Dixie Highway,Colonel John Connally Marker" is located in Pack Square Park, sitting on city-owned land; and WHEREAS, Both of these monuments were paid for and erected by a private organization known as the United Daughters of the Confederacy, and ownership of these monuments have never passed to either the City or the County; and WHEREAS, A memorial monument known as the "The Vance Monument" is also located in Pack Square Park, the former site of the county courthouse which is the likely location where slaves were sold and traded locally; and WHEREAS, African-American residents of the City of Asheville and Buncombe County have issued a clear call to remove and/or repurpose these monuments as expeditiously as possible due to the harm they pose, and to replace them with monuments that honor local African-American history and are created by African-American artists; and WHEREAS, The Confederacy was formed by its political leaders for the express purpose of perpetuating and expanding slavery of African Americans; and WHEREAS, the City of Asheville and Buncombe County recognize that the legacy of slavery, institutional segregation and ongoing systemic racism directly harm public safety and public health; and WHEREAS, pursuant to N.C. Gen. Stat. § 100-2.1(c), the City and County are authorized to remove the two Confederate monuments from public property; and WHEREAS, The City of Asheville and Buncombe County are committed to promoting racial equity and justice, and desire to express this commitment through a joint resolution of their respective governing boards; and WHEREAS, The City of Asheville and Buncombe County desire to remove Confederate monuments from the public spaces within the City of Asheville; and WHEREAS, the City of Asheville and Buncombe County desire specifically to remove the monument to Confederate soldiers from the grounds near the County Courthouse and the Robert E. Lee monument from Pack Square Park; and WHEREAS, The City of Asheville and Buncombe County desire to explore options for removing, relocating, or making alterations to the Vance Monument; and WHEREAS, It is the intent of the governing boards of the City of Asheville and Buncombe County that these monuments be replaced or altered in such as manner as to honor the local history of African Americans; and WHEREAS, The City of Asheville and Buncombe County want to seek citizen input - and particularly to hear from those most impacted by the monuments - regarding the future of the Vance Monument by the establishment of a jointly appointed task force which will explore options including removal, relocation, and alteration of the monument; and WHEREAS, the City of Asheville and Buncombe County approve this resolution jointly at separate meetings of their governing boards; NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE AND THE BUNCOMBE COUNTY COMMISSION THAT: Request is hereby made to the United Daughters of the Confederacy to immediately remove the two Confederate monuments located at the Buncombe County Courthouse and Pack Square Park. The City further requests that it receive from the United Daughters of the Confederacy its intent to remove the monument within 30 days, and that said removal is completed within 90 days. If the intent to remove is not received or the removal is not completed within the specified timeframes

from the date of full adoption of this resolution, then the City of Asheville and Buncombe County shall take action to remove the monuments; and a jointly appointed task force shall be established by the Asheville City Council and the Buncombe County Commission, consisting of not more than 12 members whose appointments will be made in equal numbers by the two governing boards. This task force shall, within three months of all appointments being made, provide a report to the City Council and the County Commission with a recommendation regarding the removal and/or repurposing of the Vance Monument. Once the report is presented, the task force shall perform such other duties as requested by the governing bodies. When no further action is requested, the task force shall dissolve. Upon passage of this resolution and until such time as the monument is removed or repurposed, it shall be shrouded in order to reduce its impact on the community and to reduce the risk of harm it presents in its current state."

Eighteen callers supported taking the Vance Monument and other Confederate monuments down.

Two callers were opposed to taking down the Vance Monument and other Confederate monuments.

One caller favored repurposing of the Vance Monument and supported removing the other Confederate monuments.

Councilman Young said that a few people mentioned context. From a personal standpoint, his family has a long history in the City of Asheville. He spoke with his grandfather (who was born approximately 50 years at the end of the Civil War) about his experiences in life and his experiences of his great grandfather who was born in 1888, in the middle of Jim Crow. Some people feel that removing a flag or monument, etc. is erasing history. In fact, for example, across this country, but mostly in the south, say confederate flag supporters had more than 350 rallies in the 6 months after the Charleston attack. In Charlottesville, Virginia, Council voted to remove statues of Robert E. Lee and Stonewall Jackson and that sparked several demonstrations, including deadly protests in August of 2017. The argument that the Confederate flags or monuments or other displays represent heritage not hate, ignores the near universal heritage of African Americans enslaved by millions in the south. It trivializes their pain, their history and their concern about racism, whether it's the racism of the past or the racism of today. And it conceals the true history of the Confederate states of America and seven decades of Jim Crow segregation and oppression that followed the reconstruction era. And there is no doubt that if you ask any historian that Confederacy was established upon the premise of white supremacy and that the south fought the Civil War to preserve it's slave labor. It's founding documents and its leaders were very clear in what their intentions were - our new government is founded upon the great truth that the Negro is not equal to the whtie man. Those statues and monuments were not erected during reconstruction or Jim Crow - they were erected sometime far after that to remind Black people that we still have power and we still have control and this is your place in our society. I don't want to be a part of that and if anyone else wants to be a part of that, you show your true colors.

Councilwoman Smith said that this is not an insignificant action. We must start healing from racial trauma passed through our blood line. This is equally powerful as well as ceremonial. The white supremacy legacy has been there and it's time for us to confront it. She was glad to be a part of this history, but hated the opportunity came at the death of George Floyd.

Vice-Mayor Wisler moved to approve a joint resolution with Buncombe County to remove the Confederate monuments located at the Buncombe County Courthouse and in Pack Square Park, and to establish a jointly appointed task force to recommend the action regarding the removal or repurposing of the Vance Monument. This motion was seconded by Councilman Young and carried unanimously by a roll call vote.

VI. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO A PREVIOUSLY APPROVED CONDITIONAL ZONING AT 1500 TUNNEL ROAD KNOWN AS "TRU HOTEL" TO INCLUDE A FREE-STANDING IDENTIFICATION SIGN

Urban Planner Sasha Vrtunski said that this is the consideration of an amendment to a previously approved conditional zoning at 1500 Tunnel Road known as "Tru Hotel" to include a free-standing identification sign. This public hearing was advertised on May 29 and June 5, 2020.

Project Location and Contacts:

- The project site consists of a 2.67 acres parcel located at 1500 Tunnel Road (PIN 9678.15-1933) that is owned by Commodore Holdings LLC.
- Petitioner and Contact: HP Patel.

Summary of Petition:

- The project was approved by City Council on July 25, 2017 (Ordinance No. 4604).
- The approved project was for a 86 room hotel in a 43,000 square foot building.
- The site was previously zoned Highway Business District.
- While the 2017 approved project included an image reference to a wall-mounted sign, it failed to provide specific size allowances and did not include any free-standing signage. The applicant is requesting an amendment to the B1 conditions for the project to clarify sign allowances.
- The conditions allow for some flexibility and provide for a free-standing sign not to exceed 60 square feet and 12 feet tall and attached building signage not to exceed 80 square feet. This will ensure flexibility for any changes to signage in the future and would be compatible with the surrounding area.
- New condition is "Signage for project shall be limited to one free-standing monument sign not to exceed twelve feet in height and 60 square feet in size, and one wall-mounted sign not to exceed 80 square feet in size. Temporary and directional signage may be permitted as allowed by the Unified Development Ordinance.

Comprehensive Plan Consistency:

- This proposal is consistent with the Living Asheville Comprehensive Plan in that "appropriate and contextual signage and articulation" is encouraged as a part of urban design.

Compatibility Analysis:

- The proposed signage would be less than what is allowed in the surrounding Highway Business District where free-standing identification signs are commonly used and relied upon.
- The proposed sign's smaller and slimmer profile helps to avoid conflict with adjacent signage along the corridor.

Council Goal(s):

- A Well-Planned and Livable Community.

Committee(s):

- None.

Staff Recommendation:

- Staff finds that the request for signage is appropriate and supports the amendment of the ordinance and conditions.

Mr. Patel, owner of the hotel, gave a brief background of the hotel site. He was unaware that signage was required by City Council at the time of original approval. He is proposing a much smaller sign than the other hotel in the area. He asked for Council's support.

Mayor Manheimer opened the public hearing at 8:40 p.m.

One voicemail individual spoke in favor of this conditional zoning amendment.

In accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilman Kapoor moved to recess this item until June 23, 2020, at which time this public hearing will be voted. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

B. PUBLIC HEARING TO SOLICIT COMMENTS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT FUNDS ANNUAL ACTION PLAN FOR FISCAL YEAR 2020-21

Councilman Kapoor moved to continue the public hearing amending the 2019-20 U.S. Dept. of Housing & Urban Development Annual Action Plan to allocate funds to help prevent, prepare for, and respond to COVID-19 until July 14, 2020. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

C. PUBLIC HEARING TO AMEND THE 2019-20 U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT ANNUAL ACTION PLAN

Councilman Kapoor moved to continue the public hearing amending the 2019-20 U.S. Dept. of Housing & Urban Development Annual Action Plan to allocate funds to help prevent, prepare for, and respond to COVID-19 until June 23, 2020. This motion was seconded by Councilwoman Smith and carried unanimously by roll call vote.

D. PUBLIC HEARING REGARDING THE FISCAL YEAR 2020-21 BUDGET

This public hearing was advertised on May 29, 2020. Mayor Manheimer said that earlier in this meeting, Councilman Young moved to continue the budget public hearing until August 25, 2020. The motion was seconded by Councilwoman Smith and carried unanimously on a roll call vote.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Individuals spoke to demand Asheville Police Department (APD) and officers accountability for the use of tear gas, rubber bullets and flash bangs at the peaceful assembly regarding George Floyd's death; reinvesting cuts in police budget into alternative emergency response programs; disappointment with APD and their destruction of the medic supply tent supplies; defunding the APD; and demanding 50% of the APD's budget be invested in long-term safety strategies including supporting Black startups/business, eliminating the racial opportunity gap in Asheville City Schools, and funding all-civilian oversight committee with the power to hold the APD and individual officers accountable.

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One individual supported the APD's actions and urged Council to support the Department and it's officers.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 10:03 p.m.

Magdalen Bunson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – June 23, 2020- 5:00 p.m.

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson.

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; live call in; and email.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 9, 2020

B. RESOLUTION NO. 20-117 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE INSTALLMENT LOAN CONTRACT WITH JPMORGAN CHASE FOR FISCAL YEAR 2020 CAPITAL IMPROVEMENT PROGRAM VEHICLES AND EQUIPMENT

Action Requested: Adoption of a resolution authorizing execution of an installment financing contract for Fiscal Year (FY) 2020 Capital Improvement Program (CIP) vehicles and equipment in an amount not to exceed $4,750,000.

Background:

- The City annually finances the purchase of necessary vehicles and equipment through an installment loan program.
- In May, the City distributed a Request for Proposal (RFP) seeking competitive bids for this year's installment loan financing to several money-center, regional and local banks including HomeTrust Bank and First Citizens Bank.
- Nine proposals were received and reviewed.
- The most favorable proposal was submitted by JPMorgan Chase with an interest rate of 1.16% per annum for both a term of 48 months (computer equipment) and a term of 59 months (vehicles).

Council Goal:

- Financially Resilient City

Committee(s):

- None

Pro(s):

- Provides funding of capital expenditures at a favorable interest rate.

- Spreads capital costs over the purchased asset life.

Con(s):
- Increases the lifetime cost of acquisition through interest and cost of debt issuance expenses.

Fiscal Impact:
- The interest payments range from $55 thousand in the first year to under $10 thousand in the fifth year as the principal balance is paid down. Funds are included in the City's debt service budget.

Motion:
- Motion to adopt the resolution authorizing the City Manager to execute the installment loan contract with JPMorgan Chase for the acquisition of vehicles and equipment.

RESOLUTION BOOK NO. 41 - PAGE 368

C. ORDINANCE NO. 4809 - ORDINANCE TO DISCONTINUE CHARGING WATER CAPITAL IMPROVEMENT FEE FOR WATER RESOURCES CUSTOMERS

Action Requested: Adoption of an ordinance authorizing the discontinuation of the Capital Improvement (CIP) Fee for Water Resources Customers.

Background:
- In 2006, an engineering evaluation of the Asheville Water System revealed that reinvestment in existing water infrastructure was imperative to the system's ability to continue to provide water service to its existing customers. The evaluation identified funding mechanisms to accommodate the reinvestment and address the deferred maintenance issues.
- Applying a CIP fee based on the maximum volume (gallons per minute) that will pass through a meter was chosen and approved as the funding mechanism.
- The water system regularly reinvests an average of $10,000,000 to $12,000,000 annually into the system.
- The reinvestments include, but are not limited to,:
  - water treatment plant projects,
  - water line replacement projects,
  - water meter and vault replacement projects,
  - water pump station and water storage tank projects, and
  - debt service payments.
- In June of 2018, a lawsuit was filed against the City of Asheville (Alexander vs. The City of Asheville, 18 CVS 2231), which alleged that charging the CIP fee was beyond the City's legal authority.
- At that time and continuing through the present, the City remains steadfast in its assertion that its water fees were valid and defended the lawsuit accordingly.
- The parties eventually reached an agreement to settle the lawsuit in December 2019. As part of that settlement and without admitting any liability, the City agreed to discontinue charging the CIP fee.

Council Goal(s):
- A financially resilient city

Committee(s):
- None

Pro(s):

- Compliance with the settlement agreement.

Con(s):

- Failure to comply could result in further litigation expenses.

Fiscal Impact:

- The Water Resources Department will experience an approximately $7.5 million reduction in CIP funding in Fiscal Year 2020-21.
- Staff is working with consultants to develop scenarios for future annual rate adjustments that will mitigate this capital revenue loss over time.

Motion:

- Motion to adopt an ordinance authorizing the discontinuation of charging the Capital Improvement Fee for Water Resources Customers.

ORDINANCE BOOK NO. 33 - PAGE 78

D. RESOLUTION NO. 20-118 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MIDWEST MAINTENANCE INC. FOR THE ASHEVILLE CITY HALL - BELFRY ROOF REPLACEMENT AND TERRA COTTA MASONRY REPAIRS PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Midwest Maintenance, Inc., in the amount of $ 880,706, for the Asheville City Hall - Belfry Roof Replacement and Terra Cotta Masonry Repairs project and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of 5% ($44,035).

Background:

- The Belfry is the very top, peak section of the roof. It contains the bell and chimes. It has an asphalt roof that forms the floor of this open-air area.
- This work is essential to complete. The roof and masonry are leaking and are significantly deteriorated which has caused interior damage.
- The City Hall main roof was last restored in 2001 and is in acceptable condition.
- An Historic Resources Minor Work Certificate of Appropriateness has been issued.
- A Request for Bids was first advertised on February 25, 2020. A Mandatory pre-bid meeting was held on March 10, 2020. The original bid date was March 26, 2020. The Bid receipt deadline was delayed as COVID-19 procedures were developing.
- Informal bids were received April 14, 2020. The bids were not responsive because there were no bids provided that met the allocated budget and NCGS Informal requirements.
- The Request for Bids was re-advertised on April 29, 2020 after an additional budget amount was allocated to the project from other facility maintenance project funding sources.
- A pre-bid meeting was not offered or required due to mass gathering restrictions related to COVID-19. Contractors were offered site visits following current COVID-19 restrictions per the State of North Carolina, Buncombe County, and the City of Asheville. More Contractors showed interest in the project and made site visits to City Hall.
- Construction will begin in mid-July 2020 with completion expected in November 2020.
- Four bids were received and opened on May 28, 2020. The low bid was deemed non-responsive because they did not submit all of the paperwork required to document business inclusion efforts. The resulting responsive base bids (including bid alternates) are listed below:

	Contractor	Location	Amount
o	Baker Roofing Company	Charlotte, NC	S 2,012,420
o	J. Wayne Poole, Inc.	Greensboro, NC	$ 1,282,963
o	Midwest Maintenance, Inc.	Piqua, OH	$ 880,706

Midwest Maintenance, Inc. was the lowest responsive, responsible bidder.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. The low bid Contractor did document outreach to MWBE subcontractors. Results: Welling, Inc. of Cincinnati, OH, WBE, material supplier, $17,397 and Dillion Construction Services, Irmo, SC, MWBE (Woman and Minority owned), plaster repair, $3,560.

Council Goal(s):

- A Clean and Healthy Environment & A Financially Resilient City

Committee(s):

- None

Pro(s):

- The roof system will be insulated per current building codes and will be leak free.
- The historic landmark of City Hall will be provided with necessary repairs.

Con(s):

- The contractor will take the back row of City parking spots along Davidson Drive during construction for staging and logistics.

Fiscal Impact:

- Staff will utilize existing building maintenance funding within the Adopted Capital Improvement Program (CIP) to fund this contract.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Midwest Maintenance, Inc. in the amount of $ 880,706, for the Asheville City Hall - Belfry Roof Replacement and Terra Cotta Masonry Repairs project and further authorizing the City Manager to execute any change orders that may arise during the project up to the 5% contingency amount of $ 44,035.

RESOLUTION BOOK NO. 41 - PAGE 370

E. RESOLUTION NO. 20-119 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MARTIN EDWARDS & ASSOCIATES TO PROVIDE SECURITY GUARD SERVICES TO PUBLIC WORKS AND CITY HALL BUILDINGS

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Martin Edwards and Associates in the amount not to exceed $140,000 for a period of one year with the option of four, one-year renewals to provide security services for no more than five consecutive years.

Background:

- The City Hall Operations (CHO) Division of the Capital Projects Department provides a variety of services including overseeing Security Guards to Public Works and City Hall Buildings.
- Security guard services were previously provided by GuardOne at a not to exceed amount of $140,000 per year.
- A Request for Proposals was issued recently requesting proposals and costs for providing Security Guard services.
- Scoring proposals was based upon a weighted combination considering qualifications and costs.
- The recommendations were not based exclusively on the lowest cost. The use of the following criteria ensures an overall approach to work is best suited vs just being the lowest bid.
    - Experience and capacity weighting of 40% comprised two tiers
        - Development of Team 25%
        - Portfolio Summary 15%
    - Approach to work weighted at 20%.
    - Proposed cost has a 40% weighting.
- Six companies submitted proposals and costs. Using a weighted scoring system, Martin Edwards and Associates scored the highest and is being recommended as the service provider.
    - Martin Edwards & Associates - Linden NC - 8.69
    - Strategic Security Corp - Commack NY - 8.52
    - GuardOne Security - HQ Lawrenceville GA (Local branch Matthews NC) - 8.51
    - Allied Universal Security Services - HQ Conshohocken, PA (Local branch Charlotte, NC) - 8.39
    - SAKOM -- HQ Appleton WI (Local branch Greenville SC) - 8.13
    - Global Guardian - McLean VA - 4.56
- The transition of these service providers will coordinate with the reopening of city facilities during the COVID-19 pandemic.
- Annually, renewals will be brought before City Council for authorization to extend the contract.

Vendor Outreach Efforts:

- Staff performed outreach through solicitation processes using the State's Interactive Purchasing System. Martin Edwards and Associates is a certified Historically Underutilized Business (HUB) identified on the HUB website as a female-owned business out of Linden, NC.

Council Goal(s):

- Smart City

Committee(s):

- None

Pro(s):

- Provides security to both staff and visitors
- Consistent security services at multiple buildings
- Flexibility to staff additional people if security needs change

Con(s):

- Security personnel will be learning about the security of City facilities in a transition period post COVID.

Fiscal Impact:

- Costs for the first year of these services are included in the FY 2020-21 Proposed General Fund Budget in the City Hall Operations Division of the Capital Projects Department.
- The contract is contingent on budget appropriations in future fiscal years.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Martin Edwards and Associates in the amount not to exceed $140,000 for a period of one year, with the option of four, one year renewals to provide City security guard services for no more than five consecutive years.

RESOLUTION BOOK NO. 41 - PAGE 371

F. RESOLUTION NO. 20-120 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MULTI-YEAR GENERAL SERVICES AGREEMENT WITH THE MILLS RIVER PARTNERSHIP INC. FOR THE MILLS RIVER WATERSHED BEST MANAGEMENT PRACTICES PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a multi-year general services agreement with the Mills River Partnership, Inc., for the Mills River Watershed Best Management Practices project for a not-to-exceed amount of $180,000 over three (3) fiscal years contingent upon funding each year. The level of participation recommended is an amount up to $60,000 per fiscal year with the understanding that funding is project-specific and subject to the appropriation of funds.

Background:

- On November 12, 2016, City Council authorized a three-year agreement between the City of Asheville Water Resources Department and the Mills River Partnership (MRP) for a not-to-exceed amount of $180,000 [$60,000 per fiscal year; approximately $0.01 per centum cubic feet (CCF) system-wide] to provide financial support of projects intended to protect and/or improve water quality in the Mills River Watershed. The department desires to continue to partner with the MRP to help fund water quality projects in the Mills River Watershed.
- The Water Resources Department is willing to provide cost-share funding for projects that are directly related to water quality protection and/or improvement.
- These activities include;
    - selection and installation of best management practices to control contamination of the river from storm runoff,
    - stream bank restoration,
    - planting trees to protect the river buffer zone, educational materials and activities that involve working with agriculture farms to develop buffer zones.
- These projects maintain the water quality of the river and thereby reduce water treatment costs & protect the environment of the watershed.
- The City of Asheville has an ongoing interest in watershed management. Water quality in the upper watershed continues to be excellent and overall water quality indices have improved during the past ten years. The strategy is to continue focusing on efforts to protect and improve water quality.

- Funding initiatives are to be considered with an understanding of their long-term impact on water quality.

Vendor Outreach Efforts:

- This is a continuation of contracted services with a vendor that has a unique and singular focus, with no comparable vendors/non-profits. As such, no additional outreach has been conducted.

Council Goal(s):

- This project aligns with the City Council 2036 Vision of providing A Clean and Healthy Environment.

Committee(s):

- None

Pro(s):

- Opportunity to partner with the Mills River Partnership to strategically address areas of concern in the Mills River watershed.
- Funding from the City of Asheville could make some water quality projects feasible.
- Funding from the City of Asheville could support public education efforts related to water quality protection.
- Projects in the watershed could improve source water and drinking water quality.
- The City of Asheville Water Resources Department wants to maximize benefits to water quality.

Con(s):

- If the City does not participate in the funding of specific water quality projects, these projects may not occur and there could be potential negative impacts on water quality.

Fiscal Impact:

- The full amount needed for the three year agreement is currently allocated within the Water Resources Operating Fund for Fiscal Year 2020-21. The total not-to-exceed contract amount of $180,000 will be encumbered upon City Council approval, even though the MRP will only be allowed to request a not-to-exceed amount of $60,000.00 per fiscal year for the next three years.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a multi-year general services agreement for the entire agreement with the Mills River Partnership, Inc., for the Mills River Watershed Best Management Practices project for a not-to-exceed amount of $180,000 over three (3) fiscal years contingent upon funding each year. The level of participation recommended is an amount up to $60,000 per fiscal year for a maximum of three fiscal years with the understanding that funding is project-specific and subject to the appropriation of funds.

RESOLUTION BOOK NO. 41 - PAGE 372

G. RESOLUTION NO. 20-121 - RESOLUTION AUTHORIZING THE CITY MANAGER TO REIMBURSE THE ASHEVILLE ART MUSEUM FOR EXPENSES INCURRED TO REPAIR STRUCTURAL ISSUES TO THE FACILITY THAT WERE DISCOVERED DURING THE RENOVATION PROJECT

ORDINANCE NO. 4810 - BUDGET AMENDMENT REGARDING ASHEVILLE ART MUSEUM EXPENSES INCURRED TO REPAIR STRUCTURAL ISSUES TO THE FACILITY THAT WERE DISCOVERED DURING THE RENOVATION PROJECT

Action Requested: Authorize the City Manager to reimburse the Asheville Art Museum (AAM) in the amount of $427,788.61 for expenses incurred to repair facility structural issues that were discovered during the renovation project and adopt a budget amendment in the amount of $233,866 from General Fund Assigned Fund Balance (funds previously assigned for capital expenditure) to aid in funding the reimbursement payment.

Background:

- In 2017, AAM began a project to make major renovations to the interior spaces of the museum. These renovations made improvements to the gallery areas throughout the building and modernized the climate control system for the facility.
- Part of the renovation work included the tear out and remodel of the old public library space.
- During the demolition of this space it was discovered that during a previous renovation project, contractors had made penetrations through structural beams.
- These penetrations raised concerns and it was determined that they would need to repair the previous damage in order to restore the building to a condition that would meet building safety codes.
- Through a change order with their contractor they made repairs to the beams and continued on with the renovations of this space.
- The discovery and subsequent repair of this compromised structure resulted in a significant unexpected cost for the museum.
- The AAM has requested that they be compensated in the amount of $427,788.61 for the repairs that were made.

Vendor Outreach Efforts:

- This work was performed as a change order to an existing contract that the AAM has with Beverly-Grant Inc.

Council Goal(s):

- Thriving City

Committee(s):

- None

Pro(s):

- Projects on City-owned property will be complete and fully compliant with City code.
- All buildings will have required egress that is functional and aesthetically similar to the surrounding structures.

Con(s):

- The money that is being used to reimburse AAM could be put to use to fund other City capital rehabilitation projects.

Fiscal Impact:

- A portion of the reimbursement payment ($193,923) will be funded with Capital Improvement Program (CIP) contingency funding that was included in the FY 2019-20 Adopted Budget Ordinance. The remaining amount of $233,866 will come from Infrastructure Reserve funding that was set aside in General Fund Assigned Fund

Balance in fiscal year 2016. The amendment will have no impact on the City's unassigned (available) fund balance.

Motion:

- Move to authorize the City Manager to reimburse the Asheville Art Museum in the amount of $427,788.61 for expenses incurred to repair facility structural issues that were discovered during the renovation project and adopt a budget amendment in the amount of $233,866 from General Fund Assigned Fund Balance (funds previously assigned for capital expenditure) to aid in funding the reimbursement payment.

RESOLUTION BOOK NO. 41 - PAGE 373
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H. **RESOLUTION NO. 20-122 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION FROM CONNECT BUNCOMBE TO BE USED TO PRODUCE PUBLIC OUTREACH MATERIALS FOR THE CITY'S GREENWAY, ADA, AND PEDESTRIAN FACILITY PLANNING PROJECT**

ORDINANCE NO. 4811 - BUDGET AMENDMENT TO BUDGET THE REVENUE AND INCREASE THE EXPENSE BUDGET IN THE CITY'S GREENWAY, ADA, AND PEDESTRIAN PLANNING PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to accept $7,000 from Connect Buncombe to be used to produce public outreach materials for the City's greenway, ADA, and pedestrian facility planning project ("GAP" project); and, approve a budget amendment in the amount of $7,000 in the City's Special Revenue Fund to budget the revenue and increase the expense budget in the GAP project.

Background:

- The GAP project is greenway, ADA, and pedestrian facility planning project.
- Connect Buncombe is a 501c-3 non-profit whose mission is to educate, advocate and fundraise for greenways throughout Buncombe County.
- Connect Buncombe awarded $7,000 to the City as a mini-grant to create educational and public outreach materials to help obtain input from the public on the pedestrian and ADA improvement needs of the community, which will help develop the plan.
- The mini-grant does not require matching funds.

Council Goal(s):

- Transportation and Accessibility and An Equitable and Diverse Community

Committee(s):

- None

Pro(s):

- The outreach materials will be used to attract diverse public input and will be part of a larger public engagement plan intended to reach all segments of the community to gather input on pedestrian and ADA improvement needs in Asheville.
- The outreach materials will provide information about the GAP project and tell people how to get involved or provide input.

Con(s):

- None

Fiscal Impact:

- No negative fiscal impact. Matching funds are not required for this grant.

Motion:

- Move to adopt a resolution authorizing the City Manager to accept $7,000 from Connect Buncombe to be used to produce public outreach materials for the City's greenway, ADA, and pedestrian facility planning project (GAP project) ; and, approve a budget amendment in the amount of $7,000 in the City's Special Revenue Fund to budget the revenue and increase the expense budget in the GAP project.

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Mayor Manheimer asked for public comments on any item on the Consent Agenda, but received none.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Kapoor and carried unanimously by roll call vote.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT

City Manager Campbell provided Council with the presentation overview as follows: She provided an update on our work to reopen for business in the midst of public health pandemic; and clarified the 30/60/90 day work plan presented by both Chief Zack and herself related to Police Reform initiatives and responses to community demands.

She then provided an update on reopening: (1) Council Committees Resuming (a) Public Safety - 3:30 on June 25th; and (b) Boards and Commissions - 2:00 on June 26th; (2) Some Boards and Commissions Resuming; (3) Re-opening remaining City Facilities (a) Early July - Staff; and (b) Mid July - Public; (4) Public Space Usage/Street Openings (a) **Temporary Parklet - use of 1-3 parking spaces** adjacent to their storefronts for outdoor dining, merchandise sales or other safe distancing; (b) **Shared Streets** - converts entire blocks to **"pedestrian priority"** areas to enable outdoor dining, merchandise sales or other uses by businesses and organizations in the area; (c) Businesses can also expand seating or merchandise onto **public sidewalks** in front of their businesses; and (d) Businesses can also expand onto private properties including **parking lots and landscaped areas.** More details at website:www.ashevillenc.gov/publicspaceresponse; (5) Parks and Recreations Summer Programing (a) Rec N Roll - community based onsite programs; (b) Virtual Camps - staff lead activities and virtual field trips; and (c) Nature Center - educational videos online; and (6) **Red Roof Inn COVID-19 Shelter Guests (a) 65 people currently being housed; (b) 11 households with confirmed plans to move into permanent housing; and (c) Collaborations with Homeward Bound, Vaya Health, and the Housing Authority of Asheville.**

Regarding 30/60/90 Day Initiatives, on June 9, 2020, staff presented 30/60/90 day initiatives on ongoing efforts in the Police Department and efforts in response to Black Asheville Demands coalition. These efforts: (1) Represent the beginning of the work that needs to be done; (2) Will happen on a parallel track with other efforts and requests from the community; and

(3) Are a foundation and only the beginning of work that will lead to long term collaborative problem solving. She said they received a lot of feedback on the plans presented at the June 9 Council meeting. In our effort to be responsive, it came across that this was the extent of the police plan and the efforts from the police were separate from the other demands from the Black Asheville Demands coalition. That is not the case. There will be opportunities for engagement. It was to demonstrate that work had already begun and in no way was it to suggest that the work was so far that we would not get community input on how to re-imagine the Police Department and City services. We know that the initiatives laid out June 9 are only the beginning of efforts and changes that need to be made. The bulk of work and attention will focus on the 60 day community conversations around the budget to support transparency and needs. This is only the beginning. We cannot address all systemic racism in 90 days. We are building a foundation of work that needs to be done, long term, but there are short term items that need to happen, i.e., passing a budget, etc..

We are hearing (1) Defund the Police Department to fund other services; (2) Ensure police accountability, both individually and organizationally; and (3) Repair past and continuing harm to Asheville's black community.

Moving forward, we want to respond and move forward together. Racism is a systemic problem, bigger than police and the City cannot solve it alone and within 90 days. The solutions need to be strategic and collaborative. We will engage with the public as well as the County government, schools, health care providers, the private sector and other organizations to address social and economic disparities.

Next steps of the 30/60/90 Day initiatives, (1) Public Engagement that includes community input on re-imagining policing and delivering services collaboratively with our partners; (2) Work with the community to determine how to structure department responsibilities and partnerships in a way to: (a) *Deliver exemplary services in a manner that achieves social and economic equality; (b) Build community trust in government and especially APD; and (c) Identify and allocate resources commensurate with roles and responsibilities;* (3) Community engagement process to launch in the next two weeks. Phase of COVID-19 will determine specific outreach strategies; and (4) Concurrently work on list of other demands with the community i.e. Formation of the Task Force for Vance Monument, Renaming of streets, Addressing Achievement/Opportunity Gap in ACS, Disparity Study race and gender policies, etc.

When Councilman Haynes asked if the proposed Community Engagement Division will fall under the Asheville Police Department, City Manager Campbell said that the concept will be discussed with the community. Conceptually the idea is good, but where it is housed and how it is implemented still needs to be worked out.

In response to Councilwoman Mayfield, City Manager Campbell said that not only are the ideas proposed by Police Chief Zack going to be a part of the community conversation, but we are looking at re-imagining the police and how we deliver not only those services, but many other City services. We are looking at this as a true opportunity to deliver services in a way that begins to address social and economic disparity. It may take us more than 90 days but we want to get started.

In response to Vice-Mayor Wisler, City Manager Campbell said that it makes sense to get Buncombe County involved in looking at service delivery.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO AMEND THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT 5-YEAR CONSOLIDATED ACTION PLAN

Councilwoman Smith moved to continue this public hearing to consider a resolution to amend the U.S. Dept. of Housing & Urban Development 5-Year Consolidated Action Plan until August 25, 2020. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

B. PUBLIC HEARING RELATIVE TO AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE OPEN SPACE REQUIREMENTS

Councilman Young moved to continue this public hearing to consider an ordinance to amend the Unified Development Ordinance to update open space requirements until July 28, 2020. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

C. PUBLIC HEARING TO AMEND THE 2019-20 U.S. DEPT. OF HOUSING AND URBAN DEVELOPMENT ANNUAL ACTION PLAN

Community Development Programs Director Paul D'Angelo said that this is a public hearing to amend the 2019-20 Annual Action Plan to allocate funds to help prevent, prepare for, and respond to COVID-19. This public hearing was advertised on May 15 and 22, 2020. On May 26, 2020, this public hearing was continued to June 9, 2020. On June 9, 2020, this public hearing was continued to this date.

Background:

- The City of Asheville will be receiving a special COVID-19 funding allocation from the Department of Housing & Urban Development (HUD) in the amount of $615,934.
- The funds are to be used to prevent, prepare for, and respond to the coronavirus / COVID-19.
- In order to strategically utilize these funds for individuals and families affected by COVID-19, it is important to understand where there are gaps in existing relief funding, unmet needs, difficulty in accessing relief funds, and not to duplicate services, efforts and other federal & state dollars.
- Specifically from HUD, "Grantees must prevent duplication of benefit, i.e. the use of CDBG-CV funds to pay costs if another source of financial assistance is available to pay that cost".
- Our proposal to HUD for this special allocation must show "Clarity of Need" and fund individuals and families under 80% Area Median Income (AMI) and/or Low & Moderate Income (LMI) areas.
- In order to be timely, strategic and effective with these HUD dollars, as well as working within the parameters of Community Development (CD) capacity, CD staff strongly recommends directly partnering with local agencies ("sole sourcing", contracts under $250k) who can:
    - target and address immediate needs,
    - have the expertise to carry out the eligible activity,
    - have experience working with CDBG and/or HUD funds,
    - have the capacity as an agency to be an effective partner, and
    - have the ability to produce monthly or quarterly reports and measurable outcomes.

Proposal:

- **SERVICES BREAKDOWN OF THE $615,934 BUDGET**
    - Rental Assistance **$399,500**
        - Homelessness Prevention & Rapid Rehousing
        - Eviction Prevention/LMI Individuals & Families

- COVID-19 Emergency Response Homeless Populations **$156,434**
  - Security charges at congregate shelter / Operational costs at non-congregate shelter not covered by FEMA

- Grant administration and compliance **$60,000**
  - Part-time staff for grants management
  - HUD reporting & compliance / technical assistance

$615,934

Council Goal(s):
- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):
- None.

Pro(s):
- Efficient use of funding
- Preserves and protects affordable housing
- Targets populations most impacted by COVID-19
- Reduces spread of COVID-19

Con(s):
- Staff hours will be dedicated to administering this grant.

Fiscal Impact:
- This special allocation is fully funded from HUD authorized by The CARES Act of 2020. Staff costs to administer the program are also fully paid from federal sources. This funding will provide rental assistance to Ashevillians in danger of homelessness or eviction as well as additional homeless services including reimbursement for costs associated with homeless sheltering.

In response to Councilwoman Mayfield, Mr. D'Angelo explained in detail the Homelessness Prevention & Rapid Rehousing and Eviction Prevention/LMI Individuals & Families programs. He also provided the organizations we are going to partner with to administer these funds.

There was considerable discussion, initiated by Councilman Young, about whether individuals who receive housing vouchers are eligible for this assistance. He was concerned that if an individual before COVID-19 already needed assistance and they lost their job, that they can't apply for these funds. Mr. D'Angelo said that according to HUD guidelines (which are not final at this time regarding these COVID-19 special funds), when someone is already receiving housing assistance, there cannot be a duplication of benefits. Language specifically from HUD states, "Grantees must prevent duplication of benefit, i.e. the use of CDBG-CV funds to pay costs if another source of financial assistance is available to pay that cost". He said that the individuals with housing vouchers are already working with the Housing Authority to avoid eviction.

Councilwoman Mayfield said that if people have vouchers in private housing, Pisgah Legal Services will be there to represent them and help work out a payment plan, with support

from the Housing Authority. Even though the individual is not receiving a direct benefit, it builds a network around them in a different way to keep them housed.

Councilman Young felt that this is a good example of why we need to restart the City Council Housing & Community Development Committee, so discussion regarding items like this can be vetted out before reaching Council. He asked for a definition of "duplication of funding."

Councilwoman Mayfield suggested that until we get the final regulations from HUD that we set aside $25,000 that can be used for people who already have housing vouchers. If the final regulations are received and we can't use the money for that purpose, the Housing & Community Development Committee can make the decision at that point to release the money to qualified individuals.

Mayor Manheimer opened the public hearing at 6:26 p.m.

Eight individuals spoke to urge the City to use the bulk of the Community Development Block Grant funds for a rental assistance program and to use City General Fund funds for rental assistance and housing.

Councilwoman Mayfield said that according to David Nash, Executive Director of the Housing Authority, in a text message, all rents have been adjusted and protected. He said they do not need this assistance and that the assistance should be made available to people who don't have federally subsidized rent. The Housing Authority is taking care of people who have vouchers. Given Mr. Nash's assurance, she removed her suggestion about setting aside $25,000.

Mayor Manheimer asked that a memorandum from Mr. Nash be provided to City Council prior to the vote at the July 14, 2020, meeting on this matter.

In accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilman Kapoor moved to recess this item until July 14, 2020, at which time this public hearing will be voted on (with $25,000 being reserved to be used for those already receiving some other type of HUD financial aid if that is allowed once the HUD final regulations are received. If not permitted, all funds would be dispersed in accordance with staff recommendation). This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

A. ORDINANCE NO. 4812 - ORDINANCE TO AMEND A PREVIOUSLY APPROVED CONDITIONAL ZONING AT 1500 TUNNEL ROAD KNOWN AS "TRU HOTEL" TO INCLUDE A FREE-STANDING IDENTIFICATION SIGN

Mayor Manheimer said that this public hearing was held on June 9, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Kapoor moved to to recommend approval of the conditional zoning amendment to Ordinance 4604 for 1500 Tunnel Road - Lodging Conditional Zone (LODG-CZ) for the revised condition related to signage and find that the request is reasonable, is in the public interest, and is consistent with the comprehensive plan in that: 1) the amendment does not substantially deviate from the project details previously approved other than the addition of signage; 2) signage will benefit visitors coming to the site; and, 3) the signage will be compatible with the surrounding area. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

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VI. NEW BUSINESS:

A. RESOLUTION NO. 20-123 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY TO ACCEPT THE DONATION OF OUTDOOR NEEDLE DISPOSAL KIOSKS FROM BUNCOMBE COUNTY AND AUTHORIZING THE OUTDOOR NEEDLE DISPOSAL KIOSKS TO BE PLACED ON OR IN THE CITY'S RIGHT-OF-WAY

Staff Report: "This is a request to authorize the Interlocal agreement with Buncombe County for installation and maintenance of needle disposal units and kiosks.

Background:

- Buncombe County has been significantly impacted by the opioid epidemic. In both 2018 and 2019, about 80 individuals who were temporary or permanent residents of Buncombe County died from an opioid overdose.
- Buncombe County is receiving multiple complaints by residents and businesses about used needles left in county buildings and on county and city property.
- Buncombe County has received funding from the Dogwood Trust Foundation in the amount of $24,364. The County would like to use these funds to purchase and donate six large outdoor needle disposal kiosks to be installed on City property and rights of ways and maintained by the City.
- The County will be responsible for removing the needles from the disposal kiosks.
- Five of the six locations have been identified: 40 Coxe Avenue; Haywood St. Congregation (sidewalk); State Street near Haywood Road; Hominy Creek Park; and Pisgah View Apartments (at Granada bus stop).
- An Interlocal agreement between the County and the City of Asheville is needed to define parameters around responsibilities related to the installation and maintenance of these units.

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Partnership with Buncombe County and the Dogwood Trust Foundation

Con(s):

- None

Fiscal Impact:

- Costs are expected to be nominal and will be funded out of the existing General Fund Public Works budget."

Amy Upham, Buncombe County's Opioid Response Coordinator, provided an overview of the 2019 syringe disposal efforts: (1) 16 bathroom units installed at various locations; (2) Syringe handling training given as part of harm reduction training to over 400 community and business members; (3) Safe syringe disposal information distributed to area businesses, nonprofits, libraries, and City of Asheville; (4) "Safety is the Point" safe syringe disposal bus ads placed in 22 city buses; and (5) 6 large disposal units purchased for installation.

She said safe syringe disposal efforts (1) Evidence-Based research from Montreal, Canada shows community-based disposal units reduced needle litter by 95% within 200 yards of the unit; (2) Erie County, NY Department of Health provided technical assistance and guidance on policy and logistics of syringe disposal; and (3) Successful community disposal efforts include street sweep teams and large disposal units.

Ms. Upham said the logistics for the City & County Memorandum of Understanding include (1) 6 large disposal units will be donated to City of Asheville; (2) City of Asheville will install and maintain the units; and (3) Buncombe County will replace unit if needed and oversee collection of syringes. The locations based on community requests, consultation, and data: (1)DEA APD Liaison input; (2) Greenworks data collection; (3) Asheville City Sanitation; (4) Request by Pisgah View Community; (5) Consultation with Buncombe County Parks Department; and (6) Stakeholder engagement at Community Engagement Markets and door-to-door with business owners on Haywood Rd. (West Asheville) and in Downtown Asheville.

Some statistics for the Dogwood Grant awarded for safe syringe collection include: (1) $24,364; (2) Will pay for a part time position to manage collection from 6 units; (3) Grant covers end-point disposal bins; (4) Grant also pays for liability insurance for subcontracted agency; (5) Development of sustainability plan for collection as a part of opioid response efforts; and (6) Subcontracted agency identified as Sunrise Community for Recovery and Wellness.

The Community Engagement Plan includes (1) Opioid Response Coordinator working with City of Asheville and Buncombe County Community Engagement Teams; (2) Continued harm reduction education including safe disposal; (3) Safe syringe disposal materials for individuals and businesses; (4) Work with stakeholders including Buncombe CARE Team, nonprofit partners, and businesses; and (5) Website: buncombecounty.org/safer.

Next steps consist of (1) Continued community engagement and education; (2) Identify specific coordinates for 2 of the locations (Harris Center and Haywood St. Congregation); (3) Installation of units; (4) Train new Sunrise hire on pick-up and community engagement; and (5) Continue Needs Assessment of rural Buncombe County for substance use needs, including disposal.

In response to Councilwoman Smith, Ms. Upham said that part of the community engagement plan is to create a map.

When Mayor Manheimer asked for public comments, none were received.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved to approve an interlocal agreement with Buncombe County for installation and maintenance of needle disposal units and kiosks. This motion was seconded by Councilwoman Smith and carried unanimously by roll call vote.

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B. MOTION TO AMEND THE FISCAL YEAR (FY) 2020-21 BUDGET CALENDAR TO (1) RESCHEDULE THE AUGUST 25, 2020, FY 2020-21 ANNUAL OPERATING BUDGET PUBLIC HEARING TO JULY 28, 2020; (2) RESCHEDULE THE SEPTEMBER 8, 2020, FY 2020-21 ANNUAL BUDGET ORDINANCE ADOPTION UNTIL JULY 28, 2020; AND (3) DELETE THE SEPTEMBER 8, 2020, FY 2020-21 ANNUAL BUDGET ORDINANCE ADOPTION

ORDINANCE NO. 4813 - ORDINANCE APPROVING INTERIM BUDGET APPROPRIATIONS FROM JULY 1, 2020, TO JULY 31, 2020

Chief Financial Officer Barbara Whitehorn said that this action is to request a motion to: 1) adopt an ordinance approving interim budget appropriations from July 1, 2020 to July 31, 2020; and 2) amend the FY 2020-21 Budget Calendar to (a) reschedule the August 25, 2020, FY 2020-21 Annual Budget Ordinance Public Hearing to July 28, 2020; (b) reschedule the September 8, 2020 FY 2020-21 Annual Budget Ordinance Adoption until July 28, 2020; and (c) delete the September 8, 2020, FY 2020-21 Annual Budget Ordinance Adoption.

Background:

- The Fiscal Year (FY) 2020-21 Proposed Annual Operating Budget was presented to City Council on May 26, 2020.
- In accordance with the North Carolina Local Government Budget and Fiscal Control Act, a summary of the Proposed Budget along with a notice of the Public Hearing was published on May 29, 2020.
- Following presentation of the FY 2020-21 Proposed Budget, the City decided that adopting an interim budget would allow time to plan a public engagement process around reallocating resources to address equity, social disparity, and policing concerns voiced by the community.
- Per NC General Statutes, the City cannot adopt the annual property tax rate with an interim budget. The property tax rate can only be adopted as part of the annual budget ordinance and must be adopted by August 1.
- After meeting with faculty at the UNC School of Government, staff determined that delaying the annual budget adoption until September 8, 2020 would negatively impact the City's ability to establish a property tax rate in accordance with the state statutory deadline.
- As a result, staff is recommending that the City Council adopt a one-month interim budget from July 1, 2020 to July 31, 2020, and adopt the annual budget ordinance and set the property tax rate at its July 28, 2020 meeting.
- The revised FY 2020-21 budget calendar will be:
    - June 23, 2020: Adoption of one-month interim budget
    - July 28, 2020: FY 2020-21 Proposed Budget Public Hearing and Adoption of the FY 2020-21 Annual Budget Ordinance
- Pursuant to North Carolina General Statute §159-16, the interim budget allows the City to pay salaries, debt service payments, and the usual ordinary expenses that typically occur during the July 1, 2020 to July 31, 2020 time period. It does not allow for any new spending or capital projects.

- The interim budget ordinance, which was prepared in accordance with North Carolina General Statute §159-16, reflects the estimated cost of providing existing programs and services during the month of July, with adjustments made to account for any large expenses, such as debt service payments, that typically occur during this time.
- The annual budget ordinance that staff prepares for Council consideration at its July 28, 2020 meeting will include full annual budgets at the fund level but only provide three months' worth of funding for each department, with the remaining budget being held in reserve in a non-departmental section of the budget.
- During this time, the City Manager's Office will engage the community in a process to determine investments in the Asheville Police Department, other City departments, and various community programs.
- At the City Council's September 22, 2020 meeting, the City Manager will present a budget amendment that will reflect input received during the public engagement effort and provide all departments with additional budget authority for the remainder of fiscal year 2020-21.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Ensures the City's compliance with North Carolina General Statutes that require local governments to adopt either a balanced annual budget ordinance or interim appropriations by July 1 of each year.
- Provides for adoption of the City's property tax rate within state statutory guidelines.
- Provides expenditure authorization for ongoing City services while staff reevaluate investments in the Asheville Police Department, other City departments, and various other community services.

Con(s):

- The City cannot begin any new programs or initiatives or new capital projects until after July 28, 2020.
- Staff will be required to bring a budget amendment to City Council in late September to fully fund General Fund departmental operations for the entire fiscal year.

Fiscal Impact:

- Interim appropriations for the time period from July 1 to July 31, 2020 are financed with appropriations from fund balance for all operating funds.
- The property tax rate will be adopted on July 28, 2020 with the FY 2020-21 Annual Budget Ordinance.

Ms. Whitehorn responded to Councilman Haynes when he asked about public engagement.

Twenty-five individuals spoke about cutting the Asheville Police Department's (APD) interim budget by 50%; defunding the APD; removal of the Vance Monument and renaming streets; prioritizing black community needs; soliciting input from the black community; abolishment of the APD; need for open forum for behavior of APD officers; request Mayor Manheimer and Police Chief Zack to resign; do not put mental health addiction coordinator or homeless outreach team in the APD but in the hands of experienced individuals who have been doing this work for years; reprogram organizations to overlook the safety of our community;

minimum requirements for APD officers are not enough for those who will hold weapons; people have already voiced their demands so no need for further public engagement; need to end racism policing; and raise firefighter pay from $12/hour.

Vice-Mayor Wisler moved to amend the FY 2020-21 Budget Calendar to (A) Reschedule the August 25, 2020, FY 2020-21 Annual Budget Ordinance Public Hearing to July 28, 2020; (2) Reschedule the September 8, 2020, FY 2020-21 Annual Budget Ordinance Adoption until July 28, 2020; and (3) Delete the September 8, 2020, FY 2020-21 Annual Budget Ordinance Adoption. This motion was seconded by Councilman Kapoor and carried unanimously by roll call vote.

Councilman Kapoor moved to adopt an ordinance approving interim budget appropriations from July 1, 2020 to July 31, 2020. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

At the request of Councilman Haynes, it was the consensus of Council to instruct City Attorney Branham to research information regarding the possibility of banning the use of tear gas by the Asheville Police Department under any circumstances and providing feedback at the July 14, 2020, meeting.

In response to Councilman Haynes, regarding an incident of open carry at protest events, City Attorney Branham said that this is a difficult distinction in North Carolina. We are an "open carry" state. Therefore, licensed firearms are permitted to be carried in public. However, two important limitations exist which may be applicable here. First is the statute cited by this person which prohibits having a firearm when you are "participating in..... a demonstration," or are "present as a participant" at the demonstration. At times, it can be very difficult to determine if someone is or is not participating in a protest, or if their presence is as a spectator. The second is that our local ordinance Sec. 12-42 prohibits having a firearm in a public park. We are not permitted to prohibit the same on public streets or sidewalks. However, the people here do seem to be close to Pack Square Park. This second provision is much less subjective than the first, and can be enforced much easier. Councilwoman Haynes said having the Police Officers witness this event and do nothing is unacceptable. Councilwoman Mayfield agreed with Councilman Haynes and felt that anytime there is a group of white people standing around with guns is a demonstration. It is a statement of their power and it divides our community.

Nineteen individuals spoke to Council on various items, including: demand of 50% of the Asheville Police Department's (APD) budget should be invested in long-term safety strategies including supporting Black startups/business, eliminating the racial opportunity gap in Asheville City Schools, and funding an all-civilian oversight committee with the power to hold the APD and individual officers accountable; defund the APD; hoped that not only with solicit public input but give the public some decision-making power; remove Vance monument and Robert E. Lee monument; rename Vance Elementary school; request for status of shrouding Vance Monument; defund and abolish the APD; hold police accountable; request for signs in parks that prohibits firearms in a public park; request Mayor Manheimer and Police Chief Zack to resign; ban chemical weapons against citizens; ban the use of bean bags as weapons; and support of remote Council meetings.

One caller supported the APD and the good programs that the APD provides to our youth.

Closed Session

At 9:01 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, specifically the handling or settlement of claims, including but not limited to the following matter: City of Asheville v. Carolina Riverside, LLC. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(4); and (2) To discuss matters relating to the location or expansion of industries or other businesses in the City of Asheville, including on a list of potential economic development incentives The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3). This motion was seconded by Councilman Kapoor carried unanimously by roll call vote.

At 9:21 p.m., Councilman Kapoor moved to come out of closed session. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:21 p.m.

Magdalen Burleson
CITY CLERK

MAYOR

Tuesday – July 14, 2020- 5:00 p.m.

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson.

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; live call in; and email.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JUNE 23, 2020

B. RESOLUTION NO. 20-124 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PATTON CONSTRUCTION GROUP INC. FOR THE FISCAL YEAR 2020-21 UTILITY CUT CONCRETE REPAIR PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Patton Construction Group, Inc. in the amount of $236,930 plus a 15% contingency of $35,539.50, for a total of $272,469.50 for the Fiscal Year (FY) 2020-21 Utility Cut Concrete Repair.

Background:

- The City of Asheville Public Works Streets Division administers the Street Cut Utility Program. This program is an enterprise fund that is supported by the participation of and work generated by partner agencies (Duke Energy, PSNC, City of Asheville Water Resources, and City of Asheville Stormwater Division).
- As part of this program, both city and external utilities partner with the Streets Division to make repairs to City-owned infrastructure that results from utility improvements and repairs. At times, these activities cut concrete infrastructure such as curbs and sidewalks. When this occurs, the Utility Cut Program must have a method to address these areas.
- This contract serves as an instrument to address the unpredictable nature of these cuts in the City infrastructure and eliminates the possibility of City employees being removed from the more routine scheduled maintenance of existing infrastructure. The quantity and location of the concrete repairs performed under this contract is dictated by development and repair work performed by the partner utilities. This is the eighth year that a private contractor has performed this service.
- The project was advertised on April 20, 2020 and the following bids were opened on May 7, 2020:

Patton Construction Group, Inc., Arden, NC	$236,930.00
Appalachian Paving and Concrete, Asheville, NC	$269.675.00
B.H. Graning Landscapes, Sylva, NC	$484,234.40

- Construction is anticipated to start in July 2020 and the contract is intended to last through the fiscal year.

Vendor Outreach Efforts:

- Staff performed outreach to minority- and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- In addition, the Business Inclusion Manager posted the advertisement on the following Facebook pages: African American Business Association, CoThink, Local Black Business, Vendors, and Crafters, Black Business Network, WNC Women Entrepreneurs, The Color of Asheville, Latinos de Asheville y Hendersonville, and Asheville Area Black Businesses, Professionals, Entrepreneurs.
- No minority- or women-owned business enterprises submitted a bid to be the prime contractor on the project.

Council Goal(s):

- This action aligns with the 2036 City Council Vision in that it will make "getting around Asheville easy" (Transportation and Accessibility) and "maintain and improve the City's infrastructure" (Smart City).

Pro(s):

- Provides for the timely repair of concrete infrastructure that has been damaged by the installation of utilities.

Con(s):

- Repairs will cause temporary disruption to pedestrian and vehicular traffic.

Fiscal Impact:

- The Street Cut Utility Program is an enterprise fund that is funded by fees paid by the four partners participating in the program. The partners will be billed 100% of the repair cost, meaning that the City realizes full cost recovery. Funding for the contract is contingent upon Council approval of the FY 2020-21 budget on June 23, 2020. Funding for the contract is contingent upon Council approval of the FY 2020-21 budget on July 28, 2020.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with Patton Construction Group, Inc. in the amount of $236,930.00 plus a 15% contingency of $35,539.50 for a total of $272,469.50, for the project known as FY 2021 Utility Cut Concrete Repair Contract

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C. RESOLUTION NO. 20-125 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE ASHEVILLE AREA ARTS COUNCIL TO CREATE A BLACK LIVES MATTER MURAL AROUND PACK SQUARE PLAZA

Action Requested: Consideration to authorize City Manager to enter into an Agreement with Asheville Area Arts Council to install Black Lives Matter mural at Pack Square Plaza.

Background:

- The City wishes to express itself in matters of public concern, including in matters of racial equity.
- The City has previously used Agreements with not for profit organizations as a method of creating temporary public artworks on the City's behalf.
- The Asheville Area Arts Council (AAAC) has raised the majority of funds needed to install and maintain a City-commissioned Black Lives Matter mural in Pack Square Plaza, and anticipates reaching their goal of $22,100 by the end of the month.
- No City funds are needed to complete the project. City fees will be waived because it is a City project.
- The Agreement would specify maintenance roles and requirements for the mural.
- The Agreement would be for no longer than one year and would include the right for the City to remove the mural at any time.
- AAAC proactively held a competitive process to procure the three lead artists for the project; all of those artists and the sixteen assistant artists creating the mural are African Americans.
- The mural would be installed at a date to be determined.

Council Goal(s):
- An Equitable and Diverse Community

Committee(s):
- None.

Pro(s):
- Contracting with this not for profit provides the City with ability to artistically express itself in matters of public concern, furthering Asheville's identity as a place built on creative culture and economies
- Contract results in the hiring of 19 African American artists.

Con(s):
- Some community members may not agree with the City's expression.

Fiscal Impact:
- The City will provide minimal services, such as providing and installing barricades, blocking parking meters as part of this project. The cost for the materials and artist stipend will be donated by the AAAC.

Motion:
- Motion to adopt a resolution authorizing the City Manager to enter into an Agreement with the Asheville Area Arts Council to create a temporary Black Lives Matter Mural at no cost to the City.

Councilwoman Smith spoke in support of installation of the Black Lives Matter Mural and thanked the artists who worked on this art. She thanked the Asheville Arts Council spearheading the project and raising funds. She hoped that we use this moment for Asheville's healing.

An Asheville resident felt this is a hollow, meaningless gesture.

In response to Mayor Manheimer, Councilwoman Smith said there will be a meeting later this week and a timeline will be forthcoming.

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Mayor Manheimer said that members of Council have been previously furnished with copies of the resolutions on the Consent Agenda and they would not be read.

Councilwoman Smith moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT - 30/60/90 DAY PLAN

City Manager Campbell said that she will provide an update on the 30/60/90 day work plan in response to the Black Asheville Demands coalition requests.

She said over the next several months, as part of my Manager's report, she will be updating Council and the community on the 30/60/90 day work plan we developed in response to requests from the Black Asheville Demands coalition. The 30/60/90 day work plan is designed to provide a definitive schedule and outline to begin the work necessary to respond to requests from the coalition. Plan outlines and assigns duties, responsibilities, timelines for various groups including City departments, City Council and Advisory Committees.

Update on 30 days includes (1) Resolution to remove or repurpose monuments and shroud until a decision is reached by a Task Force (a) Resolution passed unanimously by City and County 6/9 and 6/19 respectively; (b) Monuments have been removed or shrouded; (c) City and County have received applications to be on the Task Force; and (d) Final decisions due in the next 30 days; and (2) Work with the community on the renaming of streets - process already in place to rename any city street (a) African American Heritage Commission met to discuss on July 9, 2020. The Commission's recommendation was to provide support on identifying names of historic local black leaders, but to not lead the engagement portion of this project; and (b) Public engagement process is being developed.

Update on 60 days includes (1) Continue partnering with Asheville City Schools and Buncombe County Schools to address Opportunity Gaps (a) Schedule meeting with Superintendent to discuss path forward for Equity Collaboration Initiative; and (b) Early August determine next steps for initiative; (2) Community conversations around budget to support transparency and needs (a) Developing community engagement process; (b) Meeting with key groups and individuals to test and further develop the proposed engagement process; (c) Plan to launch broader community engagement process in early August; and (d) Seeking input to determine how to provide services that advance social, economic and racial equality; and (3) Initiate conversations with the district attorney's office regarding the decision for Mr. Hickman; (a) City Attorney's office working with DA's office and Restorative Justice process related to probation process.

Update on 90 days includes (1) provide protocol, practices overview of assessment, plans and implementation by CIty government; and resources allocation data from the Equity and Inclusion Department on the City's Website (a) Requested and received clarification as to the request; (b) Assessing and documenting the role of the Office of Equity and Inclusion; (c) Determining amount of influence and impact of this department on decision making related to City policies, budgets, hiring practices, contracting, etc.; (2) Better understand and work through solutions for: (a) Creation of "Harm Free Zones" - Research to gain better understanding of what it is and legality; and (b) All Civilian Oversight Committee - Draft proposals completed and negotiations with PBA ongoing; (3) Utilizze best practices to recruit people of color (a) Work underway to review job descriptions and training requirements; and (3) Develop Race and Gender Conscious Policy in response to the disparity study as part of City contracting and

procurement (a) Proposed draft policy being developed; and (b) Committee review and then to full Council in September.

Moving forward (1) We have heard the community; (2) We want to respond and move forward together; (3) Racism is a systemic problem, bigger than police and the City cannot solve it alone and within 90 days; (4) The solutions need to be strategic and collaborative; and (5) We will engage with the public as well as County government, schools, health care providers, the private sector and other organizations to address social and economic disparities.

In response to Councilwoman Mayfield, City Manager Campbell said that we are also looking at the process to address renaming Pritchard Park. .

In response to Councilwoman Mayfield, City Manager Campbell spoke about how we are looking at policing and the budget. We will have a public hearing on a short interim budget on July 28 but it won't have any major shifts. Basically it is a procedural step to allow us to start the larger conversation we want to have with the community. After a three month robust conversation we will adopt a new budget that will hopefully get at some shifts in the budget for this year. There will be another conversation about how the process moves forward year after year for the longer plan.

In response to Councilman Haynes, City Manager Campbell said that the interim budget on July 28 will only be for three months and we will start with the baseline budget with no increases.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO SOLICIT COMMENTS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT FUNDS ANNUAL ACTION PLAN FOR FISCAL YEAR 2020-21

Councilman Kapoor moved to continue the public hearing to solicit comments for the Community Development Block Grant and HOME Investment Partnership Act funds Annual Action Plan for Fiscal Year 2020-21 to July 28, 2020. This motion was seconded by Councilman Young and carried unanimously by roll call vote

B. PUBLIC HEARING TO CONSIDER REZONING PROPERTY LOCATED AT 99999 COURTLAND AVENUE, 99999 WOODSIDE PLACE, AND 99999 GUDGER STREET FROM URBAN VILLAGE TO RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to rezone property located at 99999 Courtland Avenue, 99999 Woodside Place, and 99999 Gudget Street, from Urban Village to RS-8 Residential Single-Family High Density District. This public hearing was advertised on July 3 and 10, 2020.

Action Requested: Rezone three properties from Urban Village (UV) to Residential Single-family, High Density (RS-8).

Background:

- The rezoning petition consists of three separate parcels with a combined area of approximately 0.40 acres located at 99999 Courtland Ave., 99999 Gudger St., and 99999 Woodside Pl. (PINs 9649-11-0689; 1622 & 0671) and are owned by Mahan Kalpa Khalsa Trust and 1031 Beckstrom LLC.

- The subject properties are 0.28, 0.06 and 0.06 acres respectively. The largest parcel is split-zoned but is predominantly zoned Urban Village (UV) with a very small portion zoned RS-8. The two smaller lots are both zoned UV in their entirety.
- The larger 0.28 acre parcel is located within the Montford Historic District. No changes to the Historic District overlay or the boundary is proposed. The Asheville Buncombe Historic Resources Commission granted preliminary subdivision plat approval earlier this year.
- The properties have frontage along, and are accessed from, Gudger St. and/or Woodside Pl.
- The properties were included in a large rezoning application from 2007 that included 51 lots totalling 9.89 acres that were intended to be combined for the purpose of executing a large, mixed-use development. The masterplan was approved but never implemented and has subsequently expired; however, the UV zoning designation remains in place.
- The UV zoning requires the approval of a master plan involving a minimum of five acres. Without a rezoning, the properties cannot be developed individually.
- The expiration of the former plan, combined with the condition of numerous individually owned parcels, reduces the likelihood that an urban village would ever be developed.
- The proposed RS-8 zoning would allow for the three properties to be recombined and redivided in a more efficient manner to allow for single-family residential development.
- The purpose of the UV zoning is to create a high-quality, mixed use development that contributes to the place-making character of the built environment and that is economically vital and pedestrian-oriented with an organized layout that encourages the full range of access by patrons and users. Without a master plan that meets these criteria, the UV zoning is ineffective.
- The purpose of the RS-8 zoning district is to establish a high density per acre for single-family dwellings where public infrastructure is sufficient to support such development and to stabilize and protect the district's residential character in areas of existing high density single-family development. The majority of the parcels directly adjacent or in proximity to the subject properties are zoned RS-8.
- The subject properties are located in and/or border the Montford Historic District which consists primarily of single-family residences. The properties to the north and south are zoned RS-8 and developed with single family homes; the property to the east is also zoned RS-8 and is developed with an Middle school (Montford North Star Academy) which is one of the few non-residential land uses supported in residential areas; the properties to the west are undeveloped and remain zoned UV. Schools and single family residences are generally regarded as compatible land uses and the proposed RS-8 single-family zoning would support new development that is consistent with the surrounding uses, as well as the historic district.

Council Goal(s):

- A well-planned & livable community

Committee(s):

- A preliminary subdivision plat was reviewed and approved by the Asheville Buncombe Historic Resources Commission on January 8, 2020.
- The Planning & Zoning Commission reviewed and approved the rezoning petition unanimously (6:0) on July 1, 2020.

Pro(s):

- Removes a zoning designation that does not allow small lot development.
- Assigns a designation consistent with the surrounding zoning and uses.
- Supports consistency with the Montford historic district's development pattern.
- Allows opportunity for infill housing in a locationally efficient area.

Con(s):

- None.

Comprehensive Plan Consistency:

- This proposal is consistent with the Living Asheville Comprehensive Plan in that the Traditional Neighborhood future land use designation is assigned to more compact and walkable residential areas that provides a range of housing types at a moderate density (4-8 units/acre) with the RS-8 zoning district identified as an appropriate zoning found within Traditional Neighborhood areas.
- This rezoning supports opportunity for infill housing in a very walkable and strategically located neighborhood, thus aligning with key goals in the *Livable Built Environment* Plan section.

Fiscal Impact:

- None

When Vice-Mayor Wisler asked if the entire Urban Village area should be rezoned to RS-8, Ms. Tuch said that staff did discuss that; however, there are still some large parcels in that zone and someone may wish to come along and develop an urban village. In addition, RS-8 may not be appropriate on some of the borders. Since the City will be revising the Unified Development Ordinance, staff felt it would be best to wait until that review. If individual property owners wish to be rezoned, staff will look at them on a case by case basis.

Mr. Tikkun Gottschalk, attorney representing the owner , explained how they believe the rezoning of this property to Urban Village was an inadvertent error and urged Council to support the rezoning.

Mayor Manheimer opened the public hearing at 5:46 p.m.

An individual felt that it was inappropriate to be discussing rezoning of this property since years before it was part of urban renewal and at the end of this meeting, Council is asking for reparations to Black people.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Vice-Mayor Wisler moved to recess this item until July 28, 2020, at which time this public hearing will be voted. This motion was seconded by Councilman Kapoor and carried unanimously by roll call vote.

C. PUBLIC HEARING TO CONSIDER CONDITIONALLY REZONING PROPERTY LOCATED AT 61 INNOVATION DRIVE FROM COMMERCIAL INDUSTRIAL DISTRICT TO INSTITUTIONAL DISTRICT/CONDITIONAL ZONE, ALONG WITH A CHANGE IN THE FUTURE LAND USE MAP FROM INDUSTRIAL/MANUFACTURING TO EMPLOYMENT/ANCHOR INSTITUTION CENTER

Vice-Mayor Wisler, moved to continue the public hearing to conditionally rezone property located at 61 Innovation Drive from Commercial Industrial District to Institutional District/Conditional zone, along with a change in the Future Land Use Map from Industrial/Manufacturing to Employment/Anchor Institutional Center to July 28, 2020. This motion was seconded by Councilman Young and carried unanimously by roll call vote

V. UNFINISHED BUSINESS:

A. **RESOLUTION NO. 20-127 - RESOLUTION AMENDING THE 2019-20 U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT ANNUAL ACTION PLAN TO ALLOCATION FUNDS TO HELP PREVENT, PREPARE FOR, AND RESPOND TO COVID-19**

Mayor Manheimer said that this public hearing was held on June 23, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

After receiving additional public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the resolution and it would not be read.

Councilman Young moved to adopt a resolution to approve the City's submittal to HUD for the proposed use of CDBG funds for COVID-19. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

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VI. NEW BUSINESS:

A. **RESOLUTION DELEGATING AUTHORITY TO THE CITY ATTORNEY TO ENTER INTO A CONTRACT WITH HILLARD HEINTZE TO EVALUATE AND PROVIDE A REPORT ON THE ASHEVILLE POLICE DEPARTMENT RESPONSE TO THE RECENT PROTESTS**

City Attorney Branham said that this is consideration to authorize the City Attorney to contract with Hillard Heintze in an amount not to exceed $82,500 to conduct an evaluation of the Asheville Police Department (APD) response to the recent protests including a report to be provided to City Council.

Background:

- In late May and early June of 2020, the City of Asheville experienced several public protests relating to the enduring national problems of police brutality, institutional racism, and the unlawful and unjustified killing of George Floyd on May 25, 2020.
- The APD responded to these protests which included crowd control measures such as tear gas and the arrests of some protestors.
- By request, APD officers were assisted by other local police agencies as well as the National Guard.
- A City-wide curfew was established by Mayoral declaration from June 2nd - June 5th which restricted public protesting nightly after 8:00 pm, however many protesters ignored the curfew.
- The City has received numerous complaints regarding the operational response by ADP during the protests.
- The City Council determined that a thorough and transparent assessment of that response was necessary.

Council Goal(s):

- A Diverse Community
- A Well-Planned and Livable Community

Committee(s):
- Public Safety

Pro(s):
- This evaluation of the APD response will provide a competent, thorough, and independent assessment which will allow City Council and the public to better understand these events, as well as provide ADP with strategies for improvement if applicable.
- The resulting final report will be produced in a transparent and unbiased manner in order to bolster public trust in the process.

Con(s):
- The funds expended on this contract could be utilized elsewhere to address community concerns and budgetary shortfalls during the economic downtown created by the recent pandemic.

Fiscal Impact:
- For the month of July, the City is operating under an interim budget, which per § 159-16, only allows for appropriations for the purpose of paying salaries, debt service payments, and the usual ordinary expenses. Since this contract would not likely be considered a usual ordinary operating expense, full funding for the contract won't be available until adoption of the annual budget ordinance on July 28, 2020. The estimated total for services to be provided is between $66,000 and $72,000, excluding expenses. Additional contingency funds are included in the requested delegation of authority to account for final expenses. The contract will be funded from the Asheville Police Department Budget.

City Attorney Branham said that in a June 15, 2020, letter, the City Council unanimously directed me to provide a recommendation of an outside independent agency to conduct a thorough review of the ADP response to the recent protests in Asheville. Since that time, his office has conducted the search for a firm to perform this task. He is now prepared to recommend the firm of Hillard Heintz.

He said that as background, he would like to provide the Council with some information about Hillard Heintze (1) They are a Consultant and Assessment firm specializing in security risk management around the world; (2) Since its founding in 2004, they have provided consulting and evaluation services for corporate entities, individuals, and governments; (3) One of their areas of service expertise is providing assessments for Law Enforcement agencies (a) Specifically focusing on improving efficiency and effectiveness of the police force; (b) Strengthening management operations, as well as oversight; (c) Advancing Community-focused policing; (d) Enhancing the internal affairs function; and (e) Building a new platform of integrity to enhance community trust; (4) Through this work, they have conducted evaluations of numerous policies agencies around the Country; (5) The team that would conduct our evaluation consists of 4 Person Unit which includes: (a) A mix of law enforcement professionals and Attorneys with; (b) Extensive experience as Department Chiefs, criminal justice and civil rights legal practitioners, as well as professors of criminal and constitutional law; (c) They have experience in performing assessments and advising police departments in numerous cities such as Washington D.C., New Orleans, Louisiana, Chicago, as well as for police departments in Central and South America; (d) They have provided consulting services for the Dept. of Homeland Security, U.S. Customs and Border Protection, and the U.S. State Department; (e) They have facilitated numerous community dialogues regarding policing throughout the Country; (f) They bring experiences in civil rights mediation; and (g) They have also recently provided consulting services in North Carolina around the toppling of the Silent Sam Statue in Chapel Hill.

He said it is also important to note regarding the independence of this firm, that they have no prior relationship with the City of Asheville, APD, or any member of the command structure of APD.

He said that upon review of their credentials, research of past work, as well interviews with their assessment team, he felt that Hillard Heintze possesses the necessary competence, experience, and expertise to conduct a thorough, fair, independent, and unbiased evaluation of the APD response to the recent protests, and produce a meaningful and transparent report to presented to the Council.

City Attorney Branham then described what the evaluation process will look like (1) The assessment will review the APD response to the protests during the period of May 30 – June 6th, including the crowd control efforts such as the utilization of tear gas and other projectiles, and the destruction of supplies at the protester medic area; (2) As part of their process, and final report, they will provide the Council with an assessment on our policies and practices, in addition to a review of what occurred during the protests. This will serve as professional advice on, among other things, our use of Tear Gas; (3) This information could then be used as the basis to make policy or disciplinary decisions within the department; (4) This will be done in 3 phases: (a) Phase 1 (1-2 weeks) They will review of all relevant policies and procedures, reports, and operational plans, as well as conduct initial meetings with my office and other pertinent City representatives; (b) Phase 2 (3-6 weeks) They will conduct on site (or virtual) public engagement and analysis. This includes viewing body cam footage, site visits, individual interviews with members of APD, City staff, and members of the public, as well as conducting open forum(s) with the community; and (c) Phase 3 (7-9 weeks) Analyze all collected information and coordinate with my office to prepare a final report to be presented publicly to the Council. In total, the process will take 3-4 months, including a multi-day on-site visit for up to 4 personnel). Including preparation of the final report and presentation to the Council, the total cost is expected to be $82,550. Based upon the experience and expertise of the evaluation team, as well as the time and process involved, he believed this cost is well in line with the market rate of similar firms for this type of contract. Therefore, he recommended the firm of Hillard Heintz to conduct the analysis of the police response to the recent protests as requested by the Council.

In response to Councilman Haynes, City Attorney Branham said that the company will also look at whether or not the APD policies were followed regarding chemical and rubber munitions; and whether their actions or policies conform with modern day best practices for police services.

Councilman Haynes said that during the June 23 Council meeting, he asked for the use of banning tear gas to be on the July 28 agenda. However, due to a lack of support at this time, some members of Council desired to wait on findings of the evaluation before addressing the use of force methods deployed. But what can we expect to receive in these findings? They may conclude that some of the actions taken by the APD were inappropriate under the circumstances but they will most certainly conclude that no laws were broken. They will likely provide information showing these so-called non-lethal uses of force to be widely accepted methods of crowd control leaving it up to us, Council and the community to decide whether or not it was or is the right thing to do. While he sincerely hoped this evaluation spells out errors made and offers possible solutions through policy changes, it will not do our work for us. He asked that the appropriate steps are taken to authorize Council to view body cam footage from these protests. And since there can be no vote tonight on the banning of these weapons, He asked that the crowd control weapons deployed during these protests go to the Public Safety Committee to be addressed individually concerning their safety along with looking at possible alternatives and whether or not they should continue to be available to the Asheville Police Department.

Mayor Manheimer agreed with Councilman Haynes in that the majority of Council did not wish to put the tear gas item on the agenda tonight as they would like to hear the results of the consultant's review before proceeding.

Councilwoman Smith moved to authorize the City Attorney to execute the contract with Hillard Heintze to perform an evaluation of the Asheville Police Department response to the recent protests and to prepare a final assessment to be presented to the City Council during a public meeting. This motion was seconded by Councilman Young.

Twenty-six individuals spoke against spending over $80,000 on consultants for various reasons, some being, but are not limited to: there is already evidence from videos, body cams and witnesses so a report is not necessary; let the existing Citizens-Police Advisory Committee perform the investigation; the make-up of the firm is largely white people; funds for the consultant should be paid for out of the APD budget; modern policing standards are part of the problem; this money could be spent on addressing Black Lives Matter demands; this investigation seems like a delay tactic; defund the APD by 50%; if the right questions are not asked for the firm's scope, then we won't get the right answers; and the study should also involve the Blue Lives Matter protest.

One individual supported the firm examining the behaviors of the APD.

Mayor Manheimer said that after the protests, the City Manager put forward a review of the APD conduct during the protests; however, City Council felt a more objective review was necessary and asked the City Attorney's Office to find a firm that can provide a more transparent and unbiased report. Unfortunately, the price of the firm was not known but she doubted a much different price could be found due to the pricing of consultants. After listening to the comments, she felt there is an interest in a different approach.

Councilman Haynes, who at one time supported the outside review. said that he no longer supports this third-party review, but would support a local evaluation. He felt there will be inaction for at least four months. If the contract is approved, he asked that the study be extended to cover actions of APD at the Blue Lives Matter protest as well.

Councilwoman Smith said that initially at the Public Safety Committee, the Committee wanted to look into some of the actions from a policy and procedural perspective. Then City Manager Campbell volunteered to take the matter in their own hands and conduct an investigation. There was some concern about the best method to go about an investigation of the APD and that is how the decision was made to ask the City Attorney's Office to provide a recommendation of an outside independent agency to conduct a thorough review of the ADP response to the protests. Since hearing the cost and the public comment, she withdrew her motion to approve the contract and would support a motion to table.

Mayor Manheimer asked the Public Safety Committee to look at this issue in conjunction with the City Attorney's Office that can look at policies and procedures.

Councilman Kapoor was very supportive of the idea that City Council take responsibility and oversee this investigation. As an elected body, we have a duty to look at this in an objective way and if Council is not satisfied with the regulations, they have the ability to change them. He felt the full Council should review and be a part of the investigation, not just receive a recommendation from the Public Safety Committee to the full Council. He did support a third-party review because they have the expertise on what people do in that field. He felt that City Council won't sit quietly for a whitewash report, and that we need professional help on if what was done was justified.

Vice-Mayor Wisler felt that City Council does not have the expertise to know what the APD did was legal or not. She felt it would be good to have people who have the expertise and knowledge of what other policing organizations across the country are doing to give us recommendations. She suggested we re-look at the scope and ask for recommendations regarding policies and procedures going forward.

Councilwoman Mayfield was supportive of moving this item to the Public Safety Committee and to make a recommendation to the full Council about the process. She agreed with Councilman Kapoor that the responsibility for this study ultimately rests with City Council. After the Public Safety Committee's recommendation on process, she wanted to be a part of the next steps. Their recommendation could include if we need an in-house study or a consultant along with the specific questions we want addressed, i.e., what other communities use for control who do not use tear gas. She was concerned about the study being done in-house because it's the people who did the wrong studying whether they did the wrong. She didn't think the people would trust the in-house study. If we have a third-party study, then you have outside people coming in with an objective mind and lens looking at what the APD did. City Council has a history of getting reports and making changes, and she would expect the same thing out of this study.

In response to Councilwoman Mayfield, City Attorney Branham said that the unit assigned to this study from the consultant firm consists of a four person team, two of which are people of color. He said the contract will be funded from the Asheville Police Department Budget.

Councilwoman Smith moved to table this matter and asked that the Public Safety Committee provide a recommendation to Council concerning the process, noting that all of Council was welcome to provide their input into that recommendation. This motion was seconded by Councilwoman Mayfield and carried on a 6-1 roll call vote, with Councilman Kapoor voting "no."

City Attorney Branham advised that the motion to table or to defer consideration takes it off City Council's agenda for up to 100 days. At the end of 100 days the action will expire. City Council can bring the action back up again anytime within the 100 days.

B. RESOLUTION NO. 20-128 - RESOLUTION SUPPORTING COMMUNITY REPARATIONS FOR BLACK ASHEVILLE

Councilman Young said "In this moment, we have a lot of issues to deal with that affect all citizens. Moreover, the death of George Floyd has been a catalyst to the nation's largest civil rights movement - a movement that is supported by Black Americans but also by white allies of the Black community. Allies that I am thankful for and allies that I deeply appreciate. Nonetheless this is a movement that largely describes the treatment of Blacks in America for a sustained period of time. The blood capital that we have banked to spend today to fight for significant change came predominantly not from our allies but from Black men, women and children who died to get to this very moment, generation so to speak. Hundreds of years of Black blood spilled that basically fills the cups we drink from today. And so, when it pertains to policy that involves largely the lives of Black residents of the City of Asheville, I am a Black man with a Black family and anything that we do, in my mind, has to outlive the emotions of this present moment. Because the future success of my own children and our current and future society depends on the sustained success of the systemic changes that we seek. And not just the budgetary priorities in the moment. Albeit it's important as well. We can multitask, but to say it bluntly, this is our moment, these are our lives and this is our capital. I cannot speak for everyone else, but when I help craft policy that will affect the majority of our City's Black residents, I can truly say my heart and my head are literally in the game. And I look at my own children as my north star, my guiding light for success because their lives and their peers' lives depend on it. My dedication to those children, my children, truly drives my personal need to be successful with a policy such as

this. To those folks who are out there listening and watching, I want folks to understand that we will not be the last Council or City staff to see these policies through. It is my mission to help make, what I believe, the American dream tenable for basically all of our citizens. And, with that said, I want to say that there is this concept that is the American dream that we all have equal opportunity to generate the kind of wealth that brings meaning to the words "live, liberty and the pursuit of happiness." Even though Black Americans, we've been denied that. So, it's simply not enough to remove statutes. Black people in this country are dealing with issues that are systemic in nature and it may feel good to some to see a symbol of oppression fall, such as a Confederate monument, to join the rallying cry to defund the police (to that I say power to the people); however, the same stemics that allowed statues to go up and the disparities in police to continue are the very same systemics that recyclie itself generation after generation after generation and still remain regardless of this Council or its financial allocations. So, the days of incremental change, I believe, have left us. And, in the now we require what I believe is to be institutional change to move forward. That is why the creation of generational wealth within our Black community is important. It will sustain families for future generations and is the key to the proverbial American dream. And as far as the other systemic institutional change, institutional change is exactly what we should be seeking. And we are seeking. Not incrementalism or gestures of allie-ship. We need to be made whole. And I've said it before. In areas of health care, education, employment, criminal justice, business ownership, home ownership, overall equity, and as I've mentioned before generational wealth. And I don't want, I'm speaking for me now personally, I don't want to be made whole though one singular action or shuffling of money that another elected body can change at a drop of a dime. I want generations to be made whole for systematic action. The same systemic actions that got us here and have produced policy that outlived many dead politicians and generations of dead Black Americans. That is what we need to focus on. This resolution will ground us deeply and prepare the community to move forward on this promise that we are going to speak about tonight , regardless of what Council, regardless of what City Manager and regardless of what staff will be here. We want to be grounded so this necessary work will be sustained and anything less than systemic change is just feel good politics in the moment period."

Councilwoman Smith said "I think the first step towards rectifying any societal problem is to acknowledge that there is an action problem in the first place. So, in my mind, this resolution is the first step in that it names that list of historic wrongs that have been perpetuated against the Black community up until this very day. A lot of feedback that we have gotten so far by email is that, why should we pay for that happened during slavery. And my pushback against that is that reparations is more than restitution for what happened during the TransAtlantic Slave Trade. It is a dark evil sin of child slavery that is the root of all injustice and inequity at work in American life today. So it is institution that serves as the starting point for the building of strong economic floor for white America while attempting to keep Blacks forever subordinate to its progress. I wish our educational system would have done a greater job at revealing the origins and the lasting impacts of the many dimensions of racism so that accepting these truths early on in life and building empathy so that we can have an even analysis of what injustice in America was like for Black people, it will make a United States more possible. So, this resolution goes a long way in articulating that. I appreciate the resolution and that is why I am dedicating my yes vote tonight to honor my elders, both past and present. I would like to see the latter part of the resolution, be it therefore resolved, the solution part of the document, to show that these are not just flowery words on paper. This will mean that any report generated by a commission, or anyone tasks within the Asheville City staff will come back with tangible programs that have real line item monetary resources attached to them. And this means fully funding our transit system and affordable housing, but also mapping out our assets - the City assets, while looking at other municipalities who are doing a great job of coming up with innovative ways to address these generational wealth gap in Black communities. And I trust that what will come out of this, the direction of this resolution, will bring us back some shovel-ready projects and some fully funded programs that actually deal with things like the discriminatory use of eminent domain. It hurt us.

It hurt us deeply. And with that being said, I want to read something that was gathered some years ago that impacted my life when I returned to Asheville. It is a publication by the North Carolina Humanities Council. This was written by Priscilla Ndiaye. She's also a member of the Southside Community, like I am, a member of the Southside Community and this kind of quantifies what was lost, just in the south side, what we call the South. 'In the East Riverside area, said by the late Reverend Wesley Grant, we lost 1100 homes, 6 beauty parlors, 5 barber shops, 5 filling stations, 14 grocery stores, 3 laundromats, 8 apartment houses, 7 churches, 3 shoe shops, 2 cabinet shops, 2 auto body shops, 1 hotel, 5 funeral homes, 1 hospital and 3 doctor offices.' It's been said that what happened with urban renewal in this City, not slavery, but urban renewal, in this City came up to about over 400 acres of desimated homes and businesses and this urban renewal project locally was the largest in the southeastern part of the United States. This is what impacts me day to day. This is what still impacts this community. Anybody who goes throughout this community and you interact with Black people both young and old, this is felt. We feel it. Not only in our bodies in the way we interact and psychologically. So, we took a pause a couple weeks ago on our budget adoption to have some real conversations and these conversations would generate how we increase equity in this community. So, I want to say to the professional staffing here, at the City of Asheville, that we need to bring a red pen to the table to actually circle expenditures and to really show how they directly relate to the stated goals in this resolution."

Vice-Mayor Wisler said "Asheville, through this resolution, really has shown leadership. I was excited to see that the State of California just also is going to study reparations and I just hope that we will be just that little spark that will really get this conversation not only going in Asheville, but in North Carolina and across the country. I'm looking forward to voting for this resolution."

Councilman Kapoor said "he wanted to direct these comments to those of you who may be skeptical about what we are trying to do here tonight. I want to go to what Councilwoman Smith talked about in the beginning of her comments which was the recognition that we have a problem here in the City of Asheville. That is clear here. And regardless of whether or not you want to use the term 'reparations' or otherwise, the data is clear that we have significant disparities in this City. You can look at the numbers that are put out by the State of Black Asheville. You can look at the racial equity gap, if you will, in the School District. If you look at those datas, the issue there is one of race. Personally I don't think we can shy away from that. I think it's critically important for a city like Asheville to look at that. Because that doesn't benefit anyone to have a significant equity gap in this city. It holds us back. It holds us back as community members and holds us back into what the city can do. So, I think whether you want to call it 'reparations' or whatever you want to call it, I think significant investment in the Black community is absolutely warranted. It is warranted not just from the perspective of the moral, having Councilman Young and Councilwoman Smith have eloquently talked about here, but again for those of you who are skeptical, think about it from the practical perspective as well. We don't want our city held back by these gaps. And if the moral or human isn't enough to sway you, I hope thinking about this and thinking about what Councilman Young talked about, the American dream, we want everyone to be successful in Asheville. We absolutely want to do that. And, we need to invest in all our communities here, but in particular we need to understand the disparity that we have here in our community now. And we need to rectify those to the extent we can. And that is why I'm absolutely supportive of what Council is doing tonight with this resolution."

Councilwoman Mayfield said "this is an amazing moment. It's sobering and somber and incredibly exciting and also incredibly way overdue. This resolution, you know, it doesn't fix everything. I think I've heard some criticism that it's just vague and where is it going to actually get us. It is just the first step. As Sheneika said, it is the first step, but we have to take this first step if we are to begin to undue the centuries of wrongs that have been perpetrated on our Black neighbors and communities. The challenge for us and work going forward is to do exactly what

Keith called for - which is for us to really intentionally address the policies, the programs, the funding, the systems that have landed us where we are right now, which is a place of great disparity. And to really address the obstacles that have kept Black and Brown communities from being successful in all the ways that their white counterparts are - the rest of us are. I hope you will create new policies, programs, funding structure systems that will replace the ones that we have now and really go a long way in repairing the damage that has happened and that continues today. It's not in the past. It continues today. And Keith is right, this is not just about the budget, but the budget is the big stick that we carry. And we heard a lot in the past, and I've heard a lot since I've been on Council, that budgets are moral documents. And, I think that is true. We need to do a lot. I don't know how we're going to do it but we need to do a lot and we need to shift a lot of where we are spending to make it the moral document it needs to be to create the systematic change that we are trying to accomplish. It will not happen overnight and we cannot do this alone. I hope people have noted that the resolution is aimed not just at the City, at the County, at standalone institutions in our community - we all bear the responsibility, the burden of having created it and we all bear the responsibility of needing to fix it. And that is everything from the largest corporation that is based here to the smallest organization. We all have a role. And I really do want us to think big. We need to be thinking very differently about how we do thing going forward - what we fund. Two particular things that I have found myself saying this a lot since I've been on Council. Well we don't fund education and we don't do health. That's the County - go talk to the County. Well, the County ain't doing everything that needs doing. And if that means that the City needs to step up and we need to start funding and investing in schools, we need to start investing in our healthcare system and accessibility to health care and making particular investments in women, our children and our families, then that's what we need to do. Now sadly I won't be around for most of this. I am time limited and I have months. But I will be a partner with the City and with Council and with staff in this work going forward. Wherever I am, I will be a partner and hopefully I will be in a position to be having some of these same conversations at a very different level of government that also needs to happen. I pledge that I will endeavor to lead this conversation in those forums."

Councilman Haynes said "first I would like to thank Councilman Young for taking the lead in bringing this resolution to Council. And secondly, acknowledge that while this resolution provides a great opportunity to begin reparations it is only the first step and will require the continued support of this and future councils to move towards fruition. I would also like to point out that this can directly tie into the call for defunding the APD. It seems only fitting that an institution that has historically brought so much harm to Black people could and should provide through a 50% reduction in their budget and much needed resources to begin the reparation process."

Mayor Manheimer said "I too want to thank Councilman Young for bringing this forward and I want to thank all of you for your thoughtful comments tonight, and for your bravery in moving forward on this. We are in this together sometimes in the sense that we receive a lot of comments from the public that everyone else doesn't see, mostly via email, and this is unfortunately still a divisive topic, although more momentum is growing around it, I think in Asheville, in North Carolina and throughout our nation. But reading some of the comments we received from folks that don't support a resolution like this, I imagine it must be extremely painful to read those comments, so I want to compliment you on your bravery to move this forward. This is not for the faint of heart to try to work on. Tough topics like this. So thank you all so much. And I want to thank the community. While we did receive some comments from folks that don't support it and in particular folks that don't live in Asheville that wanted to tell us they don't support it. We did receive a lot of support from folks right here in Asheville and that helped so much when you are trying to do something that is hard to do and somewhat controversial. To hear that outpouring of support. So thank you to the community for those of you who have already chimed in and made it clear that this is something you support. And the Racial Justice Coalition for working with Councilwoman Young to bring this forward. So thank you for your work."

Each Council member read a portion of the following resolution: "WHEREAS, Black People have been unjustly Enslaved; and WHEREAS, Black People have been unjustly Segregated; and WHEREAS, Black people have been unjustly Incarcerated; and WHEREAS, Black People have been denied housing through racist practices in the private realty market, including redlining, steering, blockbusting, denial of mortgages, and gentrification; and WHEREAS, Black People have been denied housing, displaced and inadequately housed by government housing policies that include discriminatory VA/FHA practices, Urban Renewal, and a variety of local and federal "affordable" housing programs; and WHEREAS, Black People have been consistently and widely impoverished by discriminatory wages paid in every sector of the local economy regardless of credentials and experience; and WHEREAS, Black People have experienced disproportionate unemployment rates and reduced opportunities to fully participate in the local job market; and WHEREAS, Black People have been systematically excluded from historic and present private economic development and community investments and, therefore, black-owned businesses have not received the benefits of these investments; and WHEREAS, Black people have been segregated from mainstream education and within present day school programs that include AG, AP, and Honors; and WHEREAS, Black students have experienced the denial of education through admission, retention and graduation rates of every level of education in WNC and through discriminatory disciplinary practices; and WHEREAS, Black People historically and presently receive inadequate, if not detrimental, health care as exemplified by disproportionate morbidities and mortality rates that result from the generational trauma of systemic racism, discriminatory treatment by medical professionals, and discriminatory medical practices such as involuntary sterilizations, denial of adequate testing, denial of preventative and curative procedures; and WHEREAS, Black People have been unjustly targeted by law enforcement and criminal justice procedures, incarcerated at disproportionate rates and subsequently excluded from full participation in the benefits of citizenship that include voting, employment, housing and health care; and WHEREAS, Black People have disproportionately been forced to reside in, adjacent to, or near Brown Zones and other toxic sites that negatively impact their health and property; and WHEREAS, Black People have disproportionately been limited to the confined routes of travel provided by public transportation; and WHEREAS, Black People have disproportionately suffered from the isolation of food deserts and childcare deserts; WHEREAS, systemic racism was created over centuries and will take time to dismantle; WHEREAS, state and federal governments have a responsibility to adopt programs, policies, and funding to address reparations; NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT: The City Council of the CIty of Asheville: (1) apologizes and makes amends for its participation in and sanctioning of the Enslavement of Black People; (2) apologizes and makes amends for its enforcement of segregation and its accompanying discriminatory practices; (3) apologizes and makes amends for carrying out an urban renewal program that destroyed multiple, successful black communities; (4) calls on other organizations and institutions in Asheville that have advanced and benefitted from racial inequity to join the city in its apologies and invites them to address racism within their own structures and programs and to work with the city to more comprehensively address systemic racism; (5) calls on the State of North Carolina and the federal government to initiate policymaking and provide funding for reparations at the state and national levels; (6) directs the City Manager to establish a process within the next year to develop short, medium and long term recommendations to specifically address the creation of generational wealth and to boost economic mobility and opportunity in the black community; (7) fully supports its equity department, staff and its work, and encourages the city manager to utilize their talents when forming policy and programs that will establish the creation of generational wealth and address reparations due in the black community as mentioned above; (8) seeks to establish within the next year, a new commission empowered to make short, medium and long term recommendations that will make significant progress toward repairing the damage caused by public and private systemic Racism. Other local government community organizations may also be invited to have representation on the Commission.The task of the Community Reparations

Commission is to issue a report in a timely manner for consideration by the City and other participating community groups for incorporation into their respective short and long term priorities and plans. Accountability for achieving equity will be enforced in the appropriate offices. The report and the resulting budgetary and programmatic priorities may include but not be limited to increasing minority homeownership and access to other affordable housing, increasing minority business ownership and career opportunities, strategies to grow equity and generational wealth, closing the gaps in health care, education, employment and pay, neighborhood safety and fairness within criminal justice; (9) calls on the city manager to give, at minimum, a bi-annual update to the city council on the progress of work performed pursuant to this resolution."

Councilwoman Mayfield hoped we can create the commission in a different way and involve the community more to identify the people to serve on it.

Nineteen individuals spoke in support of the resolution and spoke to Council on various items, including, but not limited to: demanding 50% of the Asheville Police Department's (APD) budget be invested in long-term safety strategies including supporting Black startups/business, eliminating the racial opportunity gap in Asheville City Schools; defund the APD; remove Vance monument; abolish the APD; request Mayor Manheimer; ban excessive use of force and chemical weapons against citizens; and provide a comprehensive plan for reparations.

Three individuals spoke in opposition to the resolution as they were not responsible for things that happened 200 years ago.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Young moved for the adoption of Resolution No. 20-128. This motion was seconded by Councilwoman Smith and carried unanimously by roll call vote.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Eighteen individuals spoke to Council on various items, including, but not limited to: support the resolution supporting community reparations for Black Asheville; demanding 50% of the Asheville Police Department's (APD) budget be redirected to the Black community; defund the APD; remove Vance monument; abolish the APD; don't hire the consultant firm to study the actions of the APD during the protests; remove police presence from schools and hospitals; request Mayor Manheimer and Police Chief Zack to resign; ban excessive use of force and chemical weapons against citizens; need for budget transparency; City is running the black communities out; rename streets named after former slave owners and replace those names with the names of historic local black leaders; opening up the City is harming the residents; and pay volunteers for their work on committees.

Mayor Manheimer announced that the July 28, 2020, City Council formal meeting will be held in-person at Harrah's Cherokee Center-Asheville with social distancing measures. Public comment will include written emails along with pre-recorded comments.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 10:08 p.m.

Magdalena Burleson
CITY CLERK

Edna E M
MAYOR

Tuesday – July 28, 2020- 5:00 p.m.

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson.

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. RESOLUTION NO. 20-126 - RESOLUTION OF APPRECIATION TO VIJAY KAPOOR

Mayor Manheimer read the resolution.

Resolution No. 20-126 was adopted by acclamation.

On behalf of City Council, Mayor Manheimer thanked Councilman Kapoor for his service to Asheville.

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II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JULY 14, 2020

B. RESOLUTION NO. 20-129 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MB HAYNES CORPORATION DBA HAYNES SOLAR FOR THE INSTALLATION OF ONSITE SOLAR PHOTOVOLTAIC SYSTEMS AT FIVE CITY FACILITIES

Action Requested: Adoption of resolution authorizing the City Manager to execute a contract with MB HAYNES Corporation DBA HAYNES Solar in the amount of $788,835 for the Aggregated Solar Projects; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $78,884 (10%).

Background:

- On September 24, 2019, City Council approved an interlocal agreement with Buncombe County in Resolution 19-214 to conduct feasibility site assessments and issue a joint solicitation for onsite renewable energy systems.
- This project was a joint venture between the City, Buncombe County, AB Tech, Asheville City Schools, and Buncombe County Schools, and will result in the installation of 7 MW of solar energy at 46 sites.

- The objective of this partnership with Buncombe County is to lead by example and prioritize highly visible sites as well as demonstrate fiscal responsibility through economies of scale.
- This project will see the installation of a combined total of 259 kW of solar photovoltaic energy on five (5) City-owned facilities:
    - Burton Street Community Center
    - Linwood Crump Shiloh Community Center
    - Fire Station #10
    - Fire Station #11
    - Wall Street Parking Deck
- On April 8, 2020, Buncombe County advertised the project. The County received and opened bids on June 19, 2020. The names, bid amounts, and all alternates of the six (6) bids that were submitted are listed below:

MB HAYNES Corporation DBA HAYNES Solar, Asheville, NC	$ 788,835
Eagle Solar and Light, Birmingham, AL	$ 810,036
Influent Energy, Kansas City, MO	$ 901,429
Helios Energy, Fairview, TN Note (1)	$ -
8M Solar, Cary, NC Note (2)	$ 676,116
Pine Gate Renewables, Asheville, NC	$ 999,786

Note(1): The Helios Energy bid was determined to be non-responsive, and could not be accepted per County policy and general statutes. Their bid was non-responsive because the bid documents required a Bid Bond. Helios Energy did not include a bid bond and therefore could not be opened.

Note(2): The 8M Solar bid was disqualified due to a violation of specific instructions given in the bid solicitation by contacting a contractor of the project to request information on the bid specifications.

- MB HAYNES Corporation DBA HAYNES Solar was the lowest responsive, responsible bidder.

Vendor Outreach Efforts:

- County staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. No MWBE firms submitted bids with this prime contractor and all work will be self performed by the prime contractor.

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- Buncombe County Commission - July 21, 2020 - Approved debt service in the amount of $10.3 million for solar installations at Buncombe County, AB Tech, Asheville City Schools, and Buncombe County Schools.

Pro(s):

- Demonstrates visible and measurable progress towards the 100% renewable energy goal (Resolution 18-279) by offsetting 3% of building energy use with solar generated electricity
- Supports the 80% carbon reduction goal (Resolution 11-77) by avoiding an estimated 320 metric tons of carbon annually

- The City potentially will receive over $300,000 in rebates from Duke Energy Progress (pending availability)
- The City will save approximately $30,000 in avoided electricity costs annually

Con(s):

- This project is being paid with funds from the Green Savings Account and will deplete most of the current account balance.

Fiscal Impact:

- The full budget for this project, including the contract and other associated costs, is estimated to be $956,181 and is included in the FY 2020-21 Annual Budget Ordinance in the General Capital Projects Fund. Funding for the project will come from the Green Savings Account. Renewable Energy projects identified through this process, and their savings, will be reported to the Budget Division annually.

Motion:

- Motion to authorize the City Manager to execute a contract with MB Haynes Corporation DBA Haynes Solar in the amount of $788,835, for the Aggregated Solar Projects; further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $78,884 (10%).

Councilwoman Mayfield was pleased that the City is continuing it's renewable energy initiatives.

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C. RESOLUTION NO. 20-130 - RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO ACCEPT A DONATION OF LAND FROM RIVERLINK INC. LOCATED ON GASH FARM ROAD

Action Requested: Adoption of a resolution authorizing the City Manager to accept land donation on Gash Farm Road from Riverlink.

Background:

- The City was approached by the Land Resources Manager of Riverlink with an offer to donate a 0.10 acre lot at the corner of Gash Farm Road and Azalea Road. The lot is improved with a gravel drive, trees and shrubs.
- The Real Estate Division consulted other City departments to determine whether or not the City would benefit from accepting this property.
- The Public Works Department indicated that the land could be used to improve the safety at that intersection and recommended that the City accept the donation. The intersection at Gash Farm and Azalea Road is difficult to navigate because it is at such a sharp angle. A mirror was installed recently by Transportation Department staff at that intersection to increase visibility.
- The lot size is smaller than the minimum size requirements per RS-2 (Residential Single-Family Low Density) zoning and is too small to be considered buildable. It appears that using the property for traffic safety improvements is the best use.
- This triangular shaped parcel has a tax assessed value of $900.00 and under Riverlink's ownership, the property does not contribute to City tax revenues.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):
- None

Pro(s):
- This land could be used to improve a traffic intersection, thereby increasing public safety.
- The land is being donated at no cost to the City.

Con(s):
- None.

Fiscal Impact:
- The donation of the land comes at no cost to the City. However, the cost of the improvements to the road is estimated to be approximately $250,000. These improvements are not budgeted at this time but Public Works wants the land to plan for future road improvements.

Motion:
- Motion to approve the resolution authorizing the City Manager to accept this donation of land.

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D. RESOLUTION NO. 20-131 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A TRAFFIC REVIEW AND INSPECTION AGREEMENT WITH THE N.C. DEPT. OF TRANSPORTATION (NCDOT) FOR THE NCDOT TO PERFORM DESIGN REVIEW AND INSPECTION OF THE ADDITION OF PEDESTRIAN PHASING AT THE SIGNALIZED INTERSECTION ALONG NC 280 (AIRPORT ROAD) AND WALMART/CAROLINA FURNITURE CONCEPTS

Action Requested: Adoption of a resolution authorizing the City Manager to enter into and execute a traffic - review and inspection agreement with the N.C. Dept. of Transportation (NCDOT) for the NCDOT to perform design review and inspection of the addition of pedestrian phasing at the signalized intersection of NC 280 (Airport Road) and Walmart / Carolina Furniture Concepts and to submit payment in the amount of $5,000 upon partial execution of the agreement by the City.

Background:
- The City has plans to construct a new sidewalk along NC 280 (Airport Road) from US 25 (Hendersonville Road) to the western end of Wal-Mart through the bond program.
- This sidewalk will tie into an existing sidewalk recently constructed by the NCDOT.
- The project includes pedestrian phasing and crosswalks at four signalized intersections (A traffic - review and inspection agreement with the NCDOT for three of the signalized intersections was approved on July 23, 2019 via Resolution # 19-173).
- The subject action is needed because NCDOT recently installed a fourth signalized intersection within the project limits.
- The City has prepared the appropriate designs to add pedestrian phasing and will be furnishing and installing the equipment and crosswalks.
- The NCDOT will review the designs and inspect the work during the construction phase.

Council Goal(s):

- Transportation and Accessibility

Committee(s):
- None

Pro(s):
- A new section of sidewalk will be constructed that will provide an important pedestrian connection between Hendersonville Road and the airport.
- The pedestrian experience will be enhanced through signalized intersections with pedestrian phasing and crosswalks.
- The NCDOT will own and control the traffic signal (and associated equipment) and maintenance will be accomplished according to their current policies and procedures.

Con(s):
- None

Fiscal Impact:
- The financial impact is estimated to be $5,000 and the City must submit payment upon partial execution of the agreement by the City. The funds are already included in the bond program budget.

Motion:
- Motion to authorize the City Manager to enter into and execute a traffic - review and inspection agreement with the NCDOT for the NCDOT to perform design review and inspection of the addition of pedestrian phasing at the signalized intersection of NC 280 (Airport Road) and Walmart / Carolina Furniture Concepts and to submit payment in the amount of $5,000 upon partial execution of the agreement by the City.

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E. **RESOLUTION NO. 20-132 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXTENSION OF THE CONTRACTS WITH HOMEWARD BOUND OF WESTERN NORTH CAROLINA, RED ROOF INN, INC. AND AXIS SECURITY TO SUSTAIN OPERATIONS OF A MOTEL-BASED NON-CONGREGATE SHELTER FOR PERSONS EXPERIENCING UNSHELTERED HOMELESSNESS DURING THE COVID-19 PANDEMIC**

Action(s) Requested: Authorization for City Manager's execution of contract extensions with Red Roof Inn, Inc., Homeward Bound of Western North Carolina, and Axis Security.

Background:
- On May 12, 2020, Council ratified the City Manager's execution of agreements with Red Roof Inn, Inc., Homeward Bound of Western North Carolina, and Axis Security for operations of a COVID-19 motel-based non-congregate emergency homeless shelter for persons experiencing unsheltered homelessness and at significant risk of contracting COVID-19 because of age and/or underlying chronic health concerns.
- Sixty-four (64) people (couples, families occupying some rooms) are currently in shelter and will continue to achieve the public health objective of prevention of COVID-19 among the community's unsheltered homeless population.
- The incidence of confirmed COVID-19 cases continues to rise, posing ongoing risk to people experiencing homelessness.
- To avoid any lapse in service to this population, it is necessary to execute the contract amendments prior to August 8th to continue the agreements.
- A transitional exit strategy for those in the shelter is currently being planned.

- The existing agreements with the vendors allow for extensions to continue operations but additional funding is necessary.
- The additional budget needed for these contracts is included in a separate budget amendment agenda item that is also on Council's July 28th agenda.

Council Goal(s):
- A Diverse Community
- A Well-Planned and Livable Community
- Fiscally Resilient City

Committee(s):
- None

Pro(s):
- Continues the successful operation of the existing expanded COVID-19 homeless shelter.
- Allows for additional time to effect housing placement for shelter occupants.
- Addresses public health and safety.
- Non-congregate motel shelter, essential operations, and security costs are eligible for FEMA reimbursement.

Con(s):
- None.

Fiscal Impact:
- The additional contract funding requested as part of this Council action includes: $150,000 for Homeward Bound to operate the shelter and $366,048 for Red Roof Inn (includes allocation for month 3 of existing operations).
- The full budget for shelter operations through November 8, 2020, including expenses incurred while at the Harrah's Cherokee Center (HCCA), is $1.6 million.

Motion(s):
- Motion to adopt a resolution to authorize the City Manager's execution of new services contracts with Homeward Bound of Western North Carolina, Red Roof Inn incorporated, and Axis Security for shelter rooms, essential operations, and security for up to 90 additional days commencing on August 8, 2020.

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F. **ORDINANCE NO. 4814 - BUDGET AMENDMENT TO ESTABLISH A BUDGET IN THE CITY'S SPECIAL REVENUE FUND BEGINNING IN FISCAL YEAR 2019-20 BUDGET FOR THE FUNDING THAT THE CITY HAS RECEIVED FROM BUNCOMBE COUNTY AS PART OF THE STATE'S CORONAVIRUS RELIEF FUND**

ORDINANCE NO. 4815 - BUDGET AMENDMENT TO ESTABLISH A BUDGET IN THE CITY'S SPECIAL REVENUE FUND BEGINNING IN FISCAL YEAR 2019-20 FOR EXPENSES AND REVENUES RELATED TO THE CITY'S COVID-19 SHELTER OPERATIONS

Action Requested: Adoption of: 1) A budget amendment in the amount of $943,771 to establish a budget in the City's Special Revenue Fund beginning in fiscal year 2019-20 for the funding that the City has received from Buncombe County as part of the State's Coronavirus Relief Fund

(CRF); and 2) A budget amendment in the amount of $1.6 million to establish a budget in the City's Special Revenue Fund beginning in fiscal year 2019-20 for expenses and revenues related to the City's COVID-19 Shelter Operations.

Background:

- The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) is a $2 trillion economic stimulus bill passed by Congress and signed into law in March 2020 in response to the economic downturn caused by the COVID-19 pandemic.
- The State of North Carolina received $7.6 billion from the CARES Act, and on May 4, 2020 North Carolina Governor Roy Cooper signed session law 2020-4 which appropriated $150 million from this funding to NC counties via the Coronavirus Relief Fund (CRF).
- Buncombe County received an allocation of approximately $4.5 million from the CRF and shared a portion of this funding with other governments in the county based on the local sales tax distribution formula.
- Under this formula, the City of Asheville received $943,771 in funding.
- City staff has identified FY 2019-20 COVID-19 related expenses that are eligible for reimbursement under federal and state guidelines and have submitted these expenses to Buncombe County for reimbursement.
- The NC Pandemic Recovery Office (NCPRO) has provided guidance regarding reporting requirements related to CRF funds which indicate that all CRF funding should be budgeted and accounted for in a special revenue fund.
- To be in compliance with this guidance, staff is recommending City Council approve a budget amendment in the amount of $943,771 to establish a budget for the City's CRF funding in the Special Revenue Fund.
- In addition, in April of 2020, the City began operating an emergency homeless shelter for persons experiencing unsheltered homelessness and at significant risk of contracting COVID-19 because of age and/or underlying chronic health concerns.
- Since operation of the shelter began, the City has been utilizing existing budget authorization within the Affordable Housing Project in the City's General Capital Projects Fund.
- Funding to offset the shelter expenses will be coming from a mix of special revenue sources, including federal grant reimbursements and private donations; therefore a budget needs to be established in the City's Special Revenue Fund to account for the shelter operations.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Ensures the City is in compliance with accounting and reporting requirements recommended by the State of North Carolina.

Con(s):

- None.

Fiscal Impact:

- There is no overall fiscal impact with the CRF budget amendment since the expenses already occurred in FY 2019-20. The amendment will simply allow staff to consolidate all expenses in a single project in the City's Special Revenue Fund.
- For the Shelter Operations budget amendment, staff is including sufficient budget authorization for expenses already incurred as well for anticipated expenses through November 8, 2020. All expenses associated with the Shelter Operations are expected to be offset with revenue from the federal and state government and private donations.

Motion:

- Motion to adopt: 1) A budget amendment in the amount of $943,771 to establish a budget in the City's Special Revenue Fund beginning in fiscal year 2019-20 for the funding that the City has received from Buncombe County as part of the State's Coronavirus Relief Fund (CRF); and 2) A budget amendment in the amount of $1.6 million to establish a budget in the City's Special Revenue Fund beginning in fiscal year 2019-20 for expenses and revenues related to the City's COVID-19 Shelter Operations.

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ORDINANCE NO. 4815- ORDINANCE BOOK NO. 22 - PAGE 93

G. RESOLUTION NO. 20-133 - RESOLUTION APPOINTING MEMBERS TO THE VANCE MONUMENT TASK FORCE

Summary: On June 9, 2020, by Resolution No. 20-116, City Council adopted a joint resolution with the Buncombe County Board of Commissioners to appoint a joint task force consisting of not more than 12 members whose appointments will be made in equal numbers by the two governing boards. The task force shall, within three months of all appointments being made, provide a report to the City Council and County Commissioners with a recommendation regarding the removal and/or repurposing of the Vance Monument. Once the report is presented, the task force shall perform such other duties as requested by the governing bodies. When no further action is requested, the task force shall dissolve.

The following individuals applied for a City seat: Savannah Michelle Gibson, Dave Perkins, Curry First, James Greene, Richard E. Nantelle III, Ron Laboray, Elias Varn, Robert Stetson, David R. Hillier, Jessie Landl, Lawrence Gilliam, Ben Scales, Auburn Petty, Pepi Acebo, George Sieburg, Steven C. Rasmussen, David E. Bendel, Colgate Darden, Mark Mickey, Daniel Smith, Josh Carroll, William Scott Whitley, Ann Brown, David Taylor, Jim Samsel, Philip Hawkins, Kelsey Buckner, Ryan Sweeney, Christopher Keiser-Liontree, S. Antanette Mosley, Jim Tebay, Tisha Dickson, Alicia D. Nichols, Leslie McCullough Casse, Cecilia Smith, Edwin Williamson, Charlie Muehl, Hanna Zahory, Shirley Walker Whitesides, Floyd Dupree, Takira Rose, Evan Richardson, Dennis R. Campbell, Will Hall, Robbie Sweetser, Amy Gerald, Edie Weichert, Jennifer Borrell Bayer, Eleanor Ivy Campbell, Craig Armstrong, Courtley Garcia, Tim Keenan, Melanie B. Arrowood, Christopher "Kipper" Schauer, Chip Howell, George Stevens Jr., Joseph Shuler, Peggy Gardner, Laura Linneman, Michael Wiezman, John W. Ellis, Bernard V. Oliphant, Aryel Vance, Grady Wilson, David Avigdor, Joshua Clark, Roger Dean Sharpe, Fred Northup, Peter Billingsley, Lara Diblasio, Kate Pett, Julia Dorn, Lyndsey Crumbley, Pearson Ripley, Emily Dresback, Edward Martin, Gary Zahler, John T. Schlotterbeck, Dena Rappaport, William McBee, John Vigeland, James C. Drake, Rachel Dudasik, Robert F. Wilson, Betty Lawrence, Sharon Fahrer, Karen Marie Foster, Deborah Miles, Mary Monaghan, Vanessa Nowik, Jake Farrar, Harold Littleton, Mort Stein, Oralene Simmons, Carleton Collins, Marc Mullinax, Carol M. Anders, David Gwaltney, Michael McDonough, Samuel Lee Quick Jr., Andrew Fletcher, Natalie Kramer-Shaw, Noel Nickle, Kelly Prime, Ken Richards and Lary Holt.

Mayor Manheimer explained the process used by City Council to arrive at these appointments. City Council was sent all applications and they in turn rated their top eight choices - with the two lowest ranking individuals being alternates. After tallying, Antanette Mosley, Deborah Miles, Bernard Oliphant, Savannah Gibson, Oralene Simmons, and Shirley Whitesides were appointed as City appointments to the Vance Monument Task Force; and Lawrence Gilliam and Ben Scales being alternates.

Mr. Ben Spencer was unhappy that City Council revised their meeting options to make people call in advance to have live call in. He also questioned how the rules of decorum were adopted by City Council.

Ms. Ashley Cooper was pleased to see money toward solar initiatives and shelter operations but hoped to see funds moving into the Black community. And, she hoped that on any land issues there is strong attention on how it fits into reparations.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Kapoor and carried unanimously by roll call vote.

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT - 30/60/90 DAY WORK PLAN

City Manager Campbell explained her presentation overview: (1) Over the next several months, as part of my Manager's report, I will update Council and the community on our 30/60/90 Day Work Plan; (2) The 30/60/90 Day Work Plan was developed in response to numerous requests from the Black Asheville Demands coalition to address specific racial and economic justice issues; (3) The Work Plan allows staff to prioritize and track the work; and (4) Tonight will specifically focus the update on the request to Defund the Police by 50% or to "*Divest resources from the APDs' budget and Invest in long-term safety strategies.*"

The following is the defund/divest/invest strategy: (1) Hear concerns that current service delivery models especially related to law enforcement and policing do more harm than good especially in Black, Indigenous and Latinx communities; (2) Current approaches of "over policing" seem to criminalize and victimize Black, Indigenous and Latinx communities; (3) Goal is to make communities feel safer not with additional law enforcement but with holistic health, economic, educational and other human services that nourish and stabilize people in their communities; (4) City staff supports the Divest and Invest Strategy; (5) Racism is a systemic problem, bigger than police and the City cannot solve alone and within 90 days; (6) The response needs to be strategic, attainable and collaborative; (7) Next steps will be to determine how we Reimagine Public Safety in Asheville; and (8) Work with the community to define roles and responsibilities of Police and other City Departments and community partners.

Reimaging public safety in Asheville's goal is to determine how the City of Asheville structures department responsibilities and community partnerships in a way that promotes racial equity and economic inclusion.

The following is the public engagement process: (1) Step 1 (complete): Get feedback on an approach from key focus groups (a) Three meetings-Facilitators; Internal staff; and Community representatives.

She thanked the following focus group participants. Their input was invaluable and revealing: Dee Williams, Jackie Latek, Carmen Ramos Kennedy, Rob Thomas, Amy Cantrell, Darlene Azarmi, Libby Kyles, Tara Irby, Brandon Mays, Dionne Greenlee, Cheri Torres, Michelle Smith, Tim Splain, Cortina Caldwell, Daniel Suber, Michael Hayes, Sgt. Joshua Veridal, Jessica Johnston, Tameka Crudup, Jakob Klodt, Sgt. Diana Loveland, Dana Frankel, Rosanna Mulcahy, Treva Williams, Brandon Buckner, and Matthew Pride.

They learned from the focus group participants (1) Community trust in City government has been eroded and may be difficult to regain; (2) City is good at stretching processes out indefinitely with little or no tangible results; (3) Meet people where they are which may mean people will want to share their encounters with APD before they are ready to talk about how to improve relations; (4) Need to have authentic conversations about types of change that's really possible; figure out what's broken and commit to making changes; (5) Use paid community facilitators for these discussions; (6) Make a special effort to hear from most impacted populations, Blacks, Indigenous, and Latinx; (7) Communicate information about services APD and City currently provide; (8) Do more than just divest in APD's budget, invest in a way that reflects community priorities; (9) Balance need for people to have input and using what they have already told us (information that has already been shared with us); (10) Convene smaller groups so people have optimum opportunities for genuine input; and (11) Use lots of mediums for input, questionnaires, blogs, face to face meetings, etc.

She said Step 2: Host Community Meetings will consist of (1) Community facilitators to lead the process; and (2) Meetings from mid-August to mid-September to: (a) Make sure we understand the problem we are trying to solve; (b) Provide context so we can make smart decisions regarding divesting and investing public safety resources; and (c) Begin to make strategic organizational and budgetary changes.

Themes for community discussions include (1) Share services provided now by the City, especially APD. **Community Feedback will be (1)** Do you feel safe in your community, if so why and if not why not?; (2) What do you think is needed to help you feel safer in your community?; (3) Of these things, which do you think should be done by APD?; (4) What things should be done by other agencies or organizations?; and (5) What other types of investments are needed in your community to improve your and others quality of life?

She said Step 3; Report, Recommendations and Implementation will consist of (1) Regular Updates on Community Engagement; (2) Develop Preliminary Recommendations for Divesting/Investing (Aug. - Sept. 22); and (3) Implementation of Divesting/Investing Strategies (Sept. 22 and on-going).

Councilman Kapoor and Vice-Mayor Wisler felt that there should be research into what duties state law requires police officers to perform.

In response to Councilwoman Mayfield, City Manager Campbell said that the police will not be in the room when conversations with the community are happening; however, they will be data gathering. They will also be asked about duties they are presently performing but are not trained for, duties that drain their resources, etc.. Ms. Campbell said that the focus will be on the role of the City as an organization. She believed this effort sets a good foundation for the concept of reparations.

Councilman Young appreciated the intentionality in wanting to engage in this complex issue and looked forward to moving the process through with the help of the community.

Councilwoman Mayfield said that City Manager Campbell has laid out a process to get to the place where we can shift money and resources from the police to other community partners and possibly other City departments. She explained that there is no major shift in the budget presented but that will come after the process the City Manager has outlined. She also understood the frustration that people are expressing about the pace of change. We can't undo the system quickly. Cutting the Police Department's budget by 50% or banning tear gas isn't going to change the culture of policing. We must have a thoughtful analysis and planning before that we make lasting changes. We are in this moment of great change and everyone on Council

embraces that change and wants to move forward.

Mayor Manheimer said that we would like to explore the concept of changing how we are doing policing and taking away some duties that might be appropriate in other ways with perhaps other partnerships. But, you need more than two months to bring on other people who can provide those services. The process the City Manager is proposing is something of a road map of what we are going to do and how to get there with hopefully some timelines. The key ingredient is being transparent so the public can engage and understand how the process works.

B. CITY COUNCIL VACANCY ANTICIPATED TIMELINE

Mayor Manheimer said that Councilman Vijay Kapoor is moving out of state with his family and has resigned from his Council seat, effective August 2020. The appointed individual will serve the remainder of the vacant term, ending in December, 2022. Eligible candidates must be a resident of the City of Asheville and registered to vote in the City of Asheville. The anticipated timeline will be: August 3 - advertising announcement, application process opened; August 20 - deadline for applications & supplemental information at Noon; August 25 - Council to determine how many and who to interview; September 8 - interviews to be held during the day and appointment to be made at the formal Council meeting; and September 22 - new Council member sworn in.

City Attorney Branham said that state law provides a specific procedure for filling a Council vacancy but the state law is somewhat complex when compared with our local charter. In order to fully determine the proper process for filing the vacant seat, additional legal research was performed and election law experts consulted. As a result, it has been determined that the City's charter does not allow for a special election in these circumstances. In addition, the timing of a resignation of a Council Member in the City of Asheville has no effect on the process for appointing a replacement. Even though the State statutes lay out a different process based upon the timing of the vacancy, the City's charter makes no such distinction. In cases where conflicts of this nature exist between the State statute and a city's charter, the city charter supersedes state law. The Asheville City Charter, Section 7 states: ***"Any vacancy in the office of mayor or council shall be filled by the council for the remainder of the unexpired term from the qualified electors of the City of Asheville."*** North Carolina General Statute 160A-3 states in part: ***"..... in case of conflict or inconsistency between the two procedures, the charter procedure shall control."*** Pursuant to these laws, Asheville City Council is required to appoint a successor for the vacant Council seat, and that individual will serve the remainder of the unexpired term. The timing of the vacancy has no effect on this legal requirement. Therefore, the City's charter precludes any special election, regardless of when the Council vacancy occurs. He has spoken with some election law experts and the local Chair of the Buncombe County Board of Elections and all have confirmed the same understanding.

In response to Vice-Mayor Wisler who said the General Counsel for the State Board of Elections says that the City may be able to choose to follow the Charter to the General Statutes, City Attorney Branham said that she is referring the same statute; however, she is reading from a different provision (subsection a). However, he, and election law experts, feel that the applicable provision (subsection b) is the statute that is applicable.

IV. UNFINISHED BUSINESS:

A. ORDINANCE NO. 4816 - ORDINANCE TO REZONE PROPERTY LOCATED AT 99999 COURTLAND AVENUE, 99999 WOODSIDE PLACE, AND 99999 GUDGER STREET FROM URBAN VILLAGE TO RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT

Mayor Manheimer said that this public hearing was held on July 14, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mayfield moved to approve the rezoning request from Urban Village (UV) to Residential Single-family, High Density (RS-8) thereby assigning a zoning designation that is more compatible with the surrounding properties and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: the rezoning will, 1) assign a zoning designation that is consistent with the future land use designation; 2) allow opportunity for compatible infill development, and 3) support the development of housing in a locationally efficient area. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

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V. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO A PREVIOUSLY APPROVED CONDITIONAL ZONING AT 137 BROAD STREET FROM COMMUNITY BUSINESS I TO COMMUNITY BUSINESS I/CONDITIONAL ZONE TO INCLUDE AN ADJACENT PARCEL FOR THE CONSTRUCTION OF A NEW MIXED-USE BUILDING

Principal Planner Shannon Tuch said that this is the consideration of an amendment to a previously approved conditional zoning at 137 Broad Street from Community Business I to Community Business I/Conditional Zone to include an adjacent parcel for the construction of a new mixed-use building. This public hearing was advertised on April 3 and 10, 2020. On April 14, 2020, City Council continued the public hearing until May 12, 2020. On May 12, 2020, City Council continued the public hearing until May 26, 2020. On May 26, 2020, City Council continued the public hearing until this date.

Action Requested: Amend a previously approved conditional zoning to adjust an interior lot line and include development on an adjacent parcel, currently zoned CB-I (Community Business I) and CBI-CZ (Community Business I - Conditional Zone) to CB I-CZ (Community Business I - Conditional Zone)

Project Location and Contacts:

- The project site consists of two parcels located at 135 and 137 Broad Street (PINs 9649-53-7557 and 9649.53-8527)
- Owner / Petitioner: Broad Properties LLC; Contact: Michael Derrig

Summary of Petition:

- The proposal is for a new mixed-use structure containing four residential units above office space and structured parking on the ground level on the property located at 137 Broad Street in the Chestnut Hills neighborhood.
- There is an existing mixed-use building on the adjacent parcel, 135 Broad Street, that was approved in 2015 under conditional zoning ordinance number 4381 and is under the

same ownership.

- This two-story building has commercial (office) space on the ground level and three residential units above with surface parking behind the building.
- A right-of-way between the two properties was closed as a part of the development process.
- This application proposes to shift the internal lot line, resulting in the request being evaluated as an amendment to the previous ordinance to reflect that change and include the new development proposed.
- The development parcel is currently zoned CB-I, which allows a mix of uses and up to 40 dwelling units per acre when at least 20 percent of the dwelling units are designated affordable (or up to 20 dwelling units per acre with no affordable housing). The applicant is proposing four units (equals 40 units per acre), one of which will be designated as affordable.
- The four residential units are efficiency and one-bedroom configurations, ranging between approximately 460 to 600 square feet in size.
- The three-story structure does not exceed 40 feet in height per the UDO definition (48 feet to the peak of the roof) and contains approximately 2,200 square feet of office space on the second floor.
- The plan shows utilizing a 14-foot wide shared driveway between the two properties to provide access to the seven proposed parking spaces structured under the building at 137 and to the six surface spaces existing behind 135 Broad Street.
- Due to the proximity to downtown and per Section 7-11-2(c)(4) of the UDO, there is no off-street parking requirement for the residential units; the parking proposed meets the requirement for the office use.
- The sidewalk will be rebuilt to match the existing six foot, back-of-curb configuration that is in place along Broad Street (*which requires a condition as this is not the City's standard).*
- Minimal landscaping is required for this project with just two street trees and parking deck screening required. Open space is not required due to the small size of the lot.
- The development parcel falls within the Charlotte Street Transition Overlay District (Section 7-9-10 of the UDO) which has specific design standards; the project appears to have the ability to comply with the applicable standards such as roof pitch, materials (brick and stucco) and residential-styled forms.
- The project includes the following conditions (and as otherwise noted in the B.1 Conditions):
    - The applicant has offered to dedicate 25% of the residential units (one unit) as affordable at 80% area median income (AMI) for a period of 10 years.
    - There will be shared access following the driveway as shown on plans.
    - The sidewalk will follow the existing development pattern of six foot back-of-curb.
    - The parking spaces will be allowed to be used by the residential units during off-business hours.

Comprehensive Plan Consistency:

- This proposal is consistent with the Living Asheville Comprehensive Plan in that the development site is within the area designated as Traditional Corridor in the Future Land Use map, which anticipates a mix of uses at a variety of scales.
- Increasing the housing supply, especially in a walkable and transit-supportive location is a primary goal of the Resilient Economy section of the plan.
- Additionally, the inclusion of affordable housing is a goal of the plan in multiple areas.

Other Plan Considerations:

- The 2020 Bowen Regional Housing Needs Assessment notes that there is a very low vacancy rate in "non-conventional rental housing" (meaning four or less units within one building) resulting in a high demand for the type of housing proposed in this project; the

need for housing for individuals and seniors seeking small units is projected to have the largest growth.
- The updated assessment still notes a high need for very affordable housing but also indicates a high need for moderate market rate housing, especially in these unit sizes.

Compatibility Analysis:
- The proposal for a mixed-use building is aligned with the existing zoning and other uses along the Charlotte Street corridor where there are both residential and commercial uses in a variety of structures in terms of height and massing and complies with applicable design standards in the Charlotte Street Overlay.
- Additionally, the Charlotte Street Road Diet and Spot Safety Improvement project is currently under construction with the goal of improving mobility and access to multiple modes of transportation.
- Parking is provided on-site for the office use and is visually integrated into the structure rather than a surface lot. The applicant agreed to a condition that will allow for residential use of the parking spaces during off-business hours.
- Because of the proximity to downtown, no off-street parking is technically required for residential uses in this location, however, the proposal does increase the residential density by 300% in an area that has higher densities already which can result in a greater demand for limited on-street parking.
- The proposed structure would be taller than any nearby building but at three stories and 40 feet (per UDO height definition), it will be within the height allowed in all surrounding zoning districts.

Council Goal(s):
- A Well-Planned and Livable Community
- Quality Affordable Housing

Committee(s):
- Technical Review Committee (TRC) - February 3, 2020 - approved with conditions
- Planning & Zoning Commission - March 4, 2020 - recommended approval (6-0)

Staff Recommendation:
- Staff recommends approval of this project and finds that the mixed use development and higher residential density is compatible with the goals of the zoning district and the Living Asheville Comprehensive Plan in numerous ways as noted in the report.
- The small size of the residential units is aligned with needs identified in the most recent Bowen report and the offer of an affordable unit is a benefit for the needs of the community.

Mayor Manheimer opened the public hearing at 6:27 p.m.

Ms. Ruth Smith was opposed to this conditional zoning as it will affect property values and increase traffic.

Ms. Ashley Cooper and Mr. Ben Spencer felt that the City Council should think about reparations when making their decisions of new expansions or changes to neighborhoods.

Ms. Kate Fisher, resident on Madison Avenue, said the same developer built 135 Broad was conditioned to put in residential units; however, they have not been rented. She asked that this project, if approved, be conditioned that the developer must rent the residential units.

Mr. Mike Derrig, representing the owner, said that the developer will lease parking spaces to minimize any parking impact on the site. The building size and use of mixed-use is what the zoning ordinance allows.

In response to Councilwoman Mayfield, City Attorney Branham said that with regard to zoning, the City is allowed to place zoning restrictions on the use of property, but not to control the ownership of the property. City Council can only preclude them from using the residential portion for commercial use but we force people to live in the residential portion.

In response to Councilwoman Mayfield, Ms. Tuch said to the best of her knowledge, the City ever owned this parcel of land. She also noted that the Planning & Zoning Commission has scheduled at their September meeting some conversation regarding what does a reparation lens look like in terms of land rezonings, etc..

Mr. Derrig said that the owner of 135 Broad Street finished the interior of the residential units in January and had planned to show and rent those as furnished apartments. However, the pandemic started and the issue of showing the units was put on hold. The owner does plan to rent them as soon as he is comfortable in having the units shown.

In accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilman Kapoor moved to recess this item until July 30, 2020, at which time this public hearing will be voted. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

B. PUBLIC HEARING RELATIVE TO AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE OPEN SPACE REQUIREMENTS

Councilman Young moved to continue the public hearing to amend the Unified Development Ordinance to update open space standards until August 25, 2020. This motion was seconded by Vice-Mayor Wisler and carried unanimously by a roll call vote.

C. PUBLIC HEARING TO SOLICIT COMMENTS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT FUNDS ANNUAL ACTION PLAN FOR FISCAL YEAR 2020-21

Community Development Director Paul D'Angelo said that this is the consideration of a resolution authorizing submission of the Community Development Block Grant and HOME Investment Partnership Act funds Annual Action Plan for Fiscal Year 2020-21 to the U.S. Dept. of Housing & Urban Development. This public hearing was advertised on May 29 and June 5, 2020.

Action Requested: Authorization from the City Manager to submit the 2020-21 Annual Action Plan for Community Development Block Grants (CDBG) and the HOME Investment Partnerships Program (HOME) programs to the U.S. Department of Housing and Urban Development (HUD) and to sign all documents necessary to implement the plan.

Background:

- The City will have approximately $1,121,092 in CDBG funds and $1,378,014 in HOME funds available for the fiscal year beginning July 1, 2020. Community Development Staff, in coordination with the Housing & Community Development (HCD) Committee, has made recommendations for the use of CDBG funds, which must be used in housing &

community development programs within the City of Asheville. Partner Agencies & Programs that will be assisted, if approved -

- CARING for Children-Trinity Place Runaway and Homeless Youth Shelter
- Helpmate, Inc-Emergency Shelter for Domestic Violence Survivors
- Homeward Bound of Western North Carolina-AHOPE Coordinated Entry
- OnTrack Financial Education & Counseling-Financial Capabilities Program
- YWCA of Asheville and Western North Carolina-Empowerment Child Care
- Pisgah Legal Services-Homelessness Prevention Project
- Homeward Bound-Housing Services
- Asheville Area Habitat for Humanity-Home Repair-Low Income Homeowners
- Mountain Housing Opportunity - Emergency Home Repair
- Mountain BizWorks-Opportunity Asheville
- Carolina Small Business Development Fund-Opportunity Asheville
- Eagle Market Streets Development Corporation IDA for Small Business
- The SPARC Foundation-Changing Together

- The Asheville Regional Housing Consortium Board has recommended uses for HOME funds, which must be used for housing programs within the four-county Consortium area (Buncombe, Henderson, Madison, and Transylvania counties). Partner Agencies & Programs and Builds that will be assisted, if approved -
  - Community Housing Coalition Madison County-Rural Rehabilitation
  - Workforce Homestead-Falling Waters
  - WDT Development-The Villas at Swannanoa
  - WDT Development-White Pine Villas
  - Housing Authority of the City of Asheville-TBRA Resident Mobility
  - Homeward Bound of Western North Carolina-TBRA Asheville
  - Homeward Bound of Western North Carolina-TBRA Buncombe
  - Eliada Homes-Homeless Services Program
- Funds are awarded based on HUD CDBG & HOME guidelines as well as the Priorities listed in the City's 5 Year Consolidated Plan. A new 5 Year Consolidated Plan, that will include this 20/21 Action Plan, is expected to come before Council on August 28, 2020, for approval.

Council Goal(s):

- A Diverse Community
- Quality Affordable Housing
- Thriving Local Economy

Committee(s):

- Asheville Regional Housing Consortium Board - May 26, 2020
- Housing & Community Development Committee - July 21, 2020

Pro(s):

- Approval of the Annual Action Plan paves the way for HUD funding to be utilized by partners in the City of Asheville and the region, with funds to be used to create affordable housing, jobs and impact in our moderate and lower income communities.

Con(s):

- It is not possible to fund all of the applications received, and many agencies funded will receive less than the amounts requested.

Fiscal Impact:

- The Action Plan is fully funded from federal CDBG & HOME entitlement grants, unused funds from previous completed projects, and estimated program income.
- Staff costs to administer the program are also fully paid from federal sources.

- The funded programs will provide new construction and other economic activity in the City and the region, creating and sustaining employment and impacting moderate and low income communities.

Mayor Manheimer opened the public hearing at 6:59 p.m.

Ms. Kim Roney spoke in support of these allocations.

In accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Mayfield moved to recess this item until July 30, 2020, at which time this public hearing will be voted. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

D. PUBLIC HEARING TO CONSIDER CONDITIONALLY REZONING PROPERTY LOCATED AT 61 INNOVATION DRIVE FROM COMMERCIAL INDUSTRIAL DISTRICT TO INSTITUTIONAL DISTRICT/CONDITIONAL ZONE, ALONG WITH A CHANGE IN THE FUTURE LAND USE MAP FROM INDUSTRIAL/MANUFACTURING TO EMPLOYMENT/ANCHOR INSTITUTION CENTER

Principal Planner Shannon Tuch said that this is the consideration of an ordinance to conditionally rezone property located at 61 Innovation Drive from Commercial Industrial District to Institutional District/Conditional Zone, along with a change in the Future Land Use Map from Industrial/Manufacturing to Employment/Anchor Institution Center. This public hearing was advertised on July 3 and 10, 2020.

Project Location and Contacts:

- The project site consists of a single parcel located at 61 Innovation Drive (PIN 9627-01-2917)
- Owner / Petitioner: Franklin School of Innovation; Contact: Bryan Moffitt

Summary of Petition:

- The site is currently the location of the Franklin School of Innovation, which has been constructed in phases beginning with a Level I in 2015 (15-09144) and most recently reviewed and permitted as a Level II project in 2018 (18-01129 PZ).
- The third and final phase of construction is anticipated to be completed by 2025 and will total approximately 78,000 square feet of permanent building space, 140 parking spaces, and other facilities common to schools.
- The primary purpose of the conditional zoning request is to change the zoning classification in order to allow the use of temporary, factory fabricated classroom buildings on the subject site beyond the five year limit per Section 7-14-2(e)1 of the UDO (Unified Development Ordinance).
- Landscaping compliance was reviewed during the 2018 Level II review and included street trees along Sardis Road, parking lot landscaping and building impact landscaping as shown on plans. 2.17 acres of open space is provided on the site, exceeding the 15% requirement for the zoning district. Eight street trees were required and were initially provided; however, two trees were removed by Duke Energy for utility conflict as part of the widening of Sardis Road.
- Through this conditional zoning, the project is seeking a modification from the following zoning requirements (and further detailed in the exhibit B.1 conditions):
    - Temporary factory fabricated school buildings will be permitted on the site.
    - Six street trees (rather than eight as required) will be maintained in the location

as shown on plans, behind the sidewalk approximately 20 feet from the street and outside of the utility easement.

- The applicant will voluntarily provide a greenway easement along the Hominy Creek at the rear of the site to help meet city adopted goals and plans (also detailed in the exhibit B.1 conditions).

Comprehensive Plan Consistency:

- This proposal is consistent with the Living Asheville Comprehensive Plan in that the project provides sidewalks along Sardis Road as well as commits to the future greenway along the rear of the site, directly adding to goals throughout the Livable Built Environment section of the Plan to increase walkability and multi-modal transportation options.
- Supporting schools and educational institutions is highly recommended throughout the Plan, notably in the Resilient Economy section. Linking schools to greenways is specifically highlighted in several sections of the Plan.
- While the request does necessitate a change to the Future Land Use Map as it is currently categorized as Industrial / Manufacturing, the Preferred Growth Scenario Map identifies areas for the the Employment / Anchor Institution use in the Candler area, not far from this site, and it is the category that is most appropriate for a large parcel with an educational use.
- Additionally, the underlying Commercial Industrial (CI) zoning is stated as an appropriate zoning district for the Employment / Anchor Institution category (pp. 342-3).

Compatibility Analysis:

- Commercial Industrial zoning is adjacent on both sides and parcels across Sardis Road are zoned Industrial, however there are a variety of uses in the vicinity including commercial uses along Sardis Road and multi-family residential in multiple directions as well. The Enka Intermediate School (Buncombe County) is less than a mile away from this site. The nature of the area is mixed between residential, commercial and industrial. The school use was allowed in the underlying zoning and is considered to be compatible with the surrounding uses.

Council Goal(s):

- Equitable and Diverse Community
- A Well-Planned and Livable Community
- A Clean and Healthy Environment

Committee(s):

- Technical Review Committee (TRC) - June 15, 2020 - approved with conditions
- Planning & Zoning Commission - July 1, 2020 - recommended approval (7-0)

Staff Recommendation:

- Staff recommends approval of this request with the conditions and finds that the use of temporary buildings until full build-out is able to be achieved is acceptable.

Mayor Manheimer opened the public hearing at 7:09 p.m., and received no comments.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilman Kapoor moved to recess this item until July 30, 2020, at which time this public hearing will be voted. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

E. PUBLIC HEARING REGARDING THE FISCAL YEAR 2020-21 BUDGET

Assistant Finance Director Tony McDowell said that this is the public hearing on the City of Asheville Fiscal Year 2020-21 Annual Operating Budget and inclusion of public input in City Council's consideration of the budget. This public hearing was advertised on July 17, 2020.

Background:

- The Fiscal Year (FY) 2020-21 Proposed Annual Operating Budget was presented to City Council on May 26, 2020. In accordance with the North Carolina Local Government Budget and Fiscal Control Act, a summary of the Proposed Budget along with a notice of the Public Hearing was published on May 29, 2020.
- Following presentation of the FY 2020-21 Proposed Budget, the City decided that adopting an interim budget would allow time to plan a public engagement process around reallocating resources to address equity, social disparity, and policing concerns voiced by the community.
- At its June 23, 2020, meeting, City Council adopted a one month interim budget pursuant to North Carolina General Statute §159-16, and the Public Hearing originally scheduled for June 9, 2020 was rescheduled for July 28, 2020. A notice for the second Public Hearing was published on July 17, 2020.
- Per NC General Statutes, the City cannot adopt the annual property tax rate with an interim budget. The property tax rate can only be adopted as part of the annual budget ordinance and must be adopted by August 1.
- The annual budget ordinance that staff has prepared for Council consideration includes adoption of the annual property tax rate and full annual budgets at the fund level. The Proposed Budget is balanced with an ad valorem tax rate of $0.4289 per $100 of assessed value, which is unchanged from the current rate.
- Per Council's direction, each General and Enterprise Fund operating department will only receive funding in its budget for operations through the end of September with the remaining budget being held in reserve in a non-departmental account while the City Manager's Office completes the community engagement process to determine investments in the Asheville Police Department, other City departments, and various community programs.
- At City Council's September 22, 2020, meeting, the City Manager will present a budget amendment that will reflect input received during the public engagement effort and provide all departments with additional budget authority for the remainder of fiscal year 2020-21.
- The Proposed General Fund Budget includes four minor additions that were not part of the May 26, 2020 Proposed Budget:
    - $49,225 in revenues and expenses associated with the purchase and disposition of property near Coxe Avenue and Federal Alley, which was approved at City Council's June 9, 2020 meeting.
    - $100,000 for short-term COVID-19 expenses that may occur prior to the end of September. The City expects to receive additional Coronavirus Relief Funds (CRF) from Buncombe County to offset these expenses. Staff will return to Council with a budget amendment once the full amount of CRF funding is known.
    - $50,000 in City Manager's contingency for potential costs associated with the community engagement process currently underway.
    - $7,000 in the Aston Park Tennis Center budget from funding provided by a United States Tennis Association (USTA) Facility Recovery Grant and a Southern Cares Facility Initiative Grant.

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Ensures City's compliance with North Carolina General Statutes that require local governments to adopt a balanced budget ordinance and establish a property tax rate by August 1 of each year.
- The budget is balanced with no increase in the property tax rate or any City fees and all essential City services are continued.
- Provides the City Manager with time to conduct a public engagement process to gather community input on investments in the Asheville Police Department, other City departments, and various community programs.

Cons:

- Requires departments to operate with only three months of budget funding until the end of September.
- Staff will be required to bring a budget amendment to City Council in late September to fully fund departmental operations for the entire fiscal year.

Fiscal Impact:

- As noted above, the Proposed FY 2020-21 General Fund budget is balanced with an ad valorem tax rate of $0.4289 per $100 of assessed value, which is unchanged from the current rate.
- The Proposed General Fund budget includes a $1.6 million appropriation from fund balance. Based on current estimates, staff expects unassigned fund balance to be between 13% and 15% of expenses at the end of FY 2020-21.

Mr. McDowell gave an overview of (1) where we have been and where we are going with the budget process; (2) details on the 3-month budget proposed for adoption in July 30; and (3) next steps after July 30 with community engagement and the budget.

Key takeaways include (1) operating in a time of unprecedented financial, organizational, and community uncertainty; (2) per Council's direction, the July 30 budget will provide departments with 3 months of funding to continue current operations; and (3) September 22 budget amendment based on community input will fund the remainder of FY 21.

The financial update includes (1) COVID-19 continues to create major financial uncertainty; (2) fund balance will likely be needed to cover operating costs in both FY 20 and FY 21; and (3) continued federal and state financial assistance will be essential for maintaining operations.

On June 9, Council postponed the budget public hearing; and on June 23 Council (1) approved an ordinance for interim budget appropriations from July 1, 2020 to July 31, 2020; and (2) directed staff to prepare an annual budget with 3 months of funding for departments. Regarding the interim budget per N.C. General Statutes, (1) the interim budget does not allow for any new spending or capital projects, nor does it authorize establishment of the FY 2020-21 property tax rate; (2) the property tax rate can only be adopted as part of the annual budget ordinance and must be adopted by August 1; and (3) there are no alternative provisions for adopting the tax rate with an interim budget. On July 28, Council will receive public comment on the annual budget; and on July 30, Council will adopt the annual budget with only 3 months of funding allocated to departments and programs.

The 3-month budgets includes funding for departments to meet spending and contractual obligations through the end of September - annual contracts for items such as transit service,

recycling, and radio maintenance are fully budgeted. Other routine expenses are budgeted at 25%. Mr. McDowell then showed a slide showing the fund, 3-month and total budget for the General Fund and each enterprise fund.

In July-September, there will be community engagement and input. On September 22, a budget amendment will be presented to Council to allocate funds to departments for the full fiscal year.

In response to Councilman Kapoor, Mr. McDowell said that budget amendments can happen at any time during the year. He said that if Council cannot agree on a budget at the September 22 meeting, staff will have to amend the budget to provide the departments with more funding, which Council will have to approve and let staff know how many more additional months of funding.

When Vice-Mayor Wisler asked what would happen if Council doesn't have the majority vote in September to move the budget forward, will we have to stop operating and furlough employees? Mr. McDowell said that we have never operated in that kind of environment before and we would have to explore our options.

Councilwoman Mayfield stressed that on July 30 we will be adopting a full year's budget but only allocating 3 months of funds to departments. Mr. McDowell said that the balance of the budget will be sitting in the non-departmental account waiting to be allocated. If we vote on a month by month allocation, that might impact our bond rating and it would also create challenges for us with contracts.

Mayor Manheimer said that our fiscal year starts on July 1 and we have a statutory obligation to adopt a tax rate by August 1. To be clear, we are talking about adoption of a full year's budget, but only allocating the funds for the next 3 months. She is concerned that there is a community expectation that it will be possible to radically change what and how we are doing policing by September 22. She hears that the City Manager feels it may be possible to come up with some movement in that direction, but not cutting the Police Department without a plan in place. Other than the concerns expressed about the police budget, she doesn't hear any concerns about not fully funding the other departments.

Councilman Haynes said that during Council check-ins he informed the City Manager that unless the City's hiring freeze was extended to the Police Department and that was made as part of the budget, he would not be supportive of the budget.

In response to Councilwoman Mayfield, City Manager Campbell said that the Police Department is not included in the hiring freeze because we have critical positions that from a community safety standpoint, we need to make sure that positions are filled until we decide those positions are no longer needed. We are not adding to the position count. If there is a position that we feel is not essential in terms of providing community safety response time or addressing those kinds of things, when we will consider not filling those over the next 3 months until there has been community dialogue.

Mayor Manheimer opened the public comment at 7:50 p.m.

From advanced live call-ins, individuals spoke to Council on several items, including, but not limited to: defund the Asheville Police Department (APD) by at least 50%; demand at least 50% of the APD's budget be invested in long-term safety strategies including supporting Black startups/business, eliminating the racial opportunity gap in Asheville City Schools; implement Police Department hiring freeze; disappointment in limiting public comment on the budget to 2 minutes; need for financial investments for reparations to Black community; sales tax revenue

decline; more police does not mean a safer community; demilitarize the APD; ban the use of tear gas; and total support of Black Asheville demands.

Mayor Manheimer said that City Council will need to recess this meeting until July 30 in order to adopt the budget. She explained that legislation that applies to virtual meetings does not allow Council to vote on public hearing items the same day as the actual hearing. Therefore, Council will recess the meeting for two days and then vote on the public hearing items, including the budget. When the items come back for vote on July 30, there will be no further public comment.

Councilman Kapoor supported a full year allocation with support for taking a deep dive into looking at the Police budget. He felt that we will be putting ourselves and staff at an unnecessary risk to not allocate funding for an entire year when Council has the ability to amend the budget anytime they wish. He agrees that we will not be able to make significant operational cuts to the Police budget in three months and there are other big issues City Council is dealing with, some being reparations, removal of monuments, hotel moratorium, his replacement on City Council, etc. He felt if Council passes a full year's budget, they will be able to focus on some of the other large issues facing Council, including the Police Department's budget.

Mayor Manheimer said we, as a Council, and City Manager Campbell have tried hard to figure out how to engage the community to meet the demands we are hearing. She didn't want to drive the expectation that before the end of September we will defund the Police Department without having a plan for replacement services. She felt we should adopt the full year's budget but continue to follow through with the process the City Manager has set out to engage the community to transform policing in Asheville. Then City Council can make the appropriate budget amendment, which may be a reduction in the Police budget or an increase in funding in other areas.

Vice-Mayor Wisler also supported adopting the full year's budget and supported reimagining public safety in Asheville. She believed that there are other agencies that can perform some of the duties or maybe some of the duties no one should be doing. As soon as we find areas that make sense to change we can amend the budget. She did not want to get to the end of September and not be able to have consensus on the budget.

Councilman Haynes was concerned that we just held the budget public hearing on adopting the full year's budget and allocating a three-month allocation with no additional public comment being accepted. Mayor Manheimer explained that the public hearing was on adoption of the full year's budget. This is just the next layer down on how do we allocate the funding.

Councilman Young heard the concerns of Council, but he didn't share them. He believed we can press forward and tackle the challenges ahead of us.

Councilwoman Smith felt this is a time we have to work in harmony and we will overcome our challenges.

Councilwoman Mayfield said that we are committed to moving forward with change, but she was not sure how long it will take us to get there, since there will be a lot of community engagement and community partners to work with. She suggested an option that all departments receive their 12-month allocation except for the Police Department, which will only receive a 3-month allocation.

In response to Councilwoman Mayfield's option, Councilman Young felt that change in the process should include more public input. Councilman Kapoor did not support that option either, but for the reason he felt Council will be just kicking the can down the road.

City Manager Campbell said that she will come back on July 30 with three budget options: (1) full year allocation to all City departments, except the Police Department who will only be allocated for 3 months; (2) all City departments be allocated 3 months; and (3) a full year funding for all City departments.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Mayfield moved to recess this item until July 30, 2020, at which time this public hearing will be voted. This motion was seconded by Councilman Kapoor and carried unanimously on a 6-1 roll call vote, with Councilman Young voting "no."

VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, individuals spoke to Council, on several items, some being, but are not limited to: defunding the Asheville Police Department (APD) by at least 50% and invest in the Black community; the demand for defunding the APD is not something new and has been asked for for years; requiring advanced live call-ins make it difficult for public engagement; disappointment in limiting public comment on the budget to 2 minutes; Councilman Kapoor should resign immediately in order to have a special election; concern City Council is talking about amending the budget differently than what was presented before public comment was opened; lack of trust of City Council members; City cares more about tourists than residents as seen by the number of potholes and conditions of streets in the neighborhoods outside of downtown; ban the use of tear gas; institute a hiring freeze in the APD; support Black Asheville demands; support of remote Council meetings; prioritize Black community needs; APD officers should be held accountable for the use of tear gas and tearing down the medical tent and supplies; request Mayor Manheimer resign; Council should appoint new Council member now and then have that person resign after the elections, leaving that seat open for the 4th highest vote-getter; do a Request for Proposals to hire an equity consultant on the entire budget; Office of Equity & Inclusion should report directly to the City Council;

VIII. RECESS:

Mayor Manheimer said that Council will need to recess this meeting until Thursday, July 30, 2020, at 5:00 p.m. That meeting will be remote, with no public comment on the actions to be taken and no further public comment.

Councilman Kapoor moved to recess this meeting until Thursday, July 30, 2020, at 5:00 p.m. This motion was seconded by Vice-Mayor Wisler and carried unanimously.

Thursday – July 30, 2020 - 5:00 p.m. - Continuation
of Tuesday, July 28, 2020, Meeting

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilman Vijay Kapoor;

Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson.

A. ORDINANCE NO. 4817- ORDINANCE TO AMEND A PREVIOUSLY APPROVED CONDITIONAL ZONING AT 137 BROAD STREET FROM COMMUNITY BUSINESS I TO COMMUNITY BUSINESS I/CONDITIONAL ZONE TO INCLUDE AN ADJACENT PARCEL FOR THE CONSTRUCTION OF A NEW MIXED-USE BUILDING

Mayor Manheimer said that this public hearing was held on July 28, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mayfield moved to approve the conditional zoning amendment request for the properties located at 135 and 137 Broad Street from CB-I (Community Business I) and CB-I CZ (Community Business I Conditional Zone) to CB-I CZ (Community Business I Conditional Zone) for the construction of a new mixed-use building and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan, and meets the development needs of the community in that: 1) the Traditional Corridor Future Land Use category of the Living Asheville Comprehensive Plan anticipates a mix of uses as included in this development; 2) the project is compatible with the surrounding area; 3) the proposal sites residential units in a walkable area convenient to transit and 4) the project includes a dedicated affordable residential component. This motion was seconded by Councilman Kapoor and carried on a 5-2 roll call vote, with Councilman Haynes and Councilwoman Smith voting "no."

ORDINANCE BOOK NO. 33 – PAGE 97

B. RESOLUTION NO. 20-134 - RESOLUTION AUTHORIZING SUBMISSION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP ACT FUNDS ANNUAL ACTION PLAN FOR FISCAL YEAR 2020-21 TO THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT

Mayor Manheimer said that this public hearing was held on July 28, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the resolution and it would not be read.

Councilwoman Mayfield moved to adopt the resolution authorizing submission of the City's Annual Action Plan for 2020-2021 to the U.S. Department of Housing and Urban Development and authorizing the City Manager to sign all contracts or agreements required for the implementation of the Consolidated Annual Action Plan. This motion was seconded by Councilwoman Smith carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 – PAGE 390

C. **ORDINANCE NO. 4818 - ORDINANCE TO CONDITIONALLY REZONE PROPERTY LOCATED AT 61 INNOVATION DRIVE FROM COMMERCIAL INDUSTRIAL DISTRICT TO INSTITUTIONAL DISTRICT/CONDITIONAL ZONE, ALONG WITH A CHANGE IN THE FUTURE LAND USE MAP FROM INDUSTRIAL/MANUFACTURING TO EMPLOYMENT/ANCHOR INSTITUTION CENTER**

Mayor Manheimer said that this public hearing was held on July 28, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Kapoor moved to approve the conditional zoning request for the property located at 61 Innovation Drive from Commercial Industrial to Institutional Conditional Zone with an amendment to the Future Land Use Map of the Living Asheville Comprehensive Plan from Industrial/Manufacturing to Employment/Anchor Institution Center and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan, and meets the development needs of the community in that: 1) the request allows for longer phasing for use of temporary buildings; 2) the use is appropriate in the underlying zoning district and is already in operation; 3) site improvements such as sidewalk and dedication of a greenway easement provide valuable amenities; and, 4) the proposed change to the Future Land Use of the Living Asheville Comprehensive Plan better aligns with the use of the property. This motion was seconded by Councilman Young and carried unanimously by roll call vote.

ORDINANCE BOOK NO. 33 – PAGE 103

D. **ORDINANCE NO. 4819 - ORDINANCE ADOPTING THE FISCAL YEAR 2020-21 ANNUAL OPERATING BUDGET**

Mayor Manheimer said that this public hearing was held on July 28, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

After receiving additional written public comment, Mayor Manheimer said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Young moved to approve the Fiscal Year 2020-21 Annual Operating Budget that provides 3-months funding for all City departments. This motion was seconded by Councilwoman Mayfield.

Councilman Haynes said that "last night some folks erected a banner in my yard calling for me to defund the APD. I know this happened to other Council members as well. Again, I want to reiterate my convictions for both defunding and demilitarizing the APD. I also recognize that for many people upon hearing the word "defund" fearfully they hear it as a call for abolishing APD and police forces across the nation. While there is understandably a rapid growing movement for police abolitionism, defunding is a proactive attempt to bring an absolutely necessary overhaul to policing without starting from scratch. At our meeting two nights ago I said

that I would be voting against the 3-month budget plan because it did not contain an APD hiring freeze. While I feel strongly that this should have been included, I do not wish to see the full-year budget proposed." He will be voting to support the interim budget as proposed by the City Manager.

Vice-Mayor Wisler said "I continue to believe we should adopt a fully allocated yearly budget and amend the budget for solutions around public safety as they are identified and developed. I read all of my emails and listen to all of my voicemails and I listen to all the public comment about public safety spending. I hear what some people are asking for. The are asking for an immediate 50% cut to APD's budget and reallocation of those funds. They also say they don't trust our government. In June I agreed to an interim budget because I hoped that our community would rally around a process to divest and invest. I hoped that our community would understand that this process will be ongoing, will require creativity, require resources and most importantly would require time. However, all that I've heard is to defund APD by 50% immediately. My hopes have not played out. I do not believe that no matter what we come up with in September the people we heard from will be satisfied. For two months we've heard our City Manager tell us that defunding the police by that amount immediately is not responsible. The City cannot come up with a plan to do that. Some people have call me practical, God forbid. Some people say I lack courage. Some people believe that if we continue to ask miracles of our staff, the staff will produce magic. When I shadowed Cathy Ball in her Interim City Manager role, Ii witnessed behind the scenes the dedication and hard work of our staff. I watched Debra Campbell motivate and push the staff to do great work. They want to make our dreams come true. They want to produce magic for us. But we don't give them magic wands, much less funding and staff. They also, like me, recognize the law and try as hard as they can to keep the City, and us, out of trouble. Do you know why the community doesn't trust us? Because this Council won't fess up to the fact that we actually believe the staff. We know that defunding APD by 50% immediately is not doable. Not responsible. But rather than telling the truth now, we will tie the staff in knots, require them from now until September, and possibly after that, to worry whether this nickel should be spent in July or October. We will make them concerned that we will push the budget to the brink. They will wonder what deal will have to be made to get the majority of Council to agree on a budget. All of this will be distracting, time-consuming and frustrating. Rather than have our staff do all that, I want them to be working on the goal of finding ways that APD can discontinue work that they don't need to be doing. I want them finding solutions that work for Asheville, not for Los Angeles, not for New York, not for Minneapolis. If we let staff do that work now we will have a much better product to show our community in September. But, unfortunately we don't have the courage for that."

Councilman Kapoor said "I wanted to thank all of you again for the kind resolution that you gave me on Tuesday. Given this will likely be my last meeting and vote, I'd like to use my time here to say some thank yous and goodbye remarks in the context of our budget vote since it really encapsulates what I've seen in my time on Council. First off, I'd like to thank my family for putting up with the time that this position has taken me away from them both physically and mentally. Second, I want to thank my fellow Council members for serving. You never truly know the pressures of this responsibility until you actually sit in these seats. The world changed quickly in the last two and a half years and we have had to face some pretty incredible problems and incidents almost from the start. Third, thank you to those who voted for me, who campaigned for me and who sent me words of encouragement. I'm looking at you Pat Deck. Fourth, I want to thank the staff of this city who have worked tirelessly on residents' behalf. I've said it many times, but I will again – we are lucky to have this high caliber staff in a City this size. I also want to specifically thank City Manager Debra Campbell and City Attorney Brad Branham for their professionalism. My most important votes on this Council, and the ones that I'm most proud of, were the two appointing both of you. If you wanted, you could have jobs in many other cities. I hope the residents realize how lucky they are to have you here. On a sadder note, I want to apologize to the family of Derrick Lee Jr. Derrick was 12 years old and a rising 7th grader at

Valley Springs Middle School when he was shot and killed on July 1st 2 2018 – a little over two years ago. A child was killed in this city on my watch and that is my responsibility. To this day, we have not found who killed Derrick and that is one of my biggest regrets. While we will name a playground after Derrick at Lee Walker Heights once it's completed, I know that is small solace to Derrick's grandparents Rev. and Mrs. Tolbert, Derrick's brother Darius and to Derrick's parents. I hope one day to read that his killer or killers have been caught so that his family can find peace. Let me move now to the budget and specifically to what happened at the Council meeting on Tuesday which I think was a microcosm of what's happening in this City. If you didn't tune into the almost seven-hour meeting, let me recount some of the relevant highlights for you. City Manager Debra Campbell provided an update on the 30/60/90-day plan to, in her words, "reimagine" public safety in Asheville. She talked about how City staff supports a Divest and Invest strategy, how racism is a systemic problem which is bigger than the police and that the City cannot solve alone in 90 days, and that the strategy needs to be strategic, attainable and collaborative. After Ms. Campbell's presentation, Councilwoman Mayfield talked directly to advocates for "defunding the police" expressing support for real change while explaining the reality that just because things aren't happening exactly the way they want them to or as fast as they want them to that it doesn't mean the City doesn't care or isn't committed to making real change. She also shared her experience and her advice as an advocate who lobbies government officials – quite successfully I may add. Later on in the meeting, Councilwoman Mayfield was attacked by callers who said that her words were condescending and outrageous as if she as an elected official should not demonstrate the responsibility of speaking to the issues especially where she was trying to find common ground to move towards what these same folks say that they want. 3 Later, she apologized for her choice of words, but Julie you had absolutely no reason to apologize and I'm sorry that I didn't speak up to say so at the time. Nothing you said was offensive. The only mistake you made was that what you said wasn't in 100% agreement with them. We are elected officials. We have the right and indeed the obligation to speak our minds. No one has the right to silence you, me or anyone else on Council. During public comment, the overwhelming majority called for an immediate 50% defunding of the police department. This was a well-coordinated effort and I think we all know that. Organized groups have every right to do this, but we would be making a mistake if we took that public comment to mean that everyone in the City wanted an immediate 50% defunding of the police department. Two other things about that public comment struck me. First, there were many callers – nearly all of whom who were white by the way - who said that they were speaking for the "community," who were incredulous that we weren't doing what the "community" wanted. Again, as if there were no other people in this community who had a different view from those callers. So, what does that mean – if you have a different view, are you not considered part of the community or does it mean that if you have a different view your view doesn't count? I'm always skeptical when people on the right or the left say that they are speaking for the "community" or the "people" implying that those who see things differently are the "other." Maybe it's because I grew up a brown child of immigrants in the South that I'm particularly attuned to this kind of language. I heard it a lot here in Asheville during my time on Council. The second thing that struck me was a particular comment directed to Mayor Manheimer and Councilwoman Mayfield angrily chastising them for somehow putting themselves "in front" during the reparations discussion. I have no idea what this caller was talking about. Each 4 Council member has a right to speak on any matter that we are deliberating and every Council member made comments on the reparations vote. Again, it's the problem of trying to silence or intimidate people from actually being part of the conversation. I can't help but note that the caller sounded like a young white man. The irony in Asheville – a white male telling two elected female representatives which topics are off limits for their comments or how they should conduct themselves. Finally, this morning. Three different signs were put out by an anonymous group or person at the homes of the Mayor, the City Manager and Councilwoman Mayfield that had their name and the words "Defund Asheville PD." Those signs had a bigger message than to just innocently advocate for a budget vote tonight. That gives cover. It was a message that we know where you live. It was done to intimidate. Think about that, an anonymous sign with her name on it shows up in front of the house of our first African-American female city manager. All of this

brings us to tonight's vote on the budget. The key question is whether to allocate funding for essentially three months of operations or for the full year. There is no disagreement that the budget should be revisited in September based on recommendations from the Reimaging Public Safety effort. There is no disagreement that City Council has the right to amend the budget at any time, and could specifically amend the budget in September when the Reimagining Public Safety recommendations are in hand. I believe that the best and most responsible path forward is to allocate funding for operations for the entire year now and then to amend the budget in September. Only allocating three months of funding during a pandemic and a fiscal crisis is irresponsibly risky and will only delay the other critical work that Council and staff need to do including developing and implementing the Reparations Plan, addressing the Vance monument, filling my Council seat and responding to 5 any other emergencies that come your way not to mention addressing the backlog of items that have delayed due to COVID. This is going to be hard enough on you and staff without having a budget hanging over your head. And it's also an election year. There is no guarantee that you will come to a consensus on my replacement which may result in a deadlocked vote on the budget and a hasty, careless defunding of the police which is exactly what one group wants, but I suspect very few of the residents of Asheville truly do. I trust that all of you are approaching replacing me in good faith, but even with good faith, you can still deadlock. My guess is that the group will push a litmus test for any replacement that they must commit to immediately defunding the APD by 50%. Furthermore, you are not going to have a plan to cut APD's budget by 50% by September. We all know that. You'll likely need to lay off over 100 officers to do that. Passing a three-month budget with no realistic chance of making this happen is going to once again set expectations sky-high and fall short. It will be a repeat of Tuesday all over again. Fellow Councilmembers - if you believe that passing a three-month allocation is the right thing to do for the City, I absolutely respect that. But if you are doing it because you think doing so will gain the respect or trust of these same people who monopolized the public comment on Tuesday and who have engaged in a pattern of intimidation against anyone who isn't 100% in agreement with them, please think again. They have made it clear that they will accept nothing less than laying off half of our police department and they do not care whether there is a backup plan or not. Please don't reward this kind of behavior. It needs to stop right now. Know that there are many more people out there who are looking at us to do the responsible thing. Please, let's pass a full year allocation tonight so that we can keep our city steady and allow the Reimagining Public Safety process to work."

Mayor Manheimer said "I want to thank the public, the Council and the staff for working so hard as we've moved through this budget process. In my memory, I've never seen so many people engaged and involved in the budget process. Although we have been talking about one area of the budget in this process, I do want to highlight that we are passing a full budget tonight and that includes a lot of things that haven't gotten a lot of attention during this budget cycle, but normally do. Good things, such as transit and construction of roads, and sidewalks, enhancements to parks and greenways, economic development, affordable housing, a partnership with Homeward Bound to serve those experiencing homelessness, and much more. So, there's a lot of good things in this budget despite the economic crash we've experienced as a City due to COVID and the loss of sales tax revenue. There is still so much to celebrate in this budget. As has been stated already and just to reiterate, I do feel like this Council, despite our clashing from time to time does agree on the idea of divesting and investing in an impactful, responsible way that will be meaningful to our community when it comes to the police budget. I think that for all our differences there is general agreement that we want to see new ideas explored, new directions to go in in terms of traditional policing in our community. How we get there, how fast we get there, what that looks like, I think that is the part we are struggling with and how that will work. This is going to be very important work and it's going to be really hard work. As Gwen mentioned, it takes an incredible amount of staff time and resources to do this - for it to be impactful beyond our terms in office. I think it needs to be thoughtful, it needs to include the community, it needs to be transparent. And that is not something that happens overnight. That is something that takes time. We have gotten a lot of emails that have said something along the

lines of 'it's been 2 months. Why haven't you done this already.' We are talking about a $30 Million budget for policing and a department that employs around 250 people and that's why. It takes a long time to figure out how to change and then how to move in that direction. We all know that. That is true. We have been here a long time and we know how this works. This is more like turning a battleship and it just takes an incredible effort to make that happen. But I'm committed to this work and I know that you-all are. I know that our staff is. One of the things that is so heartening is that this isn't just lip-service. I know that our staff is really committed and believes in looking at these different ideas and changes and wants to explore them. This is a city where we are lucky to have fantastic staff. So many times they have brought us ideas that are innovative and cool and interesting and we've had to do the less hard work of just supporting that effort. So we are really lucky in that way. I do want to say that it is - it's true, it's not realistic in September 22 when we vote on an amendment to this budget, to fund the rest if the year that we will see apropoal from our City Manager that includes a defunding of the Police Department, or even a 50% cut to the Police Department. I think we know that. I've had some dialogue with folks in the community and they recognize that's true. I think people will say but I want to push you so I'm going to keep using this language around defunding the police or reduce the funds by 50% because if I don't keep messaging in that way then we won't get any movement at all. So, I hear how the campaign works on that and I know that we are committed to getting there, but I also know that we are not, for anyone out there who thinks that we are going to see a budget presented to us that us defunding the police by 50% on September 22 - that is not realistic. What our City Manager said to us on Tuesday night is that the goal is to determine how the City of Asheville structures department responsibilities and community partnerships in a way that promotes racial equity and economic inclusion. And that is my expectation. Where we are going to be continued to be headed. Most mayors in North Carolina (we have weak mayors in North Carolina and not strong mayors in North Carolina) and most mayors don't even get to vote. So I'm one of the unusual mayors that votes on every item on the agenda. That is very unusual. I'm not just a tie-breaker mayor, which is generally what happens. I will tell you what tugs at me when we are faced with a deadline. It is July 30 and we need a budget. Legally we need a budget. We have to have a budget. We don't have a choice of not having a budget or we have a government shutdown. And, what tugs at me is my responsibility to this community. I hear what Councilman Kapoor is saying and I hear what Vice-Mayor Wisler is saying. I am deeply concerned that we are going to set ourselves up for possibly an insurmountable challenge on September 22. But I have tried to talk to everyone to understand this path forward and that folks on this Council are committed to getting to a solution by September 22 and you-guys have reassured me that we will be together in this and we're going to get there. I trust you. I worked with you-guys for a long time and I really like working with you. I think we are going to get there. But what it comes down for me is, if I don't vote for this motion, then we don't have a budget, because I know where all the rest of the votes fall. I think it's my responsibility to make sure that we continue to operate as a city. That we pay our staff. We can still pick up the garbage. We can still make sure the water comes out of your faucet when you turn it on. That the basic services that you need to count on as a community will continue to be there. So, for me that's that it came down to. In the end, Councilman Haynes came over and said he was going to support this budget tonight. I wasn't sure of that until just before this meeting. So, that was my calculation. Will we have a budget in place? Was our manager going to have a City that she can keep running, and money to do it with. At the end, I want us to be successful. I care a lot about this City and you do too, so that makes me feel comfortable in making this decision today."

The motion made by Councilman Young and seconded by Councilwoman Mayfield to approve the Fiscal Year 2020-21 Annual Operating Budget that provides 3-months funding for all City departments, carried on a 5-2 roll call vote, with Vice-Mayor Wisler and Councilman Kapoor voting "no."

Mayor Manheimer said that we have adopted the City's annual budget and we have funded City operations for the first quarter and we will continue with the community engagement process around the budget and revisit the budget on September 22, 2020.

ORDINANCE BOOK NO. 33 – PAGE 110

Closed Session

At 5:38 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) To prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(1). The statutory authorization is contained in N.C.G.S. 143-318.10 (e); and (2) To establish, or to instruct the City's staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(5). This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

At 6:15 p.m., Councilman Kapoor moved to come out of closed session. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

VIII. ADJOURNMENT:

Vice-Mayor Wisler adjourned the meeting at 6:15 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – August 25, 2020- 5:00 p.m.

Regular Meeting

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson.

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON JULY 28, 2020, AND CONTINUED TO JULY 30, 2020

B. RESOLUTION NO. 20-135 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BUNCOMBE COUNTY REGARDING THE CONSTRUCTION OF SIDEWALKS AND ASSOCIATED EQUIPMENT ON NEW LEICESTER HIGHWAY

Action Requested: Adoption of resolution authorizing the City Manager to enter into an Interlocal Agreement with Buncombe County regarding maintenance and responsibility for the City's newly constructed sidewalks and associated improvements on New Leicester Highway.

Background:

- The City of Asheville is in the midst of planning for a project to add sidewalks and pedestrian crossings on New Leicester Highway from Patton Avenue to Old County Home Road.
- In order to complete the network of sidewalks in the area, the City proposes to extend sidewalk construction approximately 600 feet outside City limits into Buncombe County jurisdiction to join with the existing sidewalk.
- The City will fund and manage construction of the new sidewalk. The Interlocal Agreement stipulates that the maintenance of sidewalks and associated improvements installed as part of the Project will be the responsibility of the County and City within their respective jurisdictions.
- The Project is funded through a federal grant, administered through NCDOT, with matching funds provided by the City.
- The current hold on funding due to budget challenges with NCDOT make the schedule for the project undetermined at this time. Once started, construction is anticipated to last approximately 12 months.

Vendor Outreach Efforts: None, as this is an interlocal agreement with Buncombe County, there is no other option for who we are entering the agreement with.

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- None

Pro(s):
- Construction of sidewalks that will meet City and all other applicable construction standards
- Improve mobility and safety on local streets
- Adhere to federal guidance and project funding

Con(s):
- Construction will be disruptive to adjacent residences and businesses

Fiscal Impact:
- Funding for the sidewalk project is already included in the adopted Capital Improvement Program(CIP), with federal funding of approximately $2.5 million and City matching funds of $726,000. The Interlocal Agreement does not impact the project funding.

Motion:
- Motion to adopt a resolution authorizing the City Manager to enter into an Interlocal Agreement with Buncombe County regarding maintenance and responsibility for City's newly constructed sidewalks and associated improvements on New Leicester Highway.

RESOLUTION BOOK NO. 41 - PAGE 391

C. ORDINANCE NO. 4820 - ORDINANCE CHANGING THE POSTED SPEED LIMIT ALONG SEVERAL STREETS WITHIN THE CITY OF ASHEVILLE

Action Requested: Adoption of an ordinance changing the posted speed limit along several streets within the City of Asheville.

Background:
- N.C. Gen. Stat. § 20-141 gives the City the authority to regulate speed limits within its corporate limits.
- City staff received requests from the public to consider changes to the speed limits.
- City staff performed appropriate traffic-engineering studies along the various streets.
- Staff brings speed limit changes to City Council on a quarterly cycle in an effort to improve the efficiency of the approval process.

- Staff recommends that the speed limit on the following streets be changed from 35 mph to 20 miles per hour:
  - Balm Grove Place, from Balm Grove Avenue to Martin Avenue
  - Georgia Street, from Craven Street to Reynolds Road
  - London Road, from US 25A (Sweeten Creek Road) to Belvedere Road
  - Westview Road, from NC 694 (Town Mountain Road) to Oak Park Road
  - Windswept Drive, from College Street to Alexander Drive

- Staff recommends that the speed limit on the following streets be changed from 30 mph and 35 mph to 25 miles per hour:
  - Alabama Avenue, from Hanover Street to Swannanoa Avenue
  - Baker Avenue, from US 19-23 Business (Haywood Road) to Burton Street

- Bideford Row, from a point 725 feet north of Tiverton Lane to a point 500 feet south of Tiverton Lane
- Blake Mountain Circle, from Galloway Drive to a point 400 feet east of Galloway Drive
- Blakewood Court, from Galloway Drive to a point 250 feet north of Galloway Drive
- Clay Street, from Kendall Street to Baker Avenue
- Clovelly Way, from US 25 (Hendersonville Road) to a point 340 feet north of Tiverton Lane
- Deanwood Circle, from US 25 (Hendersonville Road) to a point 660 feet east of Caribou Road
- Forest Lake Drive, from Rock Hill Road to Forest Lake Drive
- Forestdale Drive, from US 25 (Hendersonville Road) to a point 665 feet east of Caribou Road
- Galloway Drive, from Westridge Drive to a point 680 feet south of Blake Mountain Circle
- Glen Woods Court, from Forest Lake Drive to a point 230 feet east of Forest Lake Drive
- Goldfinch Lane, from Forest Lake Drive to a point 150 east of Forest Lake Drive
- Griffing Circle, from Maplewood Road to South Griffing Boulevard
- Indiana Avenue, from Hanover Street to Swannanoa Avenue
- Innsbrook Road, from Grovewood Road to Old Toll Road
- Kingbird Lane, from Forest Lake Drive to a point 160 feet south of Forest Lake Drive
- Long Street, from East Larchmont Road to Edgewood Road
- Maplewood Parkway, from Maplewood Road to Northwood Road
- Maplewood Road, from South Griffing Boulevard to Grovewood Road
- Martin Avenue, from US 19-23 Business (Haywood Road) to Clay Street
- Meadow Lake Road, from Forest Lake Drive to a point 960 feet south of Forest Lake Drive
- Melody Lane, from Fairview Road to a point 990 feet north of Fairview Road
- North Liberty Street, from East Chestnut Street to Hillside Street
- Northview Street, from West Street to Forsythe Street
- Northwood Road, from Woodcrest Road to a point 480 feet north of Maplewood Parkway
- Oak Hill Circle, from Oak Hill Drive to Oak Hill Drive
- Oak Hill Drive, from NC 63 (New Leicester Highway) to Hazel Mill Road
- Oakwilde Drive, from Briarcliff Drive to a point 650 feet east of Stancliff Drive
- Rock Hill Road Extension, from Rock Hill Road to Miller Lane
- South Liberty Street, from East Chestnut Street to Elm Street
- Sawmill Road, from Forest Lake Drive to a point 360 feet south of Forest Lake Drive
- Simpson Hollow Road, from Forest Lake Drive to a point 600 feet north of Forest Lake Drive
- Sumner Place, from Grovewood Road to Grovewood Road
- Tiverton Lane, from Clovelly Lane to a point 225 feet north of Bideford Row
- Woodcrest Place, from Woodcrest Road to a point 170 feet west of Woodcrest Road
- Woodcrest Road, from Maplewood Parkway to Old Toll Road

- Staff recommends that the speed limit on the following street will be changed from 35 miles per hour to 30 miles per hour:
  - Ralph Street, from Bartlett Street to South French Broad Avenue

Council Goal(s):

- Transportation and Accessibility.

Committee(s):

- None

Pro(s):

- City staff has been able to respond favorably to public requests.
- The new speed limits will be consistent with streets of similar characteristics and design.
- Drivers should adhere to the recommended speed limits on these streets.
- The new speed limits will provide enhanced safety to all users.

Con(s):

- None

Fiscal Impact:

- The cost of installing and maintaining speed limit signs is included in the operating budget.

Suggested Motion:

- Motion to approve an ordinance enacting (1) a 20 mph speed limit on Balm Grove Place, from Balm Grove Avenue to Martin Avenue, Georgia Street, from Craven Street to Reynolds Road, London Road, from Sweeten Creek Road (US 25) to Belvedere Road, Westview Road, from NC 694 (Town Mountain Road) to Oak Park Road, Windswept Drive, from College Street to Alexander Drive; and (2) a 25 mph speed limit on Alabama Avenue, from Hanover Street to Swannanoa Avenue, Baker Avenue, from US 19-23 Business (Haywood Road) to Burton Street, Bideford Row, from a point 725 feet north of Tiverton Lane to a point 500 feet south of Tiverton Lane, Blake Mountain Circle, from Galloway Drive to a point 400 feet east of Galloway Drive, Blakewood Court, from Galloway Drive to a point 250 feet north of Galloway Drive, Clay Street, from Kendall Street to Baker Avenue, Clovelly Way, from US 25 (Hendersonville Rd) toa point 340 feet north of Tiverton Ln, Deanwood Circle, from US 25 (Hendersonville Rd) to a point 660 feet east of Caribou Road, Forest Lake Drive, from Rock Hill Road to Forest Lake Drive, Forestdale Drive, from US 25 (Hendersonville Rd) to a point 655 feet east of Caribou Road, Galloway Drive, from Westridge Drive to a point 680 feet south of Blake Mountain Circle, Glen Woods Court, from Forest Lake Drive to a point 230 feet east of Forest Lake Drive, Goldfinch Lane, from Forest Lake Drive to a point 150 feet east of Forest Lake Drive, Griffing Circle, from Maplewood Road to South Griffing Boulevard, Indiana Avenue, from Hanover Street to Swannanoa Avenue, Innsbrook Road, from Grovewood Road to Old Toll Road, Kingbird Lane, from Forest Lake Drive to a point 160 feet south of Forest Lake Drive, Long Street, from East Larchmont Road to Edgewood Road, Maplewood Parkway, from Maplewood Road to Northwood Road, Maplewood Road, from South Griffing Boulevard to Grovewood Road, Martin Avenue, from US 19-23 Business (Haywood Road) to Clay Street, Meadow Lake Road, from Forest Lake Drive toa point 960 feet South of Forest Lake Drive, Melody Lane, from Fairview Road to a point 990 feet north of Fairview Road, North Liberty Street, from East Chestnut Street to Hillside Street, Northview Street, from West Street to Forsythe Street, Northwood Road, from Woodcrest Road to a point 480 feet north of Maplewood Parkway, Oak Hill Circle, from Oak Hill Drive to Oak Hill Drive, Oak Hill Drive, from NC 63 (New Leicester Highway) to Hazel Mill Road, Oakwilde Drive, from Briarcliff Drive to a point 650 feet east of Stancliff Drive, Rock Hill Road Extension, from Rock Hill Road to Miller Lane, South Liberty Street, from East Chestnut Street to Elm Street, Sawmill Road, from Forest Lake Drive to a point 360 feet south of Forest Lake Drive, Simpson Hollow Road, from Forest Lake Drive to a point 600 feet north of Forest Lake Drive, Sumner Place, from Grovewood Road to Grovewood

Road, Tiverton Lane, from Clovelly Way to a point 225 feet north of Bideford Row, Woodcrest Place, from Woodcrest Road to a point 170 feet west of Woodcrest Road, Woodcrest Road, from Maplewood Parkway to Old Toll Road; and (3) a 30 mph speed limit on Ralph Street, from Bartlett Street to South French Broad Avenue.

ORDINANCE BOOK NO. 33 - PAGE 118

D. RESOLUTION NO. 20-136 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE GREEN BUILT ALLIANCE TO IMPLEMENT AND MANAGE THE BLUE HORIZONS PROJECT AND BLUE HORIZONS PROJECT COMMUNITY COUNCIL

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with the Green Built Alliance to implement and manage the Blue Horizons Project and Blue Horizons Project Community Council.

Background:

- On January 28, 2020, City Council authorized Resolution 20-18 and created the Blue Horizons Community Council to help achieve the community-wide renewable energy goal.
- On January 28, 2020, City Council approved Resolution 20-19 and authorized an interlocal agreement with Buncombe County to issue a joint request for proposals (RFP) to implement and manage the Blue Horizons Project and Blue Horizons Project Community Council.
- Buncombe County advertised the RFP on May 6, 2020 and received responses on June 12, 2020.
- The County received one response from the Green Built Alliance.
- The contract will be one year with the option to amend for an additional two years (annually), pending available budget.

Vendor Outreach Efforts:

- The Business Inclusion Manager conducted outreach through social media, community and business partners. City and County staff also conducted an optional virtual Q&A meeting
- No MWBE firms submitted bids

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- The Green Built Alliance has been managing and implementing the Blue Horizons Project for the past two years; therefore there will be continuity with the continued program management.
- In the two years the Blue Horizons Project has been implemented there has been significant increases in Duke Energy Peak Demand Response and Energy-Efficiency programs resulting in the delay of a natural gas peaker plant unit.
- In addition, 350 low-income homes have received energy efficiency upgrades which are estimated to save a combined $55,000 per year and reduce carbon emissions by more than 10,000 tons.
- Buncombe County is providing $150,000 for the implementation of the Blue Horizons Project in partnership with the City of Asheville.

Con(s):
- None identified

Fiscal Impact:
- The contract will total $100,000 from the FY21 Office of Sustainability budget. Funding is already budgeted and available.

Motion:
- Adoption of a resolution authorizing the City Manager to execute a contract with the Green Built Alliance to implement and manage the Blue Horizons Project and Blue Horizons Project Community Council

RESOLUTION BOOK NO. 41 - PAGE 392

E. ORDINANCE NO. 4821 - ORDINANCE ENACTING A THROUGH TRUCK PROHIBITION ALONG SIX STREETS WITHIN THE CITY LIMITS OF ASHEVILLE

Action Requested: Adoption of an ordinance enacting a through truck prohibition along six streets within the city limits of Asheville

Background:
- The City of Asheville Code of Ordinances Section 19-60 regulates trucks traveling along designated residential streets.
- City staff received requests from the public to consider through truck prohibitions on these streets and the proposed revisions are based on traffic-engineering investigations.
- Large trucks should not use residential streets as "shortcuts" to avoid traffic on higher classified streets and can have difficulty making necessary maneuvers on residential streets.
- There are no destinations along these streets for large trucks.
- A truck prohibition will be established on the following streets:
  - Davenport Place, from Davenport Road to Vermont Court
  - Davenport Road, from Vermont Avenue to Davenport Place
  - Enka Orchard Street, from NC 112 (Sand Hill Road) to Enka Pine Street
  - Keith Drive, from Bingham Road to a point 800 feet northeast of Bingham Road
  - Oak Hill Drive, from NC 63 (New Leicester Highway) to Hazel Mill Road
  - Vermont Court, from Davenport Place to Vermont Avenue

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- None

Pro(s):
- Prohibits through trucks from using residential streets.
- Keeps through trucks on high classified roadways like state routes.
- Eliminates delay to the traveling public.
- Reduces potential of trucks entering areas where navigation attempts result in property damage.
- Enhances the ability to update commercial truck traffic routes (GPS.gov) to avoid residential communities.
- City staff has been able to respond favorably to public requests.

Con(s):
- None

Fiscal Impact:
- The cost of installing and maintaining truck prohibition signs is included in the operating budget.

Motion:
- Motion to approve an ordinance enacting a through truck prohibition along Davenport Place, from Davenport Road to Vermont Court, Davenport Road, from Vermont Avenue to Davenport Place, Enka Orchard Street, NC 112 (Sand Hill Road) to Enka Pine Street, Keith Drive, Bingham Road to a point 800 feet northeast of Bingham Rd, Oak Hill Drive, from NC 63 (New Leicester Highway) to Hazel Mill Road, and Vermont Court, from Davenport Place to Vermont Avenue.

ORDINANCE BOOK NO. 33 - PAGE 121

F. RESOLUTION NO. 20-137 - RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE TWO GILLIG 30-FOOT DIESEL ELECTRIC HYBRID BUSES

Action Requested: Adoption of a resolution authorizing the City Manager to purchase two new Gillig 30-foot diesel electric hybrid buses for the Asheville Rides Transit System totaling $1,441,526 using the existing Rocky Mount, North Carolina Consortium Contract No. CRM 76164 that the City of Asheville is part of.

Background:
- In 2018, the City received $5.7 million in Federal grant funds from the French Broad River Metropolitan Planning Organization for the purpose of purchasing new transit buses.
- The City match for the grant funds is $1.4 million, which provides a total budget of $7.1 million for bus purchases.
- The City has already purchased nine buses using these grant funds.
- Two buses were delivered during December, 2019 and the other seven buses will arrive during Spring 2021.
- The subject action would enable the City to purchase two more buses using the Rocky Mount, North Carolina consortium contract (CRM 76164).
- These two buses are expected to be received within 12-18 months of purchase date.

Vendor Outreach Efforts:
- N/A

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- None

Pro(s):
- This action will enable staff to purchase additional buses needed to meet the schedule for timely replacement of buses in the fleet that have met their useful service life, as well as accommodate future system expansion consistent with the Transit Master Plan.
- This action ensures compliance with the Federal Transit Administration and the City of Asheville's procurement policy.

Con(s): None

Fiscal Impact:

- The purchases will be made using a portion of the $5.7 million in grant funds awarded by the French Broad River Metropolitan Planning Organization in 2018.
- The City will provide the required 20% matching funds of approximately $288,305.
- The grant and the City match are already budgeted in the approved Capital Improvement Program (CIP) and the City's match is included in the cash flow for the CIP/debt model. The funding including the City's match ($288,205) is already budgeted.

Motion:

- Motion to adopt a resolution authorizing the City Manager to purchase two new Gillig 30-foot diesel electric hybrid buses for the Asheville Rides Transit System totaling $1,441,526 using the existing Rocky Mount, North Carolina Consortium Contract No. CRM 76164 that the City of Asheville is part of.

RESOLUTION BOOK NO. 41 - PAGE 393

G. RESOLUTION NO. 20-138 - RESOLUTION OF INTENT TO SET A PUBLIC HEARING ON SEPTEMBER 22, 2020, TO CLOSE A PORTION OF AN UNOPENED RIGHT-OF-WAY KNOWN AS GAYLE STREET

Action Requested: Adoption of a resolution to set a public hearing for September 22, 2020, to permanently close a portion of unopened right-of-way known as Gayle Street.

Background:

- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- James Sandusky Paris and Carson Kinlaw Delinger have petitioned for this closure. They are owners of the property listed as 99999 Morse Drive (Pin # 9627-22-9286).
- The unopened portion of right-of-way extends into the subject property.
- Upon closure, the unopened right of way will become part of the above property.
- The plan is for the property to be subdivided.
- The closure aides in meeting required setbacks.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.

Council Goal(s):

- A Well-planned and Livable Community

Committee(s):

- Multimodal Transportation Committee - June 24, 2020 - Recommended closing the right-of-way by unanimous vote

Pro(s):

- The closure would allow for more efficient use of the existing adjacent property.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con(s):

- None noted.

Fiscal Impact:

- There will be no fiscal impact related to this closure.

Motion:

- Motion to adopt resolution of intent to set a public hearing on September 22, 2020, to close a portion of unopened right-of-way known as Gayle St.

RESOLUTION BOOK NO. 41 - PAGE 394

H. RESOLUTION NO. 20-139 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH WEAVERCOOKE CONSTRUCTION FOR THE DESIGN-BUILD CITY HALL ELEVATOR MODERNIZATION PROJECT

Action Requested: Adopt a resolution authorizing the City Manager to enter into a Design-Build contract with WeaverCooke Construction in the amount of $ 129,532.20 for pre-construction services for the Asheville City Hall Elevator Modernization Project; and further authorizing the City Manager to execute construction and associated cost amendments up to a total of $ 2,304,831 to complete the construction of this project.

Background:

- The Modernization of the 92 year old Historic City Hall Elevators has been identified as a priority project for a number of years and is now critical to the users of City Hall.
  - Elevator 1 has been out of order for over three years due to lack of replacement parts. Elevators 2 and 3 are currently being repaired with parts from Elevator 1.
  - Updating the equipment will reduce the operational expense related to the maintenance of this old equipment and allow for service with fewer interruptions.
- Historic qualities will be preserved in the execution of the improvements.
- Per City Council Resolution No. 17-09, City Hall is noted as a Landmark historic structure, with specific references to the elevators.
- The Historic Resource Commission will review the improvements for a Certificate of Appropriateness as a Major Work project.
- The Design-Build delivery method was approved by the City Manager in January 2020 per the requirements of NC G.S. 143-128.1A and City Council Resolution No. 16-45.
- Six responsive submittals were received through a Request for Qualifications (RFQ) and ranked in June 2020 for pre-construction services and project construction:

Contractor	Architect
Brantley Construction, Weaverville, NC	Watson, Tate, Savory Architects, Columbia, SC
GRC, Kingsport, TN	CRW, Kingsport, TN
Hickory Construction, Hickory, NC	Novus Architects, Asheville, NC
H & M Constructors, Asheville, NC	Clark-Nexsen Architects, Asheville, NC
Vannoy Construction, Asheville, NC	Keith Hargrove Architect, Asheville, NC
WeaverCooke Const., Asheville, NC	MHA Works, Asheville, NC

- WeaverCooke Construction with MHA Works Architecture Design-Build Team was selected as
  best qualified. WeaverCooke has provided pre-construction fees and a preliminary construction cost estimate to modernize all three elevators.
  They have also provided creative ideas to save money and prioritize historic preservation which will be incorporated into the final project price.
- The project construction is expected to begin in January 2021 and is anticipated to take 12 months to complete.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- The Design-Build delivery method allows the City to accept bids from subcontractors other than the lowest bid. This will enable the City to increase participation by selecting MWBE subcontractors as long as the project stays within the allotted budget.
- WeaverCooke prioritizes Minority and Women Owned Business Enterprise (MWBE) participation with their plan noted below:
    - Award Design to MHAworks Architecture, 63% Minority as a company.
    - Solicit Bids from MBE/WBE/DBE Subcontractors/Suppliers from Every Trade Division from their trade list of roughly 500 Subcontractors in NC/SC. (except for elevator contractors: not available) during the bid process.
    - Confident they can award painting, cleaning, and drywall to an MBE/WBE with budget considerations from the City of Asheville.
    - Subscribed to the City of Asheville Business Inclusion Newsletter
    - Meet monthly if the City of Asheville Inclusion Office were to have local Contractor Meetings to discuss involvement and inclusion on all City Projects.
    - Open to involvement in community outreach and training for small businesses/minority businesses interested in commercial/residential construction as part of this project Contractor MBE/WBE/DBE list of roughly 500 Subcontractors in NC/SC.

Council Goal(s):

- A Clean and Healthy Environment & a Financially Resilient City

Committee(s):

- None

Pro(s):

- Establishes a single point of accountability for design and construction.
- Scope of work includes the containment and removal of hazardous materials discovered in the existing building conditions. Coordinated construction phasing will be required to manage hazardous materials removal, containment and elevator operations throughout the project.
- Design-Build delivery will improve the schedule and coordination outcomes over traditional design-bid-build delivery.
- Design-Build delivery will provide a better coordinated "Beneficial use," defining that a building is capable of being used as it is intended but may have a variety of minor defects.
- Design-Build delivery allows for negotiation in the design and bidding as the project progresses to adhere to the available budget, and increases the City's ability to utilize minority and women owned businesses.

Con(s):

- Actual construction cost is unknown at the time of entering into the Pre-Construction contract.
- The Owner does not receive the benefit of checks and balances that exist when contracting with a separate designer and contractor.

Fiscal Impact:

- Funding for this contract and any cost amendments up to a total of $2,304,831 is already included in the adopted Capital Improvement Program (CIP).

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a Design-Build contract with WeaverCooke Construction in the amount of $ 129,532.20 for pre-construction services, for the Asheville City Hall Elevator Modernization Project; and further authorizing the City Manager to execute construction and associated cost amendments up to a total of $ 2,304,831 in order to complete the construction of this project.

RESOLUTION BOOK NO. 41 - PAGE 396

I. RESOLUTION NO. 20-140 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BARTHOLOMEW CONSTRUCTION FOR THE FULTON STREET BOND SIDEWALK PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Bartholomew Construction of Hendersonville North Carolina in the amount of $435,723.18 for the construction of the Fulton Street sidewalk project and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $43,900 (10%).

Background:

- The City of Asheville passed a General Obligation Bond in 2016 and within this Bond, money was budgeted to construct new sidewalks.
- Fulton Street was identified as one of the sidewalks for construction as part of the bond referendum.
- The design, engineering, and public engagement continued through the Fall of 2019.
- Bids for construction were advertised on May 29, 2020 with the original bid opening scheduled for June 19th. Due to addressing contractors questions an addendum was issued and the bid deadline was extended an additional ten days.
- There were six bids received on June 30th. The contractor names and bid amounts are listed below:
    - Appalachian Paving (Asheville, NC) $624,325
    - Bartholomew Construction (Hendersonville, NC) $593,751.18
    - Graham county land company (Robbinsville,NC) $864,750
    - Moore and Son construction (Hendersonville, NC) $810,000
    - Patton Construction (Asheville,NC) $741,145
    - Thomas Construction (Johnson city, TN) $1,060,250
- Bartholomew Construction of Hendersonville North Carolina was the lowest responsive, responsible bidder; however the low bid exceeded the budget for the project so the City entered into negotiations with the lowest responsible bidder on July 6, 2020.
- Those negotiations resulted in a revised total contract price of $435,723.18.
- The construction will start by the middle of September. The contractor has 120 days to perform the work. The work is scheduled to be complete by the middle of January 2021.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. Three percent of the total dollar amount of this contract will be performed through a certified MWBE. Hemphill Concrete from Pisgah Forest, NC is the certified MWBE subcontractors on this project.

Council Goal(s):
- Transportation and accessibility,
- A well planned and livable community.

Committee(s):
- None.

Pro(s):
- Project works towards fulfillment of the General Obligation Bond.
- Will fill in sections of missing sidewalk that add to pedestrian safety.
- Project scope remains the same even though bid price was lowered to complete the project.

Con(s):
- Possible reduced levels of service for automobiles during the day while being constructed.
- Staff time will be used to administer the project until its completion.

Fiscal Impact:
- Funding for the Fulton Streets Improvements project is included in the General Obligation Bond Program.

Motion:
- Move to adopt a resolution authorizing the City Manager to enter into a contract withBartholomew Construction of Hendersonville North Carolina in the amount of $435,723.18 for the construction of the Fulton Street sidewalk project and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $43,900 (10%).

RESOLUTION BOOK NO. 41 - PAGE 397

J. RESOLUTION NO. 20-141 - RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT A SEWER EASEMENT TO HAWTHORNE AT HAYWOOD APARTMENTS, LLC

Action Requested: Adoption of a resolution authorizing the City Manager to grant a sewer easement to Hawthorne at Haywood Apartments, LLC

Background:
- The City was approached by a local developer who is building a new phase of the Hawthorne at Haywood Apartments and needs a connection to the nearest Metropolitan Sewerage District (MSD)sewer line.
- The closest opportunity for sewer connection is a line on Eastview Circle.
- The N.C. Dept. of Transportation does not allow sewer within the roadway of Eastview Circle and no remaining right of way outside of pavement is accessible for the sewer installation.
- The only feasible connection left is across city property (9618-90-5267) at the intersection of Old Haywood and Eastview Circle.
- The Real Estate Division consulted other City departments to determine whether it would be in the City's best interest to allow this easement on City property.
- The Asheville Fire Department uses the property as a fire station and Asheville Police Department has a traffic division at this location.

- Representatives of both departments indicated that they had no objections to this sewer extension.
- The Streets Department was also consulted and they have no objection.
- City Council initially authorized this transaction on 5/26/2020, however original estimates of the easement were too low and had to be revised after a survey was done in the field. The original request of 2,000 square feet has now been increased to a total area of +/- 2736 square feet. The width of 20 feet is mandated by MSD regulation specifying minimum width.
- Fair Market Value has been determined to be $6,594 and the developer has agreed to pay this amount.

Council Goal(s):
- A Well Planned and Livable Community

Committee(s):
- None

Pro(s):
- Project will bring much needed rental units to the Asheville area.
- City is receiving compensation for the easement.

Con(s):
- There will be temporary disruption on City property during construction.

Fiscal Impact:
- City is receiving unbudgeted revenue for the easement in the amount of $6,594

Motion:
- Motion to approve the resolution authorizing the City Manager to grant a sewer easement to Hawthorne at Haywood Apartments, LLC

RESOLUTION BOOK NO. 41 - PAGE 398

K. RESOLUTION NO. 20-142 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROVE A GRANT AGREEMENT WITH THE ASHEVILLE-BUNCOMBE COMMUNITY LAND TRUST FOR $1 MILLION IN AFFORDABLE HOUSING BOND DOLLARS TO BE USED FOR CAPITAL COSTS AND $100,000 IN HOUSING TRUST FUND DONATION FUNDS TO BE USED FOR STAFFING AND OPERATIONS COSTS

RESOLUTION NO. 20-143 - RESOLUTION AMENDING RESOLUTION NO. 17-198 TO CHANGE THE UNIT GOAL FOR THE COMMUNITY LAND TRUST

Action Requested: Authorize the City Manager to enter into a Grant Agreement with the Asheville Buncombe Community Land Trust (ABCLT) for $1M in Affordable Housing Bond dollars to be used for capital costs and $100,000 in Housing Trust Fund (HTF) donations revenue to be used for operational costs; and an amendment to Resolution No. 17-198, correcting the unit goal for the Land Trust.

Background:

ASHEVILLE BUNCOMBE COMMUNITY LAND TRUST
- The mission of the ABCLT is to provide permanently affordable homeownership opportunities for low income individuals and families in Asheville and Buncombe County with a vision to create a thriving community where all are welcome.

- A community land trust creates permanently affordable housing by reducing the affordability gap by acquiring the land that remains "in trust" for the benefit of the community.
- The homebuyer purchases the home outright and leases the land from the community land trust through a ground lease.
- The homebuyer agrees to a resale formula that outlines the sale price of the CLT home and shared equity based on the increased value of the home at the time of sale.
- City Council has maintained a goal for several years to assist in the establishment of a CLT.

Council Goal(s):
- A Diverse Community
- Thriving Local Economy
- A Financially Resilient City

Committee(s):
- None

Pro(s):
- A Grant Agreement between the City of Asheville and the ABCLT will assist in the production and preservation of affordable housing, as well as spending the Affordable Housing Bond dollars in a timely manner.
- Approval of a one time $100,000 capital injection donated by Deerfield Retirement Center via the City of Asheville to the ABCLT assists the agency with their capacity and overall success by supporting a full-time Executive Director and the purchase and sale of affordable housing.
- A successful ABCLT has the potential to bring more homeownership opportunities to the City of Asheville in an equitable and diverse way by assisting our low and moderate income individuals and families.

Con(s):
- Precedent of assisting organizations with Administration funding to fulfill their mission in a time of a falling budget.

Fiscal Impact:
- As noted earlier in the staff report, funding for the $1.0 million grant agreement with ABCLT will come from the General Obligation (GO) Bonds that citizens approved in November 2016.
- The one-time $100,000 in operational support will come from a Housing Trust Fund donation made by the Deerfield Retirement Center.
- Both the GO Bond dollars and the donations have already been budgeted.

Motion:
- Approve and authorize the City Manager to enter into a Grant Agreement with the ABCLT to access $1 million in Affordable Housing Bond dollars and $100,000 from donations in the Housing Trust Fund; and approve an amendment to Resolution No. 17-198 changing the unit goal for the community land trust from 35 units to 8-10 units. .

RESOLUTION NO. 20-142 - RESOLUTION BOOK NO. 41 - PAGE 399
RESOLUTION NO. 20-143 - RESOLUTION BOOK NO. 41 - PAGE 401

L. MOTION SETTING A PUBLIC HEARING ON SEPTEMBER 8, 2020, TO CONSIDER EXTENDING THE TEMPORARY MORATORIUM ON HOTEL

DEVELOPMENT FOR TWO MONTHS DUE TO DELAYS ASSOCIATED WITH COVID-19 PANDEMIC

M. RESOLUTION NO. 20-144 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RATIFY THE PARATRANSIT SERVICES AGREEMENT WITH BUNCOMBE COUNTY AND APPROVING AN AMENDMENT TO THE AGREEMENT TO INCREASE FUNDING IN THE CURRENT CONTRACT

Action Requested: Adoption of a resolution authorizing the City Manager to ratify the Paratransit Services Agreement with Buncombe County and to amend the agreement to increase the contract amount by $14,002.46 for services provided in FY 2020 and to include $1.3 million in the agreement to pay for paratransit services to be rendered in FY 2021.

Background:

- On September 24, 2013, Council approved a resolution authorizing the City Manager to contract with Buncombe County to provide paratransit services through Mountain Mobility.
- The original budget for paratransit services for FY 2020 was $735,000. An additional contract amount of $14,002.46 is needed to pay remaining invoices from FY 2020.
- Staff is also requesting approval of a change order to include $1.3 million in the contract to pay for paratransit services to be rendered in FY 2021.
- Per N.C. General Statute §160A-461, inter-local agreements must be ratified by the City Council.
- This action includes ratification of the original 2013 agreement, as well as the amendment to increase funding in the service contract for the provision of paratransit services for FY 2020 and FY 2021.

Council Goal(s):

- Transportation and Accessibility

Committee(s):

- None

Pro(s):

- Ensures sufficient funding is available to pay for services as required by contractual agreement.
- Assures the City is able to pay for services rendered for the months of April, May and June 2020, and for FY 2021.

Con(s):

- None

Fiscal Impact:

- Funding for the contracts amount is included in the adopted Transit Services Fund budget.

Motion:

- Adopt a resolution authorizing the City Manager to ratify the Paratransit Services Agreement with Buncombe County and to amend the agreement to increase the contract amount by $14,002.46 for services provided in FY 2020 and to include $1.3 million in the agreement to pay for paratransit services to be rendered in FY 2021.

Vice Mayor Wisler expressed her disappointment that Buncombe County discontinued its subsidy of paratransit service. In this time of budget shortfalls and the coronavirus, this is a very poor time to be pulling that funding and does not reflect well on partnership opportunities with the County.

RESOLUTION BOOK NO. 41 - PAGE 402

N. RESOLUTION NO. 20-145 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH HARRISON CONSTRUCTION COMPANY, DIVISION OF APAC ATLANTIC, INC. FOR THE LIVINGSTON STREET (FROM DEPOT STREET WEST THROUGH TRAFFIC CIRCLE) AND RESERVOIR ROAD RESURFACING PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract with Harrison Construction Company Division of APAC Atlantic, Inc. in the amount of $383,900 plus a 15% contingency of $57,585 for a total of $441,485 for the Livingston St. (Depot Street west through traffic circle) - Reservoir Road Resurfacing contract.

Background:

- The contract provides for the resurfacing of Livingston Street starting at Depot Street west through the traffic circle and for the resurfacing of Reservoir Road.
- The project was advertised on July 15, 2020, and bids were opened on July 30, 2020.
- The following six bids were received:
  Harrison Construction Company Division of APAC Atlantic, Inc., Asheville, NC
  $383,900.00
  Rogers Group, Inc, Hendersonville, NC
  $409,802.50
  Bryant's Land and Developments Services, Inc., Burnsville, NC
  $454,869.20
  Tar Heel Paving, Inc, Hendersonville, NC
  $522,129.98
  JLS Company, LLC, Arden, NC
  $556,684.19
  French Broad Paving, Marshall, NC
  $576,540.00

- Construction is anticipated to start in late September 2020 and be completed by the end of November 2020.

Vendor Outreach Efforts:

- Staff performed outreach to minority- and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. Two minority or women-owned business enterprises submitted a bid to be the prime contractor on the project.
- The lowest responsive bidder, while not a minority or woman-owned business, will be using DBE and WBE companies to perform work that amounts to 6.6% of the total bid price.

Council Goal(s):

- This action aligns with the 2036 City Council Vision in that it will make "getting around Asheville easy" (Transportation and Accessibility) and "maintain and improve the City's infrastructure" (Smart City).

Pro(s):

- Provides for the resurfacing to two sections of road in poor condition.

Con(s):

- Repairs will cause temporary disruption to pedestrian and vehicular traffic.

Fiscal Impact:

- Funding for this contract is coming from resurfacing funds within the Capital Improvement Program (CIP) budgets already approved for resurfacing projects.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with Harrison Construction Company Division of APAC Atlantic, Inc. in the amount $383,900 plus a 15% contingency of $57,585, for a total of $441,485, for the project known as Livingston St. (Depot Street west through traffic circle) - Reservoir Road Resurfacing.

RESOLUTION BOOK NO. 41 - PAGE 403

O. RESOLUTION NO. 20-146 - RESOLUTION AMENDING CITY COUNCIL'S RULES OF PROCEDURE TO UPDATE OUR LOCAL RULES TO COINCIDE WITH RECENT CHANGES IN STATE LAW ON LAND USE AND DEVELOPMENT AS WELL AS MODERNIZE AND CLARIFY OTHER PROVISIONS

Action Requested: Adopt Resolution amending the Rules of Procedure of the Asheville City Council to comply with a North Carolina Session Law 2019-111, Part I, commonly referred to as "160D" and Part II, and to incorporate several updates.

Background:

- A collaborative effort between North Carolina land use attorneys, the University of North Carolina - School of Government and North Carolina legislators resulted in Session Law 2019-111 "AN ACT TO CLARIFY, CONSOLIDATE, AND REORGANIZE THE LAND-USE REGULATORY LAWS OF THE STATE." adopted July 11, 2019.
- As the law's title states, the purpose of 160D is to clarify and reorganize the land use/development related laws of the State and to consolidate these laws into one chapter in order to provide a uniform set of statutes applicable to both cities and counties.
- SL 2019-111 Part II also made some changes to other statutes that were indirectly related to land use law (i.e. 160A-75 Voting).
- The new law contains a number of legislative changes which a local government ***must*** take action to adopt, but it also contains permissive legislative changes which a local government ***may*** choose to adopt or not.
- Originally, parts of 160D became effective immediately while most of it was not to become effective until January 1, 2021, however, on **June 19, 2020, the General Assembly enacted legislation -S.L. 2020-25-making Chapter 160D and associated changes to other statutes effective immediately.**
- The law provided flexibility to local governments in the timing for adoption of amendments to conform local development regulations to the new statutes. **Local governments may enact their amendments now, but are not required to do so until July 1, 2021.**
- The proposed amendments to the Rules of Procedure contain two revisions that are required by the new law.

- 1) Local government governing and advisory boards that vote on land use and development regulations, must adopt broadened conflict of interest standards. (G.S. 160D-109). 160D-109(a) states: *"A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have* ***a direct, substantial, and readily identifiable financial impact*** *on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment* ***is a person with whom the member has a close familial relationship, business, or other associational relationship.***"[emphasis added] The latter part of this requirement is new, in that a conflict of interest can exist even if there is no direct financial impact, which has been the standard to this point. City Council Rule 22. VOTING, has been amended to reflect this new conflict of interest standard.
- 2) Must permit adoption of a legislative decision for development regulation on first reading by simple majority; no need for two-thirds majority on first readings as was previously required under 160A-75 Voting. This is a welcome change and will allow for a more expedited decision-making process for planning approvals. City Council Rule 23. ADOPTION OF ORDINANCES AND RESOLUTIONS, has been amended to reflect this statutory change.

- Additional, non-statutory related amendments to the Council Rules of Procedure have also been made in order to modernize and more clearly reflect current procedures.

Council Goal(s):

- A Well-Planned & Livable Community

Pro(s):

- Proposed changes will align the city's development standards, practices and procedures with current North Carolina state law.
- Modernizes outdated language.
- Creates objective standards for ministerial decisions.
- Clarifies practices and procedures for the development community.
- Updates written rules to coincide with current Council procedures

Con(s):

- This is a legislative mandate and while some proposed changes reduce flexibility and/or discretion it is necessary to revise these practices to be consistent with state law.

Fiscal Impact:

- None

Motion:

- Move to approve the amendments to the City Council Rules of Procedure.

RESOLUTION BOOK NO. 41 - PAGE 404

P. RESOLUTION NO. 20-147 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH THE JOHN R. MCADAMS COMPANY INC. FOR THE CARTER-ANN STORMWATER IMPROVEMENTS PROJECT - CONTRACT AMENDMENT 3

Action Requested: Adoption of a resolution authorizing the City Manager to execute a contract amendment with The John R. McAdams Company Inc. in the amount of $182,970 and to enter

into change orders to this contract phase, if needed, not to exceed a contingency amount of $27,445.50 (15%) for a Phase 2 professional services budget of $210,415.50 for the Carter-Ann Stormwater Improvements Project - Contract Amendment # 3.

Background:

- The approved Professional Services Phase 1 budget for this project was $73,410 with a contingency of $14,682 for a total budget of $88,092. Amendment # 1 utilized the contingency and increased the contract amount by $15,500 for a total contract amount of $88,910.
- Amendment #2 Increased the time frame for the completion of Phase 1 without increasing the budget.
- This project is to replace, improve, and bring parts of the existing Stormwater system along Carter Street through Patton Avenue and down Ann Street within the City Right of Way. This project is aimed to reduce flooding, replace failing infrastructure and make the system easier to maintain. The overall construction phase of this project would last approximately 5 months.
- The RFQ for this project was advertised on February 16, 2019, with Statements of Qualifications received on February 28, 2019.
- Ten (10) consulting firms submitted Statement of Qualifications. After qualifications were reviewed, a short list was made and on April 11, 2019 city staff conducted interviews. The John R. McAdams Company Inc. was selected as the best qualified firm.
- The Contract between the City of Asheville and The John R. McAdams Company Inc. was entered into on December 26, 2019.
- Without knowing the extent of failures, capacity of the existing infrastructure, or influence on the surrounding utilities, Phase 1 was to conduct due diligence and preliminary engineering design so that a determination could be made on how best to move forward with Phase 2 to complete the design and take the project through construction. The first phase was under the threshold for the City Manager's signature authority.
- Professional Services, including Final Design, Permitting and Construction Administration for the contract would proceed immediately after approval of the Contract Amendment.
- The phase 2 design of this project should be completed by the first part of November. The schedule for Construction Administration would be through June 2021, dependent on any issues that might arise during Permitting.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women-owned businesses through solicitation processes which included posting on the State's Interactive Purchasing System, City of Asheville website, City of Asheville Twitter Account, and requiring engineering firms to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Past engineering firms who have shown interest in bidding on City of Asheville projects were informed about the project's advertisement. During preparation for advertising this RFQ, the contract was shared with the Business Inclusion staff in the Community & Economic Development Department.
- Out of the ten (10) qualifications received, no consultant firm was Minority Business or Women Owned Business certified. Eight (8) of the firms submitting qualifications proposed reaching out and utilizing MWBE subcontractors for portions of the project.
- The John R. McAdams Company was chosen for the design because of their qualifications specific to the needs of this project.
- Although we conducted outreach, there was not any minority participation.

Council Goal(s):

- A Financially Resilient City

Committee(s):
- None

Pro(s):
- The contract amendment will allow The John R. McAdams Company to continue with the design and construction phase of this infrastructure project.
- The Stormwater improvement project will replace failing infrastructure.
- Increase the performance and conveyance of Stormwater along this corridor.
- Make these systems easier to maintain in the future.

Con(s):
- Construction may be somewhat disruptive to nearby residences.
- Efforts will be made to notify the public and minimize disruptions.

Fiscal Impact:
- Funding for this contract is already budgeted in the Stormwater Utility Fund Capital Improvement Program (CIP).

Motion:
- Motion to adopt a resolution authorizing the City Manager to execute a contract amendment with The John R. McAdams Company, Inc. in the amount of $182,970 and to enter into change orders to this contract phase, if needed, not to exceed a contingency amount of $27,445.50 (15%) for a Phase 2 budget of $210,415.50, and for a total professional services budget amount of $299,325.50 for the Carter-Ann Stormwater Improvement Project.

RESOLUTION BOOK NO. 41 - PAGE 421

Q. RESOLUTION NO. 20-148 - RESOLUTION AUTHORIZING THE PROCUREMENT OF KEY BOX ACCESS EQUIPMENT AND SECURITY OF COMMERCIAL BUILDINGS FOR THE ASHEVILLE FIRE DEPARTMENT FROM SOLE SOURCE VENDOR KNOX COMPANY

Action Requested: Adoption of a resolution authorizing the procurement of key box access equipment and security of commercial buildings for the Asheville Fire Department from sole source vendor Knox, Company

Background:
- The City of Asheville's Code of Ordinances Chapter 6 Fire Prevention Protection Section 6.2 Amendments 506.1 reads "where required, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type, listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official."
- When called to a scene, these key boxes allow Asheville Fire Department responders to gain entry into a commercial building.
- These key boxes allow for rapid entry, avoid unsafe forced entry, and minimize property damage.
- The brand of key box used by all commercial buildings to comply with Chapter 6 of the City's ordinance is Knoxbox by Knox, Company.
- All Asheville Fire Department vehicles and apparatus have a Knoxbox key box installed inside
- Knoxbox has supplied this equipment for thirty years within the City.

- With the FY19-20 purchase of eight should there be a number after this hashtag? replacement vehicles, purchasing one Knoxbox to be installed in each of these eight vehicles pushes the total cost of the purchase above the $5,000 threshold.
- The Asheville Fire Department believes this an appropriate catalyst for codifying a specific brand of key boxes that until now has only been a standard practice, which will allow for consistency between the City of Asheville and those doing business in non-residential structures within the City.
- The cost of eight Knoxboxes for eight replacement vehicles is $7,751.08.

Vendor Outreach Efforts:
- Knox, Company is the only manufacturer and distributor of a Knoxbox.

Council Goal(s):
- Smart City

Committee(s):
- None

Pro(s):
- Sole Source of Knox, Company Knoxboxes will ensure consistency and compatibility among fire apparatus, fire vehicles, and commercial buildings and structures across the City

Con(s):
- If sole source is not authorized, and a bid for key boxes is issued, the lowest bidder may not be Knox, Company. All owners and occupants of commercial buildings within the City would need to purchase a compatible key box.

Fiscal Impact:
- Funding for this purchase will come from a previously approved budget within the Capital Improvement Program (CIP) as part of the annual vehicle replacement program.

Motion:
- Move to adopt a resolution authorizing the procurement of Knoxbox key box access equipment and security of commercial buildings for the Asheville Fire Department from sole source vendor Knox, Company

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R. MOTION APPROVING THE BOARD OF ALCOHOLIC BEVERAGE CONTROL'S TRAVEL POLICY ADOPTED JANUARY 26, 2016

Summary: Each year the N.C. ABC Commission, in compliance with Chapter 18-B700, Article 7, g (2), requires its ABC boards to get annual approval of board travel policies from their appointing authorities. Section g (2) of 18B-700 states, "The local board shall annually provide the appointing authority's written confirmation of such approval...".

The ABC Board formally requests the City of Asheville's written confirmation of the Asheville Board of Alcoholic Control Travel Policy.

S. RESOLUTION NO. 20-155 - RESOLUTION RELATING TO NORTH CAROLINA HOUSE BILL 1200, FORECLOSURE GRANTS/RENTAL AND UTILITY ASSISTANCE

Summary: (1) The City Council of Asheville urges legislators to restore North Carolina House Bill 1200 to its original intent of providing $100 million for rental assistance in North Carolina and $100 million in mortgage assistance in North Carolina and to pass this bill upon reconvening on September 2; (2) The City Council of Asheville urges Governor Cooper to reenact a statewide moratorium on eviction actions on residential rental property and a moratorium on the assessment of late fees on rental payments, as well as reporting such situations to a credit bureau or debt collection agency; (3) The City Council of Asheville urges landlords of residential property within the City currently pursuing an eviction action to voluntarily dismiss such action until the unemployment levels fall back to pre COVID-19 figures; and (4) The City Council of Asheville urges landlords of residential property within the City to not pursue an eviction action nor charge or assess any late payment fees against the tenant until the unemployment levels fall back to pre COVID-19 figures.

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Councilman Mayfield reminded the public that this Consent Agenda contains many of Council's priorities, such as lowering speed limits and truck prohibitions for public safety; contract with Green Built Alliance for clean and sustainable energy; expanding our transit fleet; and funds to Community Land Trust to advance affordable housing.

An individual asked that the September 22 agenda be light in order for the Council to focus on the budget amendment, and appreciated the temporary moratorium on hotel development.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Young and carried unanimously by roll call vote.

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT - 30/60/90 DAY WORK PLAN

City Manager Campbell reviewed the following presentation overview on her 30/60/90 Day Plan with Council: (1) On June 9, staff presented a 30/60/90 Day Work Plan and over the past several meetings have updated Council and the community on our work; (2) The 30/60/90 Day Work Plan was developed in response to numerous requests from the Black Asheville Demands coalition to address specific racial justice and economic inclusion issues; and (3) The Work Plan reflects when we would **start** working on these requests.

For 30 days, (1) Resolution to remove monuments and creation of task force (a) Vance monument shrouded; Lee monument removed; and (b) Task Force orientation completed last week; and (2) Work with the community on the renaming of streets (a) Met with African American Heritage Commission and (b) Continuing Community Engagement to develop next steps

For 60 days, (1) Continue partnering with Asheville City Schools (ACS) and Buncombe County Schools to address Opportunity Gaps (a) Parks and Recreation partnering with ACS to create community learning centers or learning pods in city facilities; (b) ACS teachers will provide educational instructions; (c) Parks and Recreation will offer recreational activities; (d) Targeting black and brown students especially those in public housing communities; and (e) Operate 7 days a week 8:00am to 8:00pm; (2) Initiate conversations with the district attorney's office regarding the probation decision for Mr. Hickman (a) City Attorney's office working with DA's office and Restorative Justice process related to probation process; (3) Initiate conversations to Defund

the Police budget by 50% Defund/Divest/Invest Strategy; and (4) Initiate conversations to Defund the Police budget by 50% (a) Defund/Divest/Invest Strategy; and (b) Community Engagement.

For 90 days, (1) Provide protocol, practices and resource allocation data from the Equity and Inclusion Department on the our City Website; (2) Better understand and work through solutions for remaining demands; (3) Utilize best practices to recruit people of color; and (4) Develop Race and Gender Conscious Policy in response to the disparity study as part of City contracting and procurement (a) Draft Policy completed; Council review Sept. 8.

Public Engagement Process (1) Step 1 (complete): Get feedback on an approach from key focus groups; (2) **Step 2 (in process): Host Community Meetings; and (3)** Step 3: Report, Recommendations and Implementation.

From focus group responses, we learned (1) Use paid facilitators, not city staff; (2) Need to have authentic conversations about types of change that's really possible; figure out what's broken and commit to making changes; (3) Convene smaller groups so people have optimum opportunities for genuine input; (4) Use lots of mediums for input, questionnaires, blogs, face to face meetings, etc.; and (5) Make a special effort to hear from most impacted populations, Blacks, Indigenous, and Latinx

Regarding facilitation services (1) Issued Request for Interests; (2) Posted on August 7, 2020; (3) 6 Proposals submitted on August 14, 2020; (4) Sent to 10 local groups and only 2 responded; (5) Interdepartmental Team selected two teams; and (6) Costs for services not to exceed $10,000.

Facilitators teams selected are (1) Shemekka Ebony Coleman, MS, Founder of Shemekka Ebony, Founder of Black Girl Magic Market, Co-Founder I am Brilliant and the CROWN Campaign, Raleigh; (2) Glenn Thomas, Project Facilitator, Amplify Community Consulting Founder and Managing Partner of Leadership Matters Group; and (3) Christine Edwards, Founder and Principal Amplify Community Consulting (Amplify Charlotte).

Regarding the public engagement process, **(1)** Facilitators will hold virtual and small group in-person meetings; (2) Facilitators will connect with small groups focusing on some of the most impacted (a) (e.g., Black, Indigenous, & People of Color, People who live in public housing, Victims of Crime, Parents, People without housing); (3) Street team will go out into the community and meet people where they are; (4) Facilitators have included opportunities to compensate and/or provide professional development for a limited number of people representing most impacted groups; and (5) City staff will provide surveys, questionnaires, blogs same questions as facilitated experience. Week of Aug. 24 - Dates for upcoming engagements finalized; Launch website page 8/27; Promote engagement dates. Week of Aug. 31 - Promote engagement dates/survey information; Virtual Community Engagement Meeting - Intro 9/4. Week of Sept. 7 - Virtual Community Engagement Meetings; In-person small group meetings - focus on most impacted groups.

Step 3 of the Public Engagement Process is Report, Recommendations and Implementation (a) Develop Preliminary Recommendations for Divesting/Investing (Sept. 3- 22); (b) Implementation of first round of Divesting/Investing Strategies (Sept. 22 and on-going); and (c) Begin next round of discussions (if necessary) Nov./Dec.

Key takeaways include (1) Our City is operating in unprecedented times and being challenged with economic, social, racial and public health issues that we have never experienced **all** at the same time; (2) People are experiencing and expressing valid feelings of sadness, anger, fear and uncertainty; (3) As evidenced by numerous requests, the community often looks to and expects local government to calm their fears, to provide resources to address their issues

and concerns; (4) We often can't respond or move as fast as most would want us to due to complexity of issues and/or available resources; and (5) Reassure the community that we hear you and commit to working with you for as long as it takes to make our City better for all people.

City Manager Campbell responded to questions raised by Councilwoman Mayfield and Councilwoman Smith.

B. UPDATE FROM CITY ATTORNEY ON ASHEVILLE POLICE DEPARTMENT PROTEST RESPONSE EVALUATIONS

City Attorney Branham said that he will provide City Council with an update from a recent meeting of the Public Safety Committee. On July 28, this Committee met, and voted on several recommendations for the consideration of the full Council, or for continued work by City Staff and the Committee regarding public safety issues.

The primary element of this is the evaluation of the Asheville Police Department (APD) protest response. Council had originally requested a dual pronged approach - An internal review of the decision making process performed by the City Attorney's Office, and a full evaluation of the response by an outside agency. Thereafter, Council made the determination it would not move forward with the external evaluation. As a result, the Public Safety Committee reviewed the alternative options and made the following recommendations:

- The first recommendation was the City Attorney's Internal Review would still be completed and presented to Council, and
- APD would now perform a full after-action review of events and officer conduct from the protests.
    - This will include a report on findings, and
    - Any appropriate discipline will flow from this, but
    - Laws on personnel privacy will limit what is shared.
- Upon these recommendations by the Committee, APD has already started their evaluation process.
- The Internal Review will also be completed shortly, and it is my intent to present this to the full Council at the Sept. 8th meeting.

- The second recommendation from the Committee involved the Release of Body Cam Footage taken during the protests to the Council.
    - This action requires direction from the full Council.
    - Taken up later

- The last three recommendations discussed by the Committee were: (1) Seeking expert advice and recommendations on best practices for crowd control tactics; (2) Establishing a means for participants of the recent demonstrations to share their accounts of police interactions; and (2) Reviewing potential policy changes such as use force allowances.
- Regarding the last item on the City's use of force and officer conduct policies, he reported that some of this effort is also already underway.
    - Recently, the Governor appointed a task force on Racial Equity in Criminal Justice, and it just released its recommendations. Two of those applied directly to Local law enforcement agencies.
    - First, the Task Force recommended that all such agencies in North Carolina enact a policy articulating a duty to intervene and report in any case where a law enforcement officer may be a witness to what they know to be an excessive use of force or other abuse of a suspect or arrestee.

- Next, the Task Force recommended that all North Carolina law enforcement agencies enact a Use of Force policy that, at a minimum, prohibits neck holds in all cases, "unless necessary to protect the life of the officer." (Currently, our policy allows for this action when it is "reasonably believed to be necessary within the guidelines and in compliance with the law.")
- Now that we have received these recommendations from the Governor's committee, the City Attorney's office is coordinating with APD on reviewing and implementing these policy updates.

- As for the remaining items,(*Seeking expert input on future crowd control practices, and providing a means to receive the accounts of protests participants)* City staff intends to continue to work directly with the Public Safety Committee to bring these matters forward for more information at the next Public Safety meeting.

City Attorney Branham, along with City Manager Campbell, responded to various questions/comments from Council.

A. UPDATE ON CITY COUNCIL VACANCY

Mayor Manheimer said that Vijay Kapoor has resigned as a Council member and Council has to appoint the vacancy. Thirty applications have been submitted. The following individuals applied for the vacancy left by former Councilman Vijay Kapoor: Andrew R. James, Cory Bell, Corey Michael Boughton, Jonathan King, Lawrence E. Pierce, Nicholas Blaise Schulten, Patsy Keever, Robert Elijah Thomas Jr., Tracey Ann Jacobson, William E. Greene, ZaKiya Bell-Rogers, Dema Badr, Sandra Kilgore, Erin Connors, Monisha Mills, Pratik Bhakta, Sharon K. West, Myra Grant, Tim Kelley, Catherine Rosfjord, Albert Norman, Angela Hope McManhan, James Vaughn, Brain Loftus, S. Antanette Mosley, Nina Tovish, Adarrell Gadsden, Richard G. Lee III, George Sieburg and Andrew Fletcher.

Mayor Manheimer explained the process in that the City Clerk had asked for Council's top 2 choices for interviews. After tallying the results, City Council will interview the following candidates on September 8, 2020: Robert Elijah Thomas Jr, ZaKiya Bell-Rogers, Sandra Kilgore, Pratik Bhakta, S. Antanette Mosley and Richard G. Lee III. She noted that all the interviewees received at least one Council request to be interviewed. Interviews will be held on September 8, 2020, in this remote meeting format and open to the public. Each interview will be 20 minutes. City Council will also vote at their September 8 meeting on the new member, who will be sworn in on September 22. There is no prohibition on a candidate reaching out to City Council prior to the interviews.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO AMEND THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT 5-YEAR CONSOLIDATED ACTION PLAN

Vice-Mayor Wisler moved to continue this public hearing to amend the U.S. Dept. of Housing & Urban Development 5-Year Consolidated Action Plan until October 13, 2020. This motion was seconded by Councilman Young and carried unanimously by roll call vote.

B.1. PUBLIC HEARING TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE AMENDING SECTION 7-2-5 DEFINITIONS, 7-11-3 (d), 7-12-2(e)2(d) AND ESTABLISHING A NEW SECTION 7-9-1 RESOURCE MANAGEMENT

OVERLAY DISTRICT, AND A NEW ARTICLE XIX TREE CANOPY PRESERVATION

PUBLIC HEARING TO AMEND THE FEES & CHARGES MANUAL FOR FISCAL YEAR 2020-21 TO ESTABLISH A FEE-IN-LIEU OF OPTION FOR TREE REMOVAL (LAND, ADMINISTRATION, INSTALLATION)

Mayor Manheimer said the three public hearings regarding the tree canopy preservation ordinance will be discussed as one, along with one public hearing. However, each of the three actions will require an individual vote.

Site Planning & Development Division Manager Chris Collins said that this is the consideration of (1) an amendment to the Unified Development Ordinance to amend Section 7-2-5 Definitions, 7-11-3(d), 7-11-3(f)2, 7-12-2(e)2(d) and establishing a new Section 7-9-1 Resource Management Overlay District, and a new Article XIX Tree Canopy Preservation; and (2) amending the Fees & Charges Manual for Fiscal Year 2020-21 to establish a fee-in-lieu of option for tree removal (land, administration, installation).

Background:

- New standards will create existing canopy-sensitive requirements for preservation and replanting of existing tree canopy when most land development activity occurs.
- These standards are designed to incentivize and promote existing canopy preservation over newly planted trees.
- In addition to centering around canopy preservation, the proposed text amendment will introduce requirements to preserve trees in commercial development and minor subdivisions where those requirements do not currently exist.
- The draft zoning standards have been reviewed by city staff from the Development Services Department, Planning & Urban Design and the City Attorney's office.
- Additionally, the draft ordinance has been presented to and/or reviewed by the Urban Forestry Commission, the Planning & Economic Development Committee, the Downtown Commission, the Development Customer Advisory Group, the Sustainability Advisory Committee and the Asheville Chamber of Commerce & Economic Development.
- City staff presented the ordinance at a public webinar hosted by Asheville Greenworks on August 19.
- The ordinance has received positive feedback from the Development Customer Advisory Group and support from the Urban Forestry Commission.
- On 7/1/2020, the Planning & Zoning Commission (PZC) recommended denial of the wording amendment while expressing concerns with the lack of concessions for affordable housing, the effect upon cost of development and possible barriers to increased density in the downtown area.
- In response to the PZC recommendation, staff has conducted an analysis of projects receiving LUIG funds for affordable housing over the last 5 years and found some to be in compliance already and all to be likely to meet the requirements via planting or preserving trees.
- All housing developments in the City, including affordable housing developments, are likely to benefit greatly from enhanced and increased tree canopy. The inclusion of affordable housing developments in the application of the ordinance accordingly addresses important environmental justice and equity concerns.
- The Resource Management Districts referenced by this ordinance are proposed as an overlay district as a separate item on this agenda.

Comprehensive Plan Consistency: This proposal best aligns with the *Living Asheville Comprehensive Plan* themes of 'A Livable Built Environment' and 'Harmony with the Natural Environment' plan sections that include the following goals:

- Make Streets More Walkable, Comfortable and Connected;
- A Healthy and Expanding Urban Tree Canopy;
- Protect Land and Water Assets; and
- Encourage Naturalized Stormwater Management Techniques, Goal 25, Outcome 2: Minimize growth of impervious surfaces citywide.

In addition, this proposal is consistent with and supports the *Planning for Climate Resilience* (Appendix D of the Comprehensive Plan) as a means to reduce vulnerability and risk due to climate change.

Council Goal(s):

- A well-planned and livable community
- A clean and healthy environment

Committee(s):

- On October 22, 2019 and January 14, 2020, the Development Customer Advisory Group (DCAG) reviewed the proposal.
- On 02/17/2020, the Urban Forestry Commission reviewed the proposal and unanimously recommended support.
- On February 10, 2020 the Planning & Economic Development Committee reviewed the proposal.
- On February 19, 2020 the Sustainability Advisory Committee reviewed the proposal.
- On July 1, 2020 the Planning & Zoning Commission voted to recommend denial of the proposal by a 6-1 vote.

Pro(s):

- Proposed changes will change the focus of the City's tree save provisions to a canopy area based requirement and more directly equate to canopy preservation and provision on privately owned property.
- Multiple options for compliance are built into the ordinance, making the application for a variance a very unlikely option.
- Creates tree preservation and provision requirements for development types that currently have none.
- Allows for a fee-in-lieu payment option when development sites and projects cannot physically comply with planting and preservation requirements which allows for an equitable distribution of tree canopy through administration of the program.
- Will affect an overall reduction in the rate of loss of tree canopy in the City of Asheville.
- Creates a predictable and easy-to-follow process for land development applicants which generally correlates to success in implementation.

Con(s):

- Does not outright disallow the removal of existing trees from sites.
- May increase the financial cost of development on some sites.

Fiscal Impact:

- The ordinance establishes a fee-in-lieu of option, whose specifics are outlined below. These funds would be required to be spent for tree canopy only within a similar district and therefore would not have an overall fiscal impact on the City's operations or budget.

	Current Fee	Proposed New Fee
Fee-In-Lieu for Tree Removal - Land, Admin, and Installation - Downtown	$0.00	$31.44
Fee-In-Lieu for Tree Removal - Land, Admin, and Installation - Urban	$0.00	$5.42
Fee-In-Lieu for Tree Removal - Land, Admin, and Installation - Suburban	$0.00	$4.54
Tree Removal	$0.00	$100.00

- Existing staff will administer the ordinance and no additional Full Time Equivalents are requested at this time.

General highlights are as follows: (1) Allows trees preserved for other UDO requirements to be used; (2) Replaces ground area based Tree Save requirements; (3) Requires permits for future removal of trees in the Tree Canopy Preservation Areas; (4) Allows for multiple methods of calculating existing canopy; (5) Incentivizes preservation over replanting with measurement flexibility and lower total canopy requirements; and (6) Multiple methods of compliance are available. Associated tree changes also include (1) Street Trees: Introducing requirement for developer to maintain for a period of two (2) years after Certificate of Occupancy; and (2) Speculative Grading: Introducing changes to disallow mass grading (including tree removal) on sites without an approved development plan.

The payment in fee component has three components: (1) Average Per Square Foot Land Cost within Resource Management District; (2) Average Cost of Tree Installation Per Square Foot of Tree Canopy; and (3) Administrative Fee to Cover Cost of Administration of Fee-in-Lieu Program.

The key takeaways include (1) Creates a new predictable and flexible requirement to preserve, install or pay a fee-in-lieu of tree canopy for many development types; (2) Provides heavy incentives to preserving valuable existing tree canopy over planting new canopy or paying a fee; and (3) Applies requirements for shade and canopy to all developments within the City outside of one and two family residential units.

Staff recommends approval of the proposed zoning text amendment to establish new standards for Tree Canopy Preservation in Articles II and VII and with the new Article XIX because this is consistent with the *Living Asheville* comprehensive plan in that it directly furthers several goals of the plan while promoting specific Council goals as well.

B.2. PUBLIC HEARING TO CONSIDER ALLOWING THE INITIAL ZONING TO APPLY THE NEW RESOURCE MANAGEMENT OVERLAY DISTRICT TO ALL PROPERTIES LOCATED WITHIN THE CITY OF ASHEVILLE CORPORATE LIMITS

Site Planning & Development Division Manager Chris Collins said that this is the consideration of an ordinance to allow the initial zoning to apply the new Resource Management Overlay District to all properties located within the City of Asheville corporate limits. This public hearing was advertised on August 14 and 21, 2020.

Project Location and Contacts:

- This applies to all properties located within the City of Asheville corporate limits.
- This is a city initiated zoning action led by the Development Services Department with support from the Urban Forestry Commission.

Summary of Petition:

- The application of the Resource Management Overlay District is necessary to support and effectuate the proposed Tree Canopy Preservation development ordinance.
- Session Law 1985-556 titled "AN ACT AS TO THE CITIES OF ASHEVILLE AND RALEIGH CONCERNING TREE REGULATION AND TO ALLOW THEM TO EXERCISE EMINENT DOMAIN POWERS FOR OPEN SPACE" authorizes the City of Asheville to, "Preserve, protect and enhance" trees and other plantings in "resource management zoning districts". This zoning petition is intended to establish a new resource management zoning district as an overlay zoning district.

Comprehensive Plan Consistency:

- This proposal is consistent with the *Living Asheville Comprehensive Plan* aligning with key goals in the *Harmony with the Natural Environment* plan section including "Implement Green Infrastructure and Enhance the Urban Tree Canopy" (p. 208), "Mitigate Flooding and Erosion" (p. 216) and "Protect Land and Water Assets" (p. 218). In addition, this proposal supports the *Planning for Climate Resilience* (Appendix D) as a means to reduce vulnerability and risk due to climate change.

Compatibility Analysis:

- The purpose of the Resource Management Overlay District is to create the regulatory structure to broadly apply a new tree protection standard to all properties in the city that will support efforts to enhance the natural environment and improve climate resilience. As this will apply to all properties, compatibility is ensured.

Council Goal(s):

- A well-planned and livable community
- A clean and healthy environment

Committee(s):

- On July 1, 2020, the Planning & Zoning Commission voted to recommend denial of the proposal due to concerns regarding the associated wording amendment (also denied) and the extent of the authority granted by Session Law 1985-556 which placed stricter requirements on developers.

Pro(s):

- Will be applied broadly across all properties in the city, ensuring consistency and compatibility.
- Supports efforts towards tree canopy preservation and related goals.
- Helps to mitigate vulnerability and risk related to climate change.
- Authority is provided by state law.
- Provides a zoning/regulatory framework for future environmental mitigation.

Con(s):

- Adds a zoning layer and level of review to new development.
- Could increase the cost of development in some instances.

Fiscal Impact:

- There is no direct fiscal impact.

Vice-Mayor Wisler and Councilwoman Mayfield thanked all the staff outreach and work on this ordinance.

Councilwoman Mayfield noted that the Urban Forestry Commission has reached out to the Housing Authority for their housing developments.

Mayor Manheimer opened the public hearing at 6:35 p.m.

Three individuals spoke in support of the tree canopy preservation ordinance.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for the public hearing on an amendment to the Unified Development Ordinance to amend Section 7-2-5 Definitions, 7-11-3(d), 7-11-3(f)2, 7-12-2(e)2(d) and establishing a new Section 7-9-1 Resource Management Overlay District, and a new Article XIX Tree Canopy Preservation will be accepted for an additional 24 hours. Therefore, Councilman Young moved to recess this item until September 8, 2020, at which time this public hearing will be voted. This motion was seconded by Councilwoman Smith and carried unanimously by roll call vote.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for the public hearing to amend the Fees & Charges Manual for Fiscal Year 2020-21 to establish a fee-in-lieu of option for tree removal (land, administration, installation) will be accepted for an additional 24 hours. Therefore, Councilwoman Mayfield moved to recess this item until September 8, 2020, at which time this public hearing will be voted. This motion was seconded by Councilman Young and carried unanimously by roll call vote.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for the public hearing on the ordinance to allow the initial zoning to apply the new Resource Management Overlay District to all properties located within the City of Asheville corporate limits will be accepted for an additional 24 hours. Therefore, Councilwoman Mayfield moved to recess this item until September 8, 2020, at which time this public hearing will be voted. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

C. PUBLIC HEARING RELATIVE TO AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE OPEN SPACE REQUIREMENTS

Vice-Mayor Wisler moved to continue this public hearing to amend the Unified Development Ordinance to update open space requirements until October 27, 2020. This motion was seconded by Councilman Young and carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

Regarding the Multimodal Transportation Commission, the following individuals applied for the vacancy: Sandy Aldridge, Kristen Goldsmith and John Bausone. It was the

recommendation of the Chair of the Multimodal Transportation Commission, recommendation of the Boards & Commissions Committee, and consensus of Council to re-advertise for the vacancies.

Regarding the WNC Air Quality Agency Board, Mr. Garry Whisnant applied for the vacancy. It was the consensus of the Boards & Commissions Committee and City Council that the seat be re-advertised.

RESOLUTION NO. 20-149 - RESOLUTION APPOINTING A MEMBER TO THE AFRICAN AMERICAN HERITAGE COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the African American Heritage Commission.

The term of DeWayne Barton expired on July 1, 2020.

The following individuals applied for the vacancy: Aaron D. Griffin Sr., Robert Elijah Thomas Jr., and Thomas Ryan.

The Boards & Commissions Committee recommended reappointing DeWayne Barton.

Vice-Mayor Wisler moved to reappoint DeWayne Barton as a member of the African American Heritage Commission to serve an additional three-year term, term to expire July 1, 2023, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 – PAGE 423

RESOLUTION NO. 20-150 - RESOLUTION APPOINTING A MEMBER TO THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Greater Asheville Regional Airport Authority.

Ms. Stephanie Brown has resigned, thus leaving an unexpired term until June 30, 2020.

The following individuals applied for the vacancy: Tom Hunter and Susan Russo Klein.

House Bill 1154 was passed by the N.C. General Assembly to stagger the terms of some members of the Airport Board. This legislation affects the term of the City Council appointment of the vacancy by Ms. Brown. This legislation changes the term of this new Board member to a three-year term beginning on July 1, 2020, and then upon expiration of this term, the next term will be for a term of four years. The reason for this legislation is to help stagger the terms so that there are no more than 2 members rolling off the Airport Board on any given year.

At the recommendation of the Airport Authority's CEO, the Boards & Commissions Committee recommended appointing Susan Russo Klein.

Vice-Mayor Wisler moved to appoint Susan Russo Klein as a member of the Greater Asheville Regional Airport Authority to serve the unexpired term of Ms. Brown, term to expire June 30, 2020, and then a full three-term, term to expire June 30, 2023, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 – PAGE 424

RESOLUTION NO. 20-151 - RESOLUTION APPOINTING MEMBERS TO THE AUDIT COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Audit Committee.

The terms of Scott Farkas (CPA seat) and W. Scott Powell expired on May 1, 2020.

No one applied for the vacancies.

Boards & Commissions Committee recommended reappointing Scott Farkas (CPA seat) and W. Scott Powell.

Vice-Mayor Wisler moved to reappoint Scott Farkas (CPA seat) and W. Scott Powell as members of the Audit Committee, to each serve a three-year term respectively, terms to expire May 1, 2023, or until their successors are appointed. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 – PAGE 425

RESOLUTION NO. 20-152 - RESOLUTION APPOINTING A MEMBER TO THE BOARD OF ADJUSTMENT

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Board of Adjustment.

Mr. Daniel Summerlin (Regular member) passed away, thus leaving an unexpired term until January 21, 2023.

The following current Alternates applied for the vacancy: Suzanne Godsey, Carter Webb, Rob Carroll and John Michael Kledis.

The following individuals applied for the vacancy: David Angelus and Rick Freeman.

The Boards & Commissions Committee recommended appointing Carter Webb to the Regular seat filling Mr. Summerlin's unexpired term; and appointing David Angelus to the Alternate seat vacated by Mr. Webb - term to expire January 21, 2021.

Vice-Mayor Wisler moved to appoint (1) Carter Webb as a Regular member of the Board of Adjustment to serve the unexpired term of Mr. Summerlin, term to expire January 21, 2023, or until his successor has been appointed; and (2) appoint David Angelus as an Alternate member of the Board of Adjustment to serve the unexpired Alternate term of Mr. Webb, term to expire January 21, 2021 and then a full three-year term, term to expire January 21, 2023, or until his successor has been appointed.. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 – PAGE 426

RESOLUTION NO. 20-153 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Asheville-Buncombe Historic Resources Commission.

Mr. Craig Cline and Mr. Gordon McKinney have resigned, thus leaving two unexpired terms until July 1, 2022. In addition, the terms of Emily Spreng and Will Hornaday expired on July 1, 2020.

The following individuals applied for the vacancy: Lucy A. Kruesel, J. Wagner and Amanda Vollrath.

It was the recommendation of the Boards & Commissions Committee to reappoint Emily Spreng and Will Hornaday, and re-advertise for candidates with a stronger historical background.

Vice-Mayor Wisler moved to (1) reappoint Emily Spring and Will Hornaday as members of the Asheville-Buncombe Historic Resources Commission to each serve a three-year term respectively, terms to expire July 1, 2023, or until their successors have been appointed; and (2) re-advertise for the two additional vacant seats. This motion was seconded by Councilman Hayes and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 – PAGE 427

RESOLUTION NO. 20-154 - RESOLUTION APPOINTING MEMBERS TO THE HUMAN RELATIONS COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Human Relations Commission.

Nieva Arana and Bettie Council have resigned as members of the Human Relations Commission, thus leaving two unexpired terms until June 1, 2021. In addition, Pearl DeBellott has resigned as a member of the Human Relations Commission, whose term expired June 1, 2020. The terms of Mychal Bacoate, Patrick Conant, Ivan Melchor, Tiffany De'Bellott, Davidson Jones and Chris Winebrenner expire on June 1, 2020.

The following individuals applied for the vacancy: Susy Chandler, Melissa Ray, Sam Franklin, Bernie Lee Miller, Veronica Colt, ZaKiya Bell-Rogers, Alexandra DiSclarfani, Britni Worley and Raynetta Waters.

On January 14, 2020, the Boards & Commissions Committee, at the request of the Human Relations Commission, requested these vacancies remain open until June, 2020.

It was the recommendation of the Boards & Commissions Committee to reappoint Ivan Melchor, Tiffany De'Bellott, Davidson Jones and Chris Winebrenner; and to appoint ZaKiya Bell-Rogers and Raynetta Waters. In addition, it was the consensus of the Committee to re-advertise for the three additional vacant seats.

Vice-Mayor Wisler moved to (1) appoint Ranetta Waters as a member of the Human Relations Commission to serve the unexpired term of Ms. Arana, term to expire June 1, 2021, or until her successor has been appointed; (2) appoint ZaKiya Bell-Rogers as a member of the Human Relations Commission to serve the unexpired term of Ms. Council, term to expire June 1, 2021, or until her successor has been appointed; (3) reappoint Ivan Melchor, Tiffany De'Bellott, Davidson Jones and Chris Winebrenner to each serve an additional two-year term respectively, terms to expire June 1, 2022, or until their successors have been appointed; and (4) re-advertise

for the three additional vacant seats. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, five individuals spoke to Council, including, but not limited to the following comments: the state of policing in Asheville; defunding the Asheville Police Department; intentionally limiting public comment; removal of Police Chief David Zack; need for a participatory budget; invest 50% of Asheville Police Department budget in long-term safety strategies; immediate hiring freeze within the Asheville Police Department; concern with modern and progressive crowd control techniques; support leaving existing tree canopy and if replaced, replace with native species; reduction in speaking time for the budget public hearing; reduction in number of officers on the streets; technical difficulties at the July 28 budget public hearing not allowing everyone who signed up to speak; Council's rules of decorum; and on-line advanced speaker process.

Closed Session

At 7:04 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(1). The laws that make the information privileged and confidential are N.C. Gen. Stat. § 143-318.10(e), and N.C. Gen. Stat. § 160A-168; and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, a judicial action. The statutory authorization is contained in N.C. Gen. Stat. § 143-318.11(a)(3). This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

At 7:50 p.m., Vice-Mayor Wisler moved to come out of closed session. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 7:50 p.m.

Magdalen Bleiker
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday - September 8, 2020 - 2:30 p.m.

City Council Vacancy Interviews

Mayor Manheimer announced the two options for the public to watch the interviews.

City Council interviewed S. Antanette Mosley, ZaKiya Bell-Rogers, Robert E. Thomas Jr., Pratik Bhakta, Richard G. Lee III and Sandra Kilgore for the open seat on City Council left by former Councilman Vijay Kapoor.

Tuesday – September 8, 2020- 5:00 p.m.

Regular Meeting

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson.

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS/ANNOUNCEMENT:

A. DELIBERATION AND VOTE OF NEW CITY COUNCIL MEMBER

City Attorney Branham explained the process for appointing a new Council member per City Council Rules. The Mayor will open the floor for nominations. Each Council member may nominate a candidate from the six candidates. No second is required. Once no more nominations are made, then the Mayor will close nominations. The Mayor will then open the discussion. After discussion, a roll call vote will be taken - every Council member must vote. If no candidate receives 4 votes, the vote will need to be taken again until a candidate receives 4 votes. If no candidate receives 4 votes, and it seems unlikely to be resolved at the current meeting, the Mayor may recess this agenda item to be taken up at a later date. The Council does have a legal duty to appoint a new member, but no timeframe is required to complete the appointment.

Councilwoman Smith nominated S. Antanette Mosley. Vice-Mayor Wisler seconded the nomination. Councilwoman Smith explained why she felt Ms. Mosley would be the appropriate person to fill the vacant seat.

Councilman Haynes nominated Robert E. Thomas Jr. No second of the nomination is required. Councilman Haynes explained why he felt Mr. Thomas would be the appropriate person to fill the vacant seat.

Vice-Mayor Wisler and Councilman Young were very impressed by all the candidates and acknowledged this is a very difficult decision to put yourself in front of public scrutiny. They appreciated their dedication and interest in this position.

Mayor Manheimer closed nominations.

Mayor Manheimer called for a roll call vote:

Vice-Mayor Wisler - Mosley
Councilman Haynes - Thomas
Councilwoman Mayfield - Mosley
Councilwoman Smith - Mosley
Councilman Young - Thomas
Mayor Manheimer - Mosley

Mayor Manheimer was pleased to announce S. Antanette Mosley as the new City Council member filling the unexpired term of former Councilman Vijay Kapoor, whose term will expire in December, 2022. Ms. Mosley will be sworn in on September 22.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON AUGUST 25, 2020

B. RESOLUTION NO. 20-156 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH CDM SMITH INC. TO PERFORM AN ARC FLASH HAZARD ANALYSIS STUDY

Action Requested: Adoption of a resolution authorizing the City Manager to execute a Professional Services contract with CDM Smith, Inc. for the proposed amount of $289,780 to perform an Arc Flash Hazard Analysis study.

Background:

- On February 14, 2020, the City of Asheville Water Resources Department (WRD) issued a Request for Qualifications (RFQ) from qualified firms with proven experience and expertise to provide professional and engineering services for an Arc Flash Study encompassing the City of Asheville Water Treatment Plants, Pumping Stations, and associated assets.
- An arc flash is a type of electrical explosion or discharge that results from a connection through air to ground or another voltage phase in an electrical system.
- The study identifies the level of risk to staff, proper labeling of equipment and personal protective equipment required, and any retrofitting of equipment to provide a safe working environment for operation and maintenance.
- Brown and Caldwell of Charlotte, NC, GHD of Charlotte, NC, and CDM Smith of Raleigh, NC were the companies who responded to the Arc Flash RFQ.
- CDM was chosen due to their experience performing Arc Flash studies for municipal systems.
- Because upgrades and modifications have occurred at both the treatment facilities and pump stations throughout their operational life cycle, there is a need to analyze these facilities for electrical safety and provide training to staff.
- The scope of services to be performed by CDM Smith include: project meetings, data collection, model development, Arc Flash Study, equipment labeling and safety training.

Vendor Outreach Efforts:

- Through a qualifications based selection process CDM was chosen due to their experience performing Arc Flash studies for municipal systems.
- No other vendor outreach was performed.

Council Goal(s):
- Financially Resilient City. A Clean and Healthy Environment

Committee(s):
- None

Pro(s):
- CDM Smith, Inc. has provided Engineering Services on water system improvement projects.
- Their experience and knowledge of water systems will minimize staff support and input.
- This project is aligned with the City's and the Water Resources Department's goal of continued investment and improvement of the City's water system through Capital Improvement Projects to provide safe and reliable service.

Con(s):
- A delay in the project could impact the safety of staff and facilities.

Fiscal Impact:
- The funding needed for this agreement is currently allocated within the Storage Tanks and Pumps Capital Improvement Projects (CIP).

Motion:
- Move to adopt a resolution authorizing the City Manager to execute a Professional Services Agreement with CDM Smith, Inc. for the proposed amount of $289,780 to perform an Arc Flash Hazard Analysis study for three water treatment facilities and pump station facilities.

RESOLUTION BOOK NO. 41 - PAGE 431

B. ORDINANCE NO. 4822 - BUDGET AMENDMENT FOR CARES ACT ROUND 2 PROVIDED THROUGH THE NC PANDEMIC RECOVERY OFFICE'S AND BUNCOMBE COUNTY

Action Requested: Adoption of a budget amendment in the amount of $1,063,224 to establish a budget in the City's Special Revenue Fund for the second round of funding that the City has received from Buncombe County as part of the State's Coronavirus Relief Fund (CRF).

Background:
- The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) is a $2 trillion economic stimulus bill passed by Congress and signed into law in March 2020 in response to the economic downturn caused by the COVID-19 pandemic. The State of North Carolina received $7.6 billion from the CARES Act.
- On May 4, 2020 North Carolina Governor Roy Cooper signed session law 2020-4 which appropriated $150 million from this funding to NC counties via the Coronavirus Relief Fund (CRF).
- Buncombe County received approximately $4.5 million from this first round of CRF funding and shared $943,771 with the City of Asheville. City Council approved a budget amendment for this first round of CRF funding on July 28, 2020.
- On July 1, 2020 Governor Cooper signed session law 2020-80 which appropriated an additional $150 million in CRF funding to NC counties, with Buncombe County receiving approximately $5.1 million from this second round of CRF funding.

- As with the first round of funding, Buncombe County shared a portion of the second round of funding with other governments in the county based on the local sales tax distribution formula. Under this formula, the City of Asheville received $1,063,224.
- City staff has identified COVID-19 related expenses that are anticipated prior to December 30, 2020 and are eligible for reimbursement under federal and state guidelines, and have submitted a plan for these expenses to Buncombe County.
- The NC Pandemic Recovery Office (NCPRO) has provided guidance regarding reporting requirements related to CRF funds which indicate that CRF funding should be budgeted and accounted for in a special revenue fund.
- To be in compliance with this guidance, staff is recommending City Council approve a budget amendment in the amount of $1,063,224 to establish a budget for the City's second round of CRF funding.

Council Goal(s):
- A Financially Resilient City

Pro(s):
- Ensures the City is in compliance with accounting and reporting requirements recommended by the State of North Carolina.

Con(s):
- None.

Fiscal Impact:
- Funding from the second round of CRF will be utilized for COVID-19 related expenses that the City incurs prior to December 30, 2020. This amendment will allow staff to consolidate all expenses in a single project in the City's Special Revenue Fund.

Motion:
- Motion to adopt a budget amendment in the amount of $1,063,224 to establish a budget in the City's Special Revenue Fund for the second round of funding that the City has received from Buncombe County as part of the State's Coronavirus Relief Fund (CRF).

ORDINANCE BOOK NO. 33 - PAGE 122

C. RESOLUTION NO. 20-157 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDED CONTRACT WITH GRIFFIN WASTE SERVICES FOR RENTAL AND MAINTENANCE OF PORTABLE TOILETS AND HANDWASHING STATIONS FOR PUBLIC USE

Action Requested: Adoption of a resolution authorizing the City Manager to execute an amended services contract with FusionSite Asheville, LLC, (hereinafter referred to as "Griffin Waste Services") in the amount of $154,000 for rental and maintenance of portable toilets and handwashing stations for public use.

Background:
- Due to the COVID-19 pandemic and resulting closure of public and private buildings in March 2020, portable restrooms and handwashing stations were deployed for public use as an emergency response as recommended by the City-County Emergency Operations Center and City Manager's Office.
- Griffin Waste Services in Asheville was an existing provider of services to City facilities prior to the pandemic and the only contractor identified in the region with the capacity to fulfill the services required.
- Portable restrooms and handwashing stations were installed at the following locations:

- ART Station, Coxe Ave.
- Pritchard Park, College St.
- Pack Square Park, S. Market St.
- City Hall *(no handwashing station - hand sanitizer only)*
- Wall Street
- Haywood Street Congregation, 298 Haywood St.
- A-Hope / Homeward Bound, 19 N. Ann St.
- ABCCM Medical Ministry, 155 Livingston St.
- ABCCM, Cumberland Ave.
- 12 Baskets, 610 Haywood Rd.

- As authorized by the City Manager, a contract was established with Griffin Waste Services in June 2020 for an amount not to exceed $89,000 for rental, routine cleaning, and daily maintenance of the units.
- The contract is projected to reach $89,000 by the end of September. However, the need for portable restrooms and handwashing stations is expected to continue until the COVID-19 emergency declaration is canceled.
- An amended contract with Griffin Waste Services to increase the total by $65,000, from $89,000 to $154,000, will allow the vendor to perform the work through December 2020.

Vendor Outreach Efforts:

- At the start of the pandemic, staff searched for all providers throughout Western North Carolina, Greensboro, NC, Charlotte, NC, and Greenville-Spartanburg, SC, and engaged in a search for national providers including options to lease or purchase equipment. Griffin Waste Services, recently merged with Able Rent-a-Jon, was the only local vendor with available capacity. Griffin Waste Services is not a minority or women-owned vendor and staff has not found any MWBE providers in the area through the North Carolina HUB directory or City database.

Council Goal(s):

- A well-planned and livable community
- A clean and healthy environment
- Emergency Response

Committee(s):

- None

Pro(s):

- Supports basic public health needs during a Pandemic
- Costs are eligible for reimbursement from FEMA or COVID Relief Funding

Con(s):

- Some business owners have been unhappy with the location of the facilities.

Fiscal Impact:

- Funding for the portable toilets and handwashing stations contract is coming from grant dollars that the City has received from Buncombe County as part of the State's Coronavirus Relief Fund (CRF).

Motion:

- Move to adopt a resolution authorizing the City Manager to execute an amended services contract with Griffin Waste Services in the amount of $154,000 for rental and maintenance of portable toilets and handwashing stations for public use.

Mayor Manheimer announced that there were no advanced live call-ins for items on the Consent Agenda.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

III. PRESENTATIONS & REPORTS:

A. ONE BUNCOMBE FUND

Assistant City Manager Richard White introduced Ms. Kit Cramer, President and CEO of the Asheville Area Chamber of Commerce, who gave a brief presentation on the One Buncombe Fund. She said the purpose of One Buncombe is to provide a donation portal to support relief efforts and to provide relief to individuals and businesses impacted by COVID-19. At the March 24th regular meeting, the Board of Commissioners voted to create the "One Buncombe" fund, a COVID-19 relief fund. The Board set an April 7th public hearing meeting to authorize $200,000.00 in economic development appropriations in accordance with GS 158-7.1 and Ch. 166A. At the March 24th City Council meeting, Council voted to participate in the Buncombe County Service Foundation (BCSF) One Buncombe Fund; to consider an appropriation of $100,000 from City Fund Balance; and to set the public hearing for April 14, 2020, for consideration of the economic development appropriation in accordance with G.S. 158-7.1 and Ch. 166A.

The structure is (1) Utilizes the nonprofit Buncombe County Service Foundation as fiscal entity; (2) Board of Directors recruited with specific focus on administering One Buncombe funds; (3) 2/3 of funds support small business assistance; 1/3 of funds support individual assistance; (4) Individual assistance provider = Buncombe County Health and Human Services; and (5) Small business loan provider = Mountain BizWorks.

The results are that we raised $1.375M from Mar-Aug 2020 - $200K from Buncombe County; $100K from the City of Asheville; and $1.075M from the community ... including individual gifts, corporate sponsorships & grants ranging in size from $5 to $100,000

The goal was to support 1,000 individuals and 100 businesses:

Individual Support Program	Business Loan Program
1,048 – # of households served	92 – # of loans made (218 applications submitted)
$453,057 – funds provided	$852,800 – funds provided
$432-avg provided per household	674 – jobs retained

Using charts, she explained the results for individual assistance and the business loan program. Loans were made in all 15 Buncombe County zip codes. She spoke about leveraging additional relief sources for Buncombe small businesses.

The One Buncombe Board has disbanded. BCSF will return to its previous activities, which include approving donations for county services, such as foster children, clinical health, farm heritage trail, etc. BCSF board will not take on any One Buncombe - related business. Loan funds anticipated to begin being repaid to One Buncombe beginning fall 2020.

On behalf of City Council, Mayor Manheimer thanked Ms. Cramer and the entire Board for their hard work on this very important effort.

B. MANAGER'S REPORT - 30/60/90 DAY WORK PLAN

City Manager Campbell provided the following presentation overview: (1) On June 9, staff presented a 30/60/90 Day Work Plan and over the past several meetings have updated Council and the community on our work; (2) The 30/60/90 Day Work Plan was developed in response to numerous requests from the Black Asheville Demands coalition to address specific racial justice and economic inclusion issues; (3) The Work Plan reflects when we would **start** working on these requests; and (4) Making progress on all the items listed, highlight a few but will focus most on the request to Defund the Police by 50% or to *"Divest resources from the APDs' budget and Invest in long-term safety strategies."* Community Engagement efforts.

Regarding 30 days (1) Resolution to remove monuments and creation of task force (a) Vance monument scaffolded; Lee monument removed; and (b) Task Force held first official meeting on Sept. 3. Cortina Caldwell was selected as the facilitator for the task force. They will meet on Thursdays from 4:30 - 6:30 pm; and (2) Work with the community on the renaming of streets (a) Continuing Community Engagement to develop next steps; and (b) Project page will be posted this week.

Regarding 60 days, (1) Continue partnering with Asheville City Schools (ACS) and Buncombe County Schools to address Opportunity Gaps (a) Parks and Recreation partnering with ACS to create community learning centers or learning pods in city facilities; (b) Two sites are currently up and running, serving about 40 students. Additional sites will be open next week; (c) Anticipate serving up to 300 students as we develop the program and open other locations; and (d) Operate 7 days a week 8:00am to 8:00p.m. The program is designed to provide safe in-person learning opportunities for small groups of school-age children while social distancing. Although the major emphasis will be on schoolwork and academics, Parks and Recreation staff will also provide supervised and socially distanced recreational opportunities for participating students; (2) Initiate conversations with the district attorney's office regarding the probation decision for Mr. Hickman (a) City Attorney's office working with DA's office and Restorative Justice process related to probation process; and (b) Meeting is scheduled later this week to follow-up with community members; and (3) Initiate conversations to Defund the Police budget by 50% Defund/Divest/Invest Strategy.

Regarding 90 days (work underway), (1) Provide protocol, practices and resource allocation data from the Equity and Inclusion Department on our City Website (a) The City owns several properties that were taken through Urban Renewal. We have identified these properties and will not dispose of or sale any of these properties until the City adopts a policy that outlines a process for disposing of this property; (b) The Reparations Commission (or committee) may be involved in this discussion; and (c) Council's Planning and Economic Development Committee will be discussion this tomorrow at their meeting; (2) Utilize best practices to recruit people of color (a) Human Resources and individual departments working on recruitment strategies; (3) Develop Race and Gender Conscious Policy in response to the disparity study as part of City contracting and procurement; (b) Draft Policy completed and renamed to Business Inclusion Policy (a) Previously indicated that Council would review Sept. 8; and (c) Policy being sent to

Council's Planning and Economic Development Committee to start the review process at their meeting on Sept. 9.

The goal for reimagining public safety in asheville is *"Determine how the City of Asheville structures department responsibilities and community partnerships in a way that promotes racial equity and economic inclusion."*

Regarding the public engagement process, (1) Step 1 (complete): Get feedback on an approach from key focus groups; (2) Step 2 (in process): Host Community Meetings; and (3) Step 3: Report, Recommendations and Implementation.

The selected facilitators are Shemekka Ebony Coleman, Glenn Thomas and Christine Edwards.

Regarding the public engagement process, (1) Hosted Kick Off Session with Key Community Leaders on Thursday, September 3; (2) 99 community leaders invited, 30 attended; and (3) Focused on getting community leaders to share information about the process and to encourage involvement and participation. She then provided the details for the 6 listening sessions. The reimagining public projects page includes (1) www.ashevillenc.gov; (2) includes most up to date information; (3) information and links to register for Listening Sessions and drop in sessions; (4) link to the survey; (5) timeline; (6) background; and (7) 2,214 views as of this morning. Some results from the reimagining public safety online survey include (1) 1,293 people have participated in the survey; and (2) We have representation from all groups identified as most impacted, AND we will stay committed to getting those numbers up.

Targeted Outreach Emails, Texts, and Calls: Beloved Asheville; Burton Street; Do the Write Thing / Asheville City Schools DropOut Prevention; Downtown Businesses; East End / Valley Street Neighborhood; My Daddy Taught Me That; My Sister Taught Me That; Shiloh Community Association; and Word on the Street. Social Media: Daily Posts included (1) Facebook - Posted on group sites totaling 25,356 members; and (2) Nextdoor - Entire Service Area is 26,674. Other Media includes (1) WRES Radio Interview with Debra - tomorrow at 9:30; and (2) Press Releases.

The next step fo the public engagement process includes report, Recommendations and Implementation (1) Develop Preliminary Recommendations for Divesting/Investing (Sept. 3- 22); (2) Implementation of first round of Divesting/Investing Strategies (Sept. 22 and on-going); and (3) Begin next round of discussions Nov./Dec.

C. CITY ATTORNEY'S INTERNAL REVIEW OF POLICE RESPONSE TO PROTESTS

City Attorney Branham provided City Council with his internal review of the Asheville Police Department (APD) response to protests. In late May and early June of 2020, the City of Asheville experienced several public protests relating to the enduring national problem of police brutality, institutional racism, and the unlawful and unjustified killing of George Floyd on May 25, 2020. The Asheville Police Department responded to these protests which included the use of force against some protestors. APD officers were assisted by other local police agencies as well as the National Guard. A City-wide curfew was established by Mayoral declaration from June 2nd - June 5th which restricted public protesting nightly after 8:00 pm. The City has received numerous complaints regarding the operational response by APD during the protests. The City Council determined that a thorough and transparent assessment of that response was necessary.

The Evaluation Performed in Two Phases - Phase 1 - City Attorney's Internal Review of Operational Decision Making; and Phase 2 - APD Investigative Assessment. * *NOTE: This Dual*

Phased Internal Approach was recommended by The Public Safety Committee during its July 28th Meeting, and affirmed by the full Council on Aug. 25.

He outlined the City Attorney's internal review process: Interviews conducted by the City Attorney's Office - All members of City Council; City Manager; Chief of Police; Deputy Chief of Police; and APD Command Staff. Media reports, communications, and body cam footage were also reviewed. The interview focus areas were: Utilization of riot gear; Calling in the National Guard, and other police agencies; Use of tear gas; Use of less than lethal projectiles; Use of force on the Jeff Bowen Bridge; and Elimination of supplies at the "medic tent".

The scope of review of the report (1) Limited to events occurring from Friday, May 29 - Saturday, June 6th; (2) Facts established from Internal Sources only; (3) Focused on Decision Making Process; and (4) No Opinions/Conclusions regarding actions taken. * *NOTE - Decisions on appropriateness of officer actions will be addressed in APD after action review, including any disciplinary measures.*

General response to protestors included (1) Increased response began on Sunday, May 31 and diminished by June 6; (2) APD requested assistance from outside agencies; and (3) Deployment of Crowd Control Unit ("CCU"). All tactical response decisions were made by APD. Chief Zack provided information and updates to the City Manager; and City Council updated by City Manager.

Regarding utilization of crowd control gear and munitions (1) "Riot Gear" and Tear Gas only carried by the CCU (Less than 40 Members) (a) Sting Balls (hand thrown devices with rubber projectiles); (b) Pepperball Launchers (Similar to Paintball Guns); (c) Some non CCU officers also carry Pepper Ball projectiles; and (d) APD does not possess or utilize Rubber Bullets; (2) All Officers had authority to utilize the less than lethal equipment carried (a) Upon direction of field commander; and (3) CCU Field Commander requested confirmation of authority to use Tear Gas Chief Zack affirmed the authorization. * *NOTE - Manager was informed of Tear Gas use after the decision was made.*

Regarding request for outside agency assistance, (1) APD anticipated protests to grow; (2) Shared Resource Agreements allowed APD to request outside agency assistance; and (3) As APD officers became fatigued, National Guard assistance also requested. The APD made a unilateral decision to request outside police personnel. National Guard was a joint decision (Mayor, City Manager, Chief of Police). More than 100 officers, and 100 guardsmen assisted the APD. * *NOTE: No Council Members, other than Mayor, played a role.*

Regarding Police interactions with protestors on Jeff Bowen Bridge, (1) First use of the CCU, and their specialized equipment (23 officers); (2) After second entry onto I-240, APD utilized pepperballs and tear gas to disperse crowd from the interstate; and (3) Warnings to "Disperse" and about use of "Chemical Munitions" were issued prior to tear gas use. Tear gas authority was affirmed by Chief Zack, but decision made in the field. Manager was informed of the use of "hard gear". City Council was updated via email (as well as social media accounts). Neither Council nor Manager provided any tactical input.

Regarding Police interactions with protestors at the "Medic Tent", (1) On June 2nd, APD field commanders made Chief Zack aware of this area; (2) Chief was advised that it was being used to resupply and redeploy protestors; (3) Chief Zack authorized the removal of this facility; and (4) Use of force methods were determined by field commander. City Manager and City Council were not consulted prior to this event. They became aware of this only after the fact through social media. * *NOTE: "Medic Tent" was not permitted by the City.*

He concluded by saying (1) All "Tactical" Decisions made during protests by the APD; (2) City Manager only provided direction to Chief to "Keep people safe."; (3) No Member of City Council provided direction to the Manager or.APD - Exception: Mayor and Manager's discussion re: National Guard; (4) Chief Zack made decision to deploy Crowd Control Unit; (5) And affirmed pre-existing authority the use of tear gas if necessary; and (6) All other decisions to use less than lethal equipment made in the field.

Regarding the APD Use of Force, May 29 - June 6: 57 arrests made; 12 APD officer injuries reported; and 1 outside formal complaint against officer actions.

The entire written report was previously provided to all Council Members. The report contains a more detailed analysis of each category of decision making. The report includes (1) Timeline of Events; (2) List of Less Than Lethal Equipment; and (3) Arrest Data.

Councilman Haynes felt that the facts are less than accurate as we have yet to hear from any protestors who have first hand knowledge of what they experienced. Even though no rubber bullets were used, sting balls contain rubber projectiles. The report seems to rationalize the events around the medic tent and actions of the police. He was curious to see the next phase which is how these responses should look like in the future. In the Public Safety Committee earlier in the day, they were told the APD Investigative Assessment will take 90 days. He feels that we need to start discussions now to determine what is appropriate.

Vice-Mayor Wisler said that at the Public Safety Committee earlier that day, they made it clear, after hearing this report and from Police Chief Zack, that we are hearing things from the Police Chief that are contradictory to what we are hearing from the public and seeing on the videos. The Committee asked him to see what he could do to reconcile those differences.

City Attorney Branham explained that his report was very narrowly focused on how decisions were made by internal staff. He felt that we were able to paint a clear picture on how those decisions were made, but did not endeavor to make any determinations about the appropriateness of the actions. For this review, he felt it sufficient to interview only those people involved in the decisions made. It's important to note that this report draws no conclusions regarding city personnel. Those particular instances have been reserved for the second Phase 2.

Councilwoman Mayfield said that people have been asking how City Council could let this happen. She hoped that everyone understands that City Council did not have any role in the decisions about how everything unfolded on those evenings. By state law, we are not allowed to have that responsibility. It is frustrating, but that is our structure. She agreed with Councilman Haynes that we should not have to wait 90 days before having conversations about how other communities are managing large public demonstrations.

Councilman Young agreed that we need to take an intentional effort in working through these issues on an accelerated timeframe as community members want to see something happen sooner.

In response to Councilwoman Smith regarding shared resource agreements, City Attorney Branham said that the agreements allow you to request additional support. They do not go into detail regarding the type of equipment carried. The additional support carry their own equipment.

Councilwoman Smith believes the third phase of the will be the most powerful. We will need help in determining how that looks. She did not want people to lose faith in the process of divesting and reinvesting in the community. She agreed we must not wait the 90 days until we move forward with determining how the actions will be handled in the future.

City Manager Campbell said that we will be bringing in experts on crowd management, experts about 21st Century policing and using information for reimagining public safety. These things are on a parallel track and we need to synthesize all information to one end - guide us into the future with trust, accountability and truth.

Councilwoman Mayfield was disappointed to see that only one official complaint was received. She understood that some people are afraid to report complaints. She asked if the City can create a safe way for the people to register complaints about their experiences related to public conduct.

D. UPDATE ON HOTEL DEVELOPMENT STUDY, PROPOSED ZONING FRAMEWORK AND PUBLIC FEEDBACK ON THE STUDY

Director of Planning & Urban Development Todd Okolichany provided an update on the hotel development study. A brief history includes: (1) Since 2015, 1,344 hotel rooms have opened in the COA out of approximately 2,761 total rooms that have been approved, representing an annual growth of approximately 4%; (2) Community members, staff and Asheville City Council have expressed concerns about the impact of hotels; (3) City currently lacks concrete policies, strategies and tools to effectively manage the impacts of these uses; (4) Lack of direction resulting in uncertainty for developers, staff and community members; (5) Asheville City Council adopted a temporary one-year moratorium on new hotel applications in September 2019; (6) 39% of hotels approved in CBD since 2015; and (7) Moratorium is allowing us to perform research and make recommendations.

The need is (1) To effectively respond and provide some level of certainty and to determine acceptable hotel development proposals, City needs to enhance its land use policies, tools and strategies to better regulate this land use; and (2) Consideration of additional hotel development suspended to provide the time needed to determine impacts and remedies.

He reviewed the hotels development study timeline beginning on September 24, 2020. The focus of this study is to look at hotel development impacts and develop recommendations. City contracted with Urban Land Institute (ULI) in Fall 2019. ULI provides unbiased, pragmatic advice through the Technical Assistance Panel (TAP) process. ULI in Asheville twice in January. Held two public workshops and multiple focus group sessions and interviews. City staff prepared a briefing report on hotel development impacts. ULI report in March on recommendations, which we will review later in this presentation. Additional public engagement in Spring 2020. Our goal is for Council review of recommendations in Summer 2020.

Questions answered through the Urban Land Institute (ULI) Technical Assistance Panel (TAP) Process included (1) What is the appropriate balance of hotels; (2) How can Asheville leverage hotel development to meet city goals; (3) Should the city consider special requirements for hotel development in certain areas; and (4) How can the city work with hoteliers and other stakeholders to reduce negative impacts and better integrate hotels into the community. These questions served as the framework for the TAP process.

Issues identified through the ULI TAP process include (1) Need to balance the economic benefits of tourism and hotel development with other community needs; (2) The hotel development approval process needs more predictability and transparency; (3) The community is concerned about the impacts of hotel development on the character of the city and quality of life; (4) Policy and regulatory tools can help manage hotel development approvals. In February 2020, City Council directed staff to: (1) Re-establish hotels as a permitted use in select zoning districts and areas, including criteria and standards; (2) Incentivize public benefits; and (3) Identify design

improvements.

At the February 2020 City Council work session on hotels, Council directed staff to pursue the following recommendations during the hotel moratorium: (1) Revenue generating: Require license agreement for city right-of-way during hotel construction; and (2) Regulatory: Re-establish hotels as a permitted use in select zoning districts and areas, including criteria and standards (a) Incentivize public benefits; (b) Identify design improvements; (c) Evaluate traffic impact analysis threshold; and (d) Develop valet parking standards.

ULI TAP recommendations - incentive based approach (1) public benefits; (2) overlay & standards; and (3) design review.

Public engagement included (1) Website, blog posts, FAQs; (2) Public input survey with educational video; (3) Focus groups - Neighborhoods, Hoteliers, Architects & designers, Tourism industry, Downtown, and River Arts District; (4) Boards and commissions - Downtown and Riverfront; and (5) Sustainability community partners. One thousand, two hundred and fifty-six people participated in the online survey. There were 13,525 responses and 3,286 comments.

Revisions based on public engagement include (1) Reduced the extent of areas suitable for hotel development (a) Direct development away from residential areas; (b) Greater focus on protecting historic districts; and (c) Protect viewshed corridors; (2) Changed the definition of small hotels; and (3) Made adjustments to Public Benefits Table.

The project schedule is as follows: (1) September 2: Planning & Zoning Commission meeting for initial review of draft regulations and map amendments; (2) September 8: City Council public hearing to extend hotel moratorium to November 24; (3) September 22: City Council vote to extend hotel moratorium; (4) September 23: Planning & Zoning Commission review and recommendation on draft zoning regulations and map amendments; (5) October 27: City Council initial review of draft hotel development zoning regulations and map amendments; and (6) November 10: City Council vote on zoning regulations and map amendments.

Staff recommends Council extend hotel development moratorium due to public engagement delays and staff redeployment.

Mr. Okolichany responded to various questions/comments from Council, some being, but are not limited to: what is the difference between regulations and guidelines; is there an opportunity for Council review of the standards prior to the ordinance coming to City Council for consideration; what does the design review process look like; are there new design review guidelines for hotels; will the guidelines be mandatory compliance or voluntary compliance; what happens if a developer gets a negative recommendation from the design review body; what are some items in the public benefit component; will staff provide Council with some examples of how the point system would have worked with some existing hotel developments; can hotels be prohibited throughout the City as a right; and what areas of the City now allow hotel development as a right.

Councilman Haynes did not support taking away Council's ability to review any hotel projects.

Because there was considerable discussion on this issue, it was the consensus of Council to hold a worksession.

In response to Vice-Mayor Wisler about extending the temporary moratorium for just two months, Mr. Okolichany explained that staff's goal is to have this map overlay and standards adopted by City Council before the moratorium ends on November 24 because if the moratorium

expires, it will go back to status quo. City Attorney Branham explained that if staff thinks that it will take longer than 2 months to address the problem identified, he felt that was within the possible legal rights to extend the moratorium longer. We cannot take longer than the need to complete the task. He advised Council that we should keep in mind that the limitation has already gone one year and the longer it goes on, the more suspect the legal moratorium will be. The next item on the agenda is the public hearing on the temporary extension. He felt that Council will hear public comment and then make a determination at the September 22 meeting, when the ordinance is voted on, the appropriate extension time.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER EXTENDING THE TEMPORARY MORATORIUM ON HOTEL DEVELOPMENT DUE TO DELAYS ASSOCIATED WITH THE COVID-19 PANDEMIC

Director of Planning & Urban Development Todd Okolichany said that this is a public hearing to consider extending the temporary moratorium on hotel development approvals within the City of Asheville for two months due to delays associated with the COVID-19 Pandemic. This public hearing was advertised on August 28 and September 4, 2020.

Background:

- In response to concerns raised by community members and City Council regarding the significant influx of new hotel rooms into the City of Asheville over the past few years with 2,761 total rooms approved and 1,344 rooms opened since 2015 (39% within the central business district), the City of Asheville adopted Ordinance No. 4766 on September 24, 2019 establishing a temporary moratorium on new hotel development until September 24, 2020 in order to take actions to address this issue.
- While the City was able to accomplish many of the actions proposed in the moratorium ordinance to address the problems and conditions related to new hotel development, the City's ability to complete those proposed actions within the original time period set for the moratorium has been significantly impaired by the COVID-19 pandemic, the Emergency Declarations made at the State and Local levels and related restrictions imposed to ensure public health and safety.
- Consequently, more time is needed to complete the originally proposed actions.
- N.C.G.S. 160A-381 authorizes cities to extend a temporary moratorium on development approvals if new facts or conditions warrant an extension.
- It is proposed that the moratorium be extended by two months to November 24, 2020, in order to allow the time necessary to complete the actions proposed to address the issues and concerns regarding new hotel development.
- During the duration of the moratorium, city staff have taken reasonable steps to study the issues and develop recommendations.
- The following actions were proposed as part of the original moratorium imposition and the majority of the work has been completed:

  Phase 1 (three months)
  - Contract with the Urban Land Institute Charlotte District Council to conduct a planning process that includes two community engagement sessions, analysis of the hotel industry, assessment of impacts, research of best practices, and a report on best land use practices and policy recommendations for hotel development.

  Phase 2 (up to nine months)
  - Supplemental research and analysis by city staff, creation of a community engagement plan, and draft regulatory changes, strategies and tools for Council consideration.

- The draft regulatory changes were presented to the Planning and Zoning Commission at their meeting on September 2, 2020, but additional time is needed for Council consideration.
- Staff recommends that the temporary moratorium on new hotel development be extended in order to address the issues and concerns regarding new hotel development.
    - The COVID-19 pandemic delayed opportunities for community engagement early in the planning process
    - During the pandemic, city staff and resources were redirected to address other priority community needs
    - Additional time is needed to complete the hotel development study, conduct additional community engagement, draft the proposed zoning amendments and present the new zoning amendments to the Asheville City Council for consideration of adoption.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- City Council - August 25, 2020 - motion setting a public hearing on September 8, 2020, to consider extending a temporary hotel moratorium on hotel development, approved 7-0.

Pro(s):

- Gives the city time to better understand the impacts of new hotel development and mitigation requirements.
- Allows for research of best practices and to enhance the city's land use policies, tools and strategies.
- Will provide clearer direction to applicants of new hotel developments, City Council and the community.

Con(s):

- No new hotels will be approved during the moratorium extension period.

Fiscal Impact:

- None

After hearing the discussion on the hotel development study earlier in this meeting, and because a City Council worksession will be scheduled with the possibility of having to go back to the Planning & Zoning Commission, staff now recommends that the temporary moratorium on new hotel development be extended for five months until February 23, 2020, in order to address the issues and concerns regarding new hotel development. Mr. Okolichany said that City staff will work hard to complete the study earlier if possible.

Mayor Manheimer opened the public hearing at 7:51 p.m.

From advanced live call-ins, two individuals spoke in support of extending the hotel moratorium.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Wisler moved to recess this item until September 22, 2020, at which time this public hearing will be voted. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

A. ORDINANCE NO. 4823 - ORDINANCE TO ALLOW THE INITIAL ZONING TO APPLY THE NEW RESOURCE MANAGEMENT OVERLAY DISTRICT TO ALL PROPERTIES LOCATED WITHIN THE CITY OF ASHEVILLE CORPORATE LIMITS

Mayor Manheimer said that this public hearing was held on August 25, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

After receiving additional written public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to apply a new Resource Management Overlay District and find that the request is reasonable, is in the public interest and is consistent with the Comprehensive Plan and other adopted plans in the following ways: the zoning action will, 1) support a plan to preserve and enhance the urban canopy, and 2) protect land and water assets by applying protection standards more broadly, and 3) build climate resilience by reducing risk and vulnerability to flooding, erosion and landslides. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

ORDINANCE BOOK NO. 33 – PAGE 123

B.1. ORDINANCE NO. 4824 - ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE AMENDING SECTION 7-2-5 DEFINITIONS,7-11-3(d), 7-11-2(f)2, 7-12-2(e)2(d) AND ESTABLISHING A NEW SECTION 7-9-1 RESOURCE MANAGEMENT OVERLAY DISTRICT, AND A NEW ARTICLE XIX TREE CANOPY PRESERVATION

ORDINANCE NO. 4825 - ORDINANCE TO AMEND THE FEES & CHARGES MANUAL FOR FISCAL YEAR 2020-21 TO ESTABLISH A FEE-IN-LIEU OF OPTION FOR TREE REMOVAL (LAND, ADMINISTRATION, INSTALLATION)

Mayor Manheimer said that these public hearings were held on August 25, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

After receiving additional public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the proposed wording amendments to Articles II and VII and XII of the UDO and to add a new Article XIX to the UDO and find that the proposed amendments are consistent with the city's comprehensive plan in that the amendment will 1) preserve and enhance the urban tree canopy creating a more comfortable environment; 2) better protect land and water assets improving the health of the community; and 3) build climate resilience by reducing risk and vulnerability to flooding, erosion and landslides. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

ORDINANCE BOOK NO. 33 - PAGE 126

After receiving additional public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve an ordinance amending the fees and charges manual for Fiscal Year (FY) 2020-21 to establish a fee-in-lieu of option for tree removal (land, administration, installation). This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

ORDINANCE BOOK NO. 33 – PAGE 137

VI. NEW BUSINESS:

A. BOARDS & COMMISSIONS

RESOLUTION NO. 20-158 - RESOLUTION APPOINTING MEMBERS TO THE PLANNING & ZONING COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Planning & Zoning Commission.

The terms Sandra Kilgore, Laura Berner Hudson and Joe Archibald, as members of the Planning & Zoning Commission expired on August 14, 2020.

The following individuals applied for a vacancy: Sherrye Coggiola, Kimberly Levi and Roosevelt Harvin.

Vice-Mayor Wisler said that the Boards & Commissions Committee did not meet to review these applications.

Vice-Mayor Wisler moved to (1) reappoint Sandra Kilgore and Joe Archibald, as members to the Planning & Zoning Commission respectively, terms to expire August 14, 2023, or until their successors have been appointed; and (2) appoint Kimberly Levi as a member of the Planning & Zoning Commission to serve a three-year term, term to expire August 14, 2023, or until her has been appointed. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 – PAGE 433

RESOLUTION NO. 20-159 - RESOLUTION APPOINTING A MEMBER TO THE BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Buncombe County Tourism Development Authority (an individual actively involved in the tourist business who has participated in tourism promotion and does not own or operate hotels, motels, or other taxable tourist accommodations).

The term of Andrew Celwyn (an individual actively involved in the tourist business who has participated in tourism promotion and does not own or operate hotels, motels, or other taxable tourist accommodations) as a member of the Buncombe County Tourism Development Authority expired on August 31, 2020.

The following individuals meet the requirements and have applied for the vacancy: Clair Greear, Bethany Vance, and Ruth Summers.

Vice-Mayor Wisler again noted that the Boards & Commissions Committee did not meet to review these applications.

Vice-Mayor Wisler moved to reappoint Andrew Celwyn as a member of the Buncombe County Tourism Development Authority (an individual actively involved in the tourist business who has participated in tourism promotion and does not own or operate hotels, motels, or other taxable tourist accommodations) to serve an additional three-year term, term to expire August 31, 2023, or until his has been appointed. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 – PAGE 434

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, four individuals spoke to Council, including, but not limited to the following comments: support continued moratorium on the building of new hotels in Asheville; continue work on reparations; police brutality during the protests.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:20 p.m.

Magdalen Burleson
CITY CLERK

Esther E Manheimer
MAYOR

Tuesday – September 22, 2020- 5:00 p.m.

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilwoman S. Antanette Mosley; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson.

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

A. ANNOUNCEMENT OF NEW COUNCILWOMAN S. ANTANETTE MOSLEY

Mayor Manheimer announced that Buncombe County Chief District Court Judge J. Calvin Hill administered the oath to S. Antanette Mosley earlier in the day. On behalf of City Council, she welcomed Councilwoman Mosley to the Asheville City Council.

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 8, 2020

B. RESOLUTION NO. 20-160 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH CDM SMITH INC. TO INCREASE THE WATER SYSTEM DISTRIBUTION PROJECT - PHASE 2 - PROFESSIONAL SERVICES CONTRACT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a change order with CDM Smith Inc. in the amount of $699,514 to increase the Water System Distribution Project 2 – Professional Services Contract from a total amount of $884,124 to $1,583,638.

Background:

- On February 27, 2018, City Council adopted a resolution to authorize the City Manager to execute a professional services contract with CDM Smith, Inc. for the Water System Distribution Project 2.
- The original total contract was for a not-to-exceed amount of $884,124 and the project work included: a survey, a hydraulic analysis, engineering design, construction administration, and other related professional services for approximately 10,600 linear feet of 24" potable water transmission main and all associated appurtenances along Patton Avenue from Craven Street to Haywood Road.
- The original transmission main alignment along Patton Avenue assumed construction would be within the travel lanes and therefore the survey and preliminary design was performed for the new water transmission main to be located within the NCDOT right-of-way only.
- On April 8, 2019, the preliminary plan was submitted for the required NCDOT Encroachment Agreement, which would allow the new water transmission main to be

located within the NCDOT right-of-way; however this Encroachment Agreement was denied by NCDOT in accordance with its policy to not allow utilities to be placed under the roadway. Within the past five years, NCDOT has increased its enforcement of this policy.

- The Water Resources Department appealed the decision to deny the NCDOT Encroachment Agreement via the hardship appeal process procedure provided by NCDOT. The hardship appeal was based on impacts to private property and additional project cost; however the appeal was also denied.
- Because of the denial of the NCDOT Encroachment Agreement and subsequent appeal, the proposed water transmission main alignment had to be changed to be outside the NCDOT right-of-way to be installed within private property throughout the project corridor.
- This change in alignment of the 24" water transmission line created the requirement for an additional survey to be performed and a new design drawing to be developed which added a significant cost increase to the professional services contract.
- Also moving the new water transmission main onto private property creates the need to obtain 37 permanent and temporary construction easements for the installation of the proposed transmission main which requires additional funds to be added to the project for easement acquisition specialists, preparation of easement plats and documents, appraisals and purchase of the necessary easements. These efforts and associated costs were not considered in the original contract scope since the plan did not impact private property.
- Over the course of the design phase, CDM Smith also discovered three (3) North Carolina Department of Environmental Quality – Division of Waste Management (DWM) sites located adjacent to the new alignment requiring the additional services for assessment of potential impacts from residual contamination associated with the three sites.
- Water Resources Staff requested that the consultant provide an amended scope with the additional tasks and cost outlined. The proposed change order request is based on the amended scope.
- It is anticipated that the final project design and easement acquisition will take approximately 9 months being completed by July 2021. Following completion of the design phase, construction of the project is projected to begin in September 2021 with an 18 month duration.

Vendor Outreach Efforts:

- Not applicable, change to an existing contract

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None.

Pro(s):

- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects to provide safe and reliable service.

Con(s):

- None

Fiscal Impact:

- The funding needed for the professional services agreement is currently allocated within the Water Resources Capital Improvements Project Fund in the Small Waterline Replacement Projects.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a change order with CDM Smith Inc. in the amount $699,514 to increase the Water System Distribution Project 2 – Professional Services Contract from a total in the amount of $884,124 to $1,583,638.

RESOLUTION BOOK NO. 41 - PAGE 435

C. RESOLUTION NO. 20-161 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH T&K UTILITIES INC. FOR THE WATER SYSTEM NEIGHBORHOOD ENHANCEMENT PROJECT AREA 5 PART 1 PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to execute a construction agreement with T&K Utilities, Inc., for the Water System Neighborhood Enhancement Project Area 5 Part 1 Project.

Background:

- On July 28, 2020, the Water Resources Department (WRD) issued an Advertisement for Bids for the Water System Neighborhood Enhancement Project Area 5 Part 1 Project.
- The scope of work for this project includes the installation of approximately 12,100 LF of 6-inch, 5,000 LF of 8-inch, and 1,200 LF of 12-inch ductile iron water line along with related appurtenances and materials required to complete the work located along various streets within the following areas:
  - Muirfield Subdivision
  - Mills Gap Road
  - Swannanoa River Road
  - S. Tunnel Road
  - Brookwood Road
  - Brevard Road
  - Hazel Mill Road
  - Joe Jenkins Road
- This proposed project has been determined to be a critical installation that will increase the water systems reliability by replacing undersized and older waterlines that have high failure rates and also by providing improved water pressure and flow characteristics for domestic service and fire fighting capabilities.
- Companies responding were:
  - T&K Utilities, Inc.; Asheville, NC – Bid: $3,810,200
  - Patton Construction Group; Asheville, NC – Bid: $3,992,500
  - T.P. Howard's Plumbing Company, Inc.; Fairview, NC – Bid: $4,050,000
  - Cooper Construction Company, Inc.; Hendersonville, NC – Bid: $4,053,202
  - Buckeye Bridge, LLC; Canton, NC – Bid: $4,180,455.30
  - NHM Constructors, LLC; Asheville, NC – Bid: $4,714,706
  - Teraflex Group, LLC; Williston, ND – Bid: $4,723,114.20
  - Thomas Construction Company, Inc.; Johnson City, TN – Bid: $5,838,960
- Following a review of the bids by City Staff and WK Dickson & Co., Inc., the project engineers; T&K Utilities, Inc.was selected as the lowest responsible, responsive bidder.
- The WRD requests authorization to contract with T&K Utilities, Inc. for the bid amount of $3,810,200 plus a 10% contingency in the amount of $381,020 for a total project budget in the amount of $4,191,220.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through the solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- MWBE owned businesses are being utilized as subcontractors for traffic control and asphalt paving by prime contractors.

Council Goal(s):

- A Financially Resilient City and a Clean and Healthy Environment.

Committee(s):

- Not Applicable.

Pro(s):

- This project is aligned with the City and the Water Resources Department goal of continued investment and improvement of the City's water system through Capital Improvement Projects to provide safe and reliable service.

Con(s):

- None.

Fiscal Impact:

- Funds needed for this construction agreement are already budgeted in the "Small Waterline Replacement Projects" within the Water Resources Capital Improvement Fund.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a construction agreement with T&K Utilities, Inc., for the Water System Neighborhood Enhancement Project Area 5 Part 1 Project.

RESOLUTION BOOK NO. 41 - PAGE 436

D. RESOLUTION NO. 20-162 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A RENEWAL AGREEMENT FOR AUTOMATIC AID SERVICE WITH REEM'S CREEK FIRE DEPARTMENT

Action Requested: Adoption of the renewal of the automatic aid agreement between the City of Asheville and Reems Creek Fire Department.

Background:

- In August 2013, City Council approved a resolution authorizing a multi-year agreement with Reem's Creek Fire Department for automatic aid service
- The City of Asheville has a need to strengthen its standard of response and cover in the Beaverdam Valley and the Reem's Creek Fire Department is the most appropriate organization to provide the service
- The initial agreement costs were $82,656 and as stipulated in the agreement, the costs are to be adjusted every year based on the consumer price index
- After seven years of positive consumer price index increases, the renewal for the FY20-21 services cost and are budgeted at $91,733.36
- The term of the renewal agreement will end June 30, 2021

Vendor Outreach Efforts:

- No other vendors are able to provide this service
- There are no Minority & Women-Owned Business Enterprise (MWBE) firms able to provide this service

Council Goal(s):
- Connected and Engaged Community

Committee(s):
- None

Pro(s):
- Allows standard of cover to be met greater than 90% of the time.

Con(s):
- Fiscal impact.

Fiscal Impact:
- Execution of the agreement renewal is budgeted at and costs $91,733.36.

Motion:
- Motion to adopt a resolution authorizing the City Manager to enter into a renewal agreement for automatic aid service between the City of Asheville and Reems Creek Fire Department.

RESOLUTION BOOK NO. 41 - PAGE 437

E. RESOLUTION NO. 20-163 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A 2020 CONTRACT WITH THE N.C. DEPT. OF PUBLIC SAFETY FOR HAZARDOUS MATERIALS EMERGENCY RESPONSE SERVICES

Action Requested: Adoption of 2020 Contract Agreement for the State Regional Hazardous Materials Response Team Number Six (6).

Background:
- North Carolina is divided into seven geographical regions for the purpose of hazardous material emergency response.
- The North Carolina Department of Public Safety contracts with municipalities across North Carolina to respond into the geographical regions and provide technician level hazardous materials emergency response.
- The region's six areas encompass the westernmost twenty counties.
- The City of Asheville has been a regional hazardous materials provider since Fiscal Year 1994-1995.
- The State of North Carolina provides funding that fully supports the operational costs of the program.
- The City receives $69,000 annually for administration, equipment, training, medical surveillance, and workman's compensation.
- The truck and equipment provided to the City by the State for use on State and local hazmat missions are valued at $1.5 million.
- The City is reimbursed at 100% of the costs expended when the team is deployed for a state mission.
- City Council approved an extension of the current agreement due to circumstances surrounding COVID-19, the North Carolina Department of Public Safety Division of Emergency Management wanted to activate the fifth-year extension clause of the

agreement for four months with the City of Asheville for Hazardous Materials Emergency Response Services from July 1, 2020 through October 31, 2020.
- The new agreement is for November 1, 2020 - June 30, 2024.

Vendor Outreach Efforts:
- Contract is with the State of North Carolina Department of Public Safety Division of Emergency Management.

Council Goal(s):
- Smart City

Committee(s):
- None

Pro(s):
- The State of North Carolina provides the hazardous materials response truck, all response equipment and provides for administrative costs of operating the team.
- In addition, the state funds extensive training for members of the Asheville Fire Department to enable us to competently handle hazardous materials emergencies.
- The City of Asheville has full use of the truck and all specialty equipment within the City of Asheville.
- Without the state hazardous materials contract, Asheville taxpayers would need to provide much of the resources necessary to properly respond to hazardous materials emergencies within Asheville.
- With the contract, we have the advantage of the equipment and resources being funded at the state level, rather than at the local level.
- During the twenty nine years that the City has provided regional hazardous materials response services, the City has not experienced difficulties or disadvantages with the program. This program is also consistent with the City's Strategic Operating Plan in partnership.
- Firefighter and citizen safety will be enhanced.

Con(s):
- None have been identified or known at this time

Fiscal Impact:
- The City receives a $69,000 reimbursement annually for training, equipment, medical surveillance, and worker's compensation.

Motion:
- Move to adopt a resolution authorizing the City Manager to enter into the four year contract agreement with the North Carolina Department of Public Safety to provide regional hazardous materials emergency response for region 6.

RESOLUTION BOOK NO. 41 - PAGE 438

F. RESOLUTION NO. 20-164 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH CAROLINA SPECIALITIES CONSTRUCTION LLC, FOR THE EXPANSION OF THE SKYLAND FIRE DEPARTMENT LOCATED AT 9 MILLER ROAD SOUTH TO ACCOMMODATE OPERATIONAL NEEDS FOR FIRE STATION #4

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Carolina Specialities Construction, LLC. in the amount of $524,516 to renovate a

building for Fire Station #4; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $68,187 (13%).

Background:

- AFD Station #4 was built in the mid 1990's as a 6,800 sq. ft. building that is attached to the end of the existing Skyland Fire Department building at 9 Miller Road.
- At the time, the City owned portion of the station was not fully built-out for the fire department, and until recently, AFD shared the space with an Asheville Police substation. As a result, the City of Asheville Fire Department occupied shared living quarters with the Skyland Fire Department.
- The Skyland Fire Department has identified a need for the space that AFD currently occupies and has requested that the City vacate the shared space.
- This project will renovate the existing City owned space to create living quarters and dedicated operations space for Fire and allows the City to completely vacate the Skyland portion of the building.
- The project will include interior renovations, building envelope repairs, and high efficiency mechanical systems.
- Skyland Fire & Rescue has asked AFD to vacate their portion of the facility by May 1, 2021.
- Bids were advertised on August 12, 2020. The City received and opened seven bids on September 3, 2020. The names of the contractors and bid amounts (with selected alternates) are listed below:
    - B.A.M. Construction, Inc., *Claremont, NC* $543,710.00
    - Carolina Specialties Construction, LLC., *Hendersonville, NC* $524,516.00
    - First Victory, Inc., *Brevard, NC* $535,742.48
    - H&M Constructors, *Asheville, NC* $552,900.00
    - J. Bartholomew Construction, LLC., *Hendersonville, NC* $642,190.00
    - Patton Construction Group, Inc., *Asheville, NC* $592,860.00
    - Simpson Young Construction, LLC., *Arden, NC* $559,693.55
- Carolina Specialties Construction, LLC. was the lowest responsible responsive bidder.
- This project will start immediately with a target substantial completion date of April 1, 2021.
- The property and the building are owned by Skyland Volunteer Fire Department.
- *The City is in year 25 of a 99 year lease of $1 per year agreement. The agreement allows for Skyland FD to sell the property. If they do so, the agreement states that the City shall receive the fair market value of the City's portion of the building structure. These improvements are considered "the City's portion" of the building.*

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services. None of the general contractors that bid on the project were WMBE.
- Carolina Specialties Construction will subcontract with AOA Signs, Inc. which is a Woman-Owned business located in Yadkinville, NC.

Council Goal(s):

- A well-planned and livable community
- A thriving local economy
- A clean and healthy environment

Committee(s):

- None

Pro(s):
- A better workplace/living environment for Asheville Fire Fighters.
- The work will not impact the current operations at the station.
- High Efficiency HVAC System Upgrade (*In collaboration with the Office of Sustainability*)
- Seven bids were received and all were close to the construction cost estimate.

Con(s):
- Although this project will bring the facility into full operation, it will still be undersized in comparison to contemporary fire stations.

Fiscal Impact:
- Funding for this contract is already included in the adopted Capital Improvement Program budget.

Motion:
- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Carolina Specialities Construction, LLC. in the amount of $524,516 for the Fire Station #4 Renovation project; and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $68,187 (13%).

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G. RESOLUTION NO. 20-165 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH CAVANAUGH AND ASSOCIATES TO DEVELOP, FACILITATE AND COMPLETE THE REQUEST FOR PROPOSALS PROCESS FOR SELECTION OF ADVANCED METERING INFRASTRUCTURE SYSTEM

Action Requested: Adoption of a resolution authorizing the City Manager to execute a supplemental agreement to the master agreement in the amount of $175,520 with Cavanaugh and Associates to develop, facilitate, and complete the RFP process for the selection of a new Advanced Metering Infrastructure (AMI) system and third-party contract manufacturer and installer.

Background:
- The City's customer water metering system consists of approximately 60,000 meters which are read mainly using drive-by Automated Meter Reading (AMR) radio technology.
- The City installed its current metering system from 2009-2012. The Automated Meter Reading equipment is reaching the end of its lifecycle and is beginning to fail.
- Advancements in metering technology have greatly increased this lifecycle and increased warranty periods.
- This issue requires staff to begin the process of implementing a long-term strategy for meter asset management.
- During FY19, Meter Services collaborated with the Customer Service, GIS, IT, and Administrative management staff to form a Customer Metering Task Force. The task force developed a customer metering strategic plan with technical support from Cavanaugh and Associates.
- A business-case recommendation was developed for the City of Asheville.
- This recommendation includes a wholesale replacement of all 2" and smaller water meters with new meter assemblies, implementing a fixed-base network meter reading system, AMI and retrofit meters 3" and larger to the AMI reading system.

- The recommended mechanism for product selection and installation is utilization of a third-party contract manufacturer and installer, procured via Request for Qualifications & Proposal (RFP) process.

Vendor Outreach Efforts:

- Through a qualifications-based selection process beginning in February 2020, the City of Asheville selected nine consulting firms to provide on-call professional services for an array of different types of water system projects.
- Cavanaugh and Associates was one of the selected firms due to their expertise in areas of non-revenue water, metering systems, etc.
- The City of Asheville entered into a master agreement with Cavanaugh and Associates on August 31, 2020 for on-call professional services valid for three years with the option to renew for two additional years.
- If approved, the proposed services described here within will be developed into a subcontract under the conditions of the master agreement.
- City of Asheville Water Resources Staff determined that utilizing the on-call professional services for General Projects was the best method to deliver this project and Cavanaugh and Associates was the most qualified of the on-call firms.
- Based on the current master agreement, no additional vendor outreach was performed.

Council Goal(s):

- A Financially Resilient City

Committee(s):

- None.

Pro(s):

- This project will be the initial step in updating metering and reading infrastructure that is reaching the end of its useful life cycle.
- The project will result in improvements to efficiency of operations, through significant reduction in the number of trucks on the road to read meters.
- This reduction will also decrease the City's carbon footprint associated with Metering Services operations.
- This project will ultimately result in water customers having access to more timely data and provide customers with the ability to monitor and better manage their water usage.
- This project will provide the framework for monthly billing processes.

Con(s):

- Failure to approve resolution will result in a delay in the process of exchanging equipment that has reached the end of its life.

Fiscal Impact:

- The Water Resources Department currently has the funds needed for this agreement budgeted in the "AMR Replacement Project" in the Capital Improvement Program Fund.
- Total agreement cost of $175,520.

Motion:

- Move to adopt a resolution authorizing the City Manager to execute a supplemental agreement in the amount of $175,520 with Cavanaugh and Associates to develop, facilitate, and complete the RFP process for selection of a new AMI system and third-party contract installer.

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H. **RESOLUTION NO. 20-166 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, THE N.C. GOVERNOR'S HIGHWAY SAFETY PROGRAM YEAR 2 2021 BIKESAFE GRANT**

ORDINANCE NO. 4826 - BUDGET AMENDMENT FROM THE N.C. GOVERNOR'S HIGHWAY SAFETY PROGRAM YEAR 2 2021 BIKESAFE GRANT

Action Requested: Adoption of a resolution authorizing the Mayor to apply for and accept a grant, in the amount of $5,000, for the North Carolina Governor's Highway Safety Program, BikeSafe 2021 Grant, Year 2; and adopt the associated budget amendment, in the amount of $5,000.

Background:

- The Bike/Safe NC program is a partnership with the Governor's Highway Safety Program and the North Carolina State Highway Patrol that is aimed at reducing motorcycle fatalities.
- Grant funds will be used to promote awareness by contacting motorcycle dealers, clubs and associations to discuss current highway safety activities, training opportunities and to provide legal updates.
- The Asheville Police Department will act as fiduciary for the program.
- The total of the grant is $5,000 and does not require local matching funds.

Council Goal(s):

- A Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Grant funds are used to pay for travel and training.
- Potential reduction of statewide and regional motorcycle fatalities.

Con(s):

- Funding is evaluated annually and is only available for a one-year period.

Fiscal Impact:

- There is no local match required.

Motion:

- Motion to adopt a resolution approving the application and acceptance of the grant and a budget amendment to appropriate the funding.

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I. **RESOLUTION NO. 20-167 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FOR FIRE PREVENTION & SAFETY PROGRAM**

ORDINANCE NO. 4827- BUDGET AMENDMENT FROM FEDERAL EMERGENCY MANAGEMENT AGENCY FOR FIRE PREVENTION & SAFETY PROGRAM

Action Requested: Adoption of a resolution for City Council to authorize the City Manager to accept grant funds from the Federal Emergency Management Agency (FEMA) for the Fire Prevention & Safety Grant and a budget amendment in the City's Special Revenue Fund in the amount of $45,029 utilizing the $42,884 in grant funds and $2,145 in matching funds.

Background:

- In March 2020, the Asheville Fire Department applied for FEMA's Fire Prevention & Safety Grant for specialized equipment for fire investigators.
- In September 2020, the Department was awarded $42,884 for this added safety equipment to outfit its investigators.
- The equipment to be purchased includes specialized Personal Protective Equipment, reliable lighting, documentation tools (such as software), and excavation tools.
- Additionally, the funds will be used for supplies that have the ability to decontaminate the equipment and tools without the fire investigator having to call a suppression company on scene.
- FEMA is requiring a match by the City of $2,145.
- The Department requests City Council to approve acceptance of the grant award and allow for a budget amendment to assign the grant funds in the City's Special Revenue Fund.

Vendor Outreach Efforts:

- N/A

Council Goal(s):

- Smart City

Committee(s):

- None

Pro(s):

- The grant increases firefighter safety.
- The grant enables investigators to effectively manage a multi-day fire scene without having to take a suppression company out of service to provide support.

Con(s):

- The City's total match over the two year period of performance is $2,145.

Fiscal Impact:

- To receive the funds the City has a one-time match of $2,145 which will be taken from the adopted Fire Department FY 2020-21 operating budget.

Motion:

- Motion to adopt a resolution for City Council to authorize the City Manager to accept grant funds from the Federal Emergency Management Agency (FEMA) for the Fire Prevention & Safety Grant and a budget amendment in the City's Special Revenue Fund in the amount of $45,028 utilizing the $42,884 in grant funds and $2,145 in matching funds.

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J. **RESOLUTION NO. 20-168 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A GENERAL SERVICES CONTRACT WITH SYNERGY SPORTS CHARLOTTE LLC FOR THE PROCUREMENT AND INSTALLATION OF PLAYGROUND MULCH**

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Synergy Sports Charlotte, LLC for the purchase and installation of playground mulch in the amount of $132,930.00 and to further authorize change orders up to the contingency amount of $13,293 (10%) for playground mulch and installation.

Background:

- Bid packet for Playground Mulch and Installation went out and closed on Thursday, June 4, 2020.
- This contract will provide bi-annual safety applications for playground mulch at 10 playground sites across the City for FY 21. The following locations are included:
  - Carrier Park Playground
  - Jake Rusher Park Playground
  - Kenilworth Playground
  - Malvern Hills Playground
  - Murphy Oakley Playground
  - Recreation Park Playground
  - Stephens-Lee Center Playground
  - Linwood Crump Shiloh Playground
  - Walton Street Playground
  - Weaver Playground
- Companies responding were:
  - Synergy Sports Charlotte LLC, Charlotte, NC - Bid $132,900
  - On Point, Etowah, NC - Bid $138,596.50
  - Bliss Products and Services, Lithia Springs, GA - Bid $157,500
  - Mulch Solutions, LLC, Indian Trail, NC - Bid $151,200
  - BH Graning Landscapes, Inc., Sylva, NC - Bid $164,776.50
  - Natural Choice Contracting, West Youngsville, NC - Bid $ $151,200
  - Power Mulch Inc, Smithfield, NC - Bid $143,073
  - Cason Companies Inc, East Flat Rock, NC - Bid $141,750
- Following review of bids by City staff, Synergy Sports Charlotte LLC was selected as the lowest responsible, responsive bidder.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned business enterprises (MWBE) through solicitation processes which include posting on the State's Interactive Purchasing System, targeted outreach with the City's Business Inclusion Manager. One Women Owned Business submitted a bid, but was not the lowest bid.

Council Goal(s):

- A Well-Planned and Liveable Community

Pro(s):

- Ensures compliance with playground safety standards for mulch.

Con(s):

- None

Fiscal Impact:

- Funding for this purchase has been previously approved and is available for expenditure in the Asset Management Contracted Services line item.

Motion:

- Motion to adopt a resolution authorizing the City Manager to enter into a contract with Synergy Sports Charlotte, LLC in the amount of $132,930.00 and to further authorize change orders up to the contingency amount of $13,293 (10%) for playground mulch and installation.

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Mayor Manheimer announced that there were no advanced live call-ins for items on the Consent Agenda.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilman Young and carried unanimously.

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT - 30/60/90 DAY WORK PLAN

City Manager Campbell gave the following presentation overview (1) On June 9, staff presented a 30/60/90 Day Work Plan and over the past several meetings have updated Council and the community on our work; (2) The 30/60/90 Day Work Plan was developed in response to numerous requests from the Black Asheville Demands coalition to address specific racial justice and economic inclusion issues; (3) The Work Plan reflects when we would **start** working on these requests; and (4) This evenings presentation will focus on the community engagement efforts to Reimagine Public Safety in Asheville;

Key takeaways include (1) This effort is much more than a budget exercise; the community is beginning to establish a long term vision for how we collaborate to address public safety in Asheville; (2) This year's immediate adjustments reflect initial steps to begin to reallocate some functional responsibilities out of Police and into other departments or partner agencies; (3) Recommendations designed to: (a) Increase public outreach and engagement at the neighborhood level; (b) Strengthen support and/or development of neighborhood organizations; (c) Collaboratively work with communities to identify and solve community problems; (d) Improve quality of data collected related to public safety and enhance public access to that data; (e) Address changes to policies and training for Police in order to lessen impacts on key group; and (f) Be implemented quickly; and (4) Other budgetary adjustments will likely be made this fiscal year from APDs budget if other programs and initiatives are identified and are ready to be piloted or fully implemented.

She thanked the many community partners including Alpha Kappa Alpha Sorority, Beloved Asheville, Burton Street Community Association, Buncombe Co. Communications & Public Engagement, Cenzontle Language Justice Cooperative, Delta Sigma Theta Sorority, Do the Write Thing / Asheville City Schools DropOut Prevention, Downtown Businesses, East End / Valley Street Neighborhood, Housing Authority City of Asheville, Interdenominational Ministerial Alliance. Links Incorporated, My Daddy Taught Me That, Shiloh Community Association, Southside Community, WRES 100.7 FM and Word on the Street. She also thanked the several City departments, including Communications and Public Engagement; Equity and Inclusion;

Information and Technology; Parks and Recreation; Police; Human Resources; Finance and Budget; Community and Economic Development; and City of Asheville Youth Leadership Academy (CAYLA).

She reiterated the reimagining public safety in Asheville goal: *Determine how the City of Asheville structures department responsibilities and community partnerships in a way that promotes racial equity and economic inclusion.*

She reviewed the public engagement process of (1) Step 1 (complete): Get feedback on an approach from key focus groups; (2) Step 2 (complete): Host Community Meetings; and (3) Step 3: (in process): Report, Recommendations and Implementation.

She then thanked the selected facilitators of Shemekka Ebony Coleman, Glenn Thomas and Christine Edwards.

Regarding the public engagement process, (1) The goal of the project was to provide a venue for feedback about public safety priorities in Asheville, NC through virtual meetings and an online survey developed by the City of Asheville; (2) Feedback from the community engagement process was used to make current and future budgetary recommendations; and (3) Through 6 virtual listening sessions, several one-on-one meetings and 2 in-person engagements, Asheville residents and stakeholders from relevant populations highlighted the strengths, vision, challenges and opportunities in regards to public safety in Asheville; specifically community policing efforts. She reviewed the reimagining engagement meetings and noted that there were 461 people who engaged virtually.

Regarding the reimagining public safety questionnaires, (1) Responses are still being analyzed and work is being done to make sure there are no duplicate responses or data discrepancies due to technical difficulties that could have impacted numbers reported; (2) With a commitment to transparency, all responses for the open ended questions were posted to the website on Friday; and (3) The responses to the multiple choice questions will be posted in the next two weeks once the deeper analysis of the data, which includes researching duplicates and discrepancies, can be completed.

Highlights from the engagement process resulted in (1) What does safety mean to you? Freedom, Equal access to resources, Racial equity, Ownership of space, Representation, and Mutual respect; and (2) Which areas are a priority and which should be reallocated? Violent Crime, De-escalation Training, Increase in community engagement, increase budgetary transparency, Increased Collaboration between APD and Mental Health Providers, Nuisance crimes reallocated, and Crowd Control. Themes (in no particular order and based on first impressions) were APD has an important role in public safety; Defund and Divest from APD; Address Homeless Issues; Better coordination and distribution of social service responsibilities; Police Training; Access to Affordable Housing; and Economic Opportunity.

She then reviewed the focus areas for the budget adjustments and impacts:

1. Nuisance Response
    a. Animal Control and Noise Ordinance enforcement move to Development Services Department

Impact - Reallocation of non-violent calls for services to another department and out of APD

2. Data Management and Transparency

a. Position(s) in the IT department

Impact - Improved Public Safety data analysis; more transparency in reporting data; improved access to data by the public; and enhanced information and coordination between neighborhood and Police to prevent and/or respond to crime.

b. One time payment for internet connection in Housing Authority

Impact - Improved connections for tenants/students; Enhance collaboration with Housing Authority and Asheville City Schools; and Advances Equity and Inclusion to address the achievement gap

3. Community Engagement and Outreach
   a. Additional position(s) in the Communications and Public Engagement office

   b. Additional position in Parks and Recreation

Impact - Better serve communities and neighborhoods to help problem solve and address community issues; provide outreach to communities and neighborhoods; and enhance park security, patrol and problem solve.

4. Homeless Outreach
   a. Additional support for homeless outreach and referral services

Impact - Work with partner agencies to provide referral services and outreach; focus on Pritchard Park area; and free up other resources to do outreach in other parts of the City.

Police Chief David Zack then highlighted the Police Reforms and Policy focus area for the budget adjustments and impacts:

5. Police Reforms and Policy (no additional funding at this time)
   a. Written consent for pedestrians
   b. Minor modifications to Choke Hold Policy
   c. Study innovative crowd management tactics
   d. Changes to use of force and use of force reporting

Impact - Revisit the proposal to expand written consent to pedestrians; ensure consistency with State Task Force language; ensure consistency with nationwide best practices; and increase public accountability and transparency in use of force incidents.

   e. Review of APD policies by 2 local attorneys, who are not city affiliated. Review will include participation from representatives of marginalized communities, including BIPOC and varying age groups. Group to present any concerns and recommendations.
   f. Review all policies that aren't currently on the APD website to see if they contain any information requiring them to remain confidential, or if they can be made public.

Impact - Create an opportunity for public involvement in policy creation; more transparency in reporting data to the public; and provide the public with more accessibility to policies and procedures impacting law enforcement interactions with the community.

g. Establishing a policy for officer interaction with Transgender, Gender-Variant, and Nonbinary Individuals.

Impact - Outreach and collaboration with 4 local LGBTQ+ organizations for input on a draft policy; allignment with the National Center for Transgender Equality; and ensure inclusivity within marginalized communities .

h. Drug Suppression Unit (DSU) will be eliminated.

Impact - Less emphasis on enforcement of low level drug crimes; greater focus on violent and property crime; and better provide law enforcement with the ability to focus on the root of rising violent crime and property crime incidents.

i. Establishment of a Citizen Review Board

Impact - Increases transparency within the department; and provides additional community oversight.

City Attorney Branham said that they have ongoing conversations with police unions. The local chapter of the North Carolina Police Benevolent Association has expressed their willingness to participate in an ongoing effort to arrive at a mutually agreeable consensus that will allow communities to institute a citizen review board. He received a letter today from the President of the local chapter of the North Carolina Police Benevolent Association expressing his continued intent to keep his efforts going with the final goal of having a consensus piece of legislation that we can mutually take to our legislators to provide municipalities across the state with these powers.

6. Training and Recruitment *(No additional funding at this time.)*
   a. Implement Verbal Defense & Influence (de-escalation) training

   b. Implement training around how to more safely restrain people who are resisting arrest

Impact - Intended outcomes: Better communication under pressure; reduced incidents of conflict; reduced incident of violence; improved customer satisfaction; lower rates of complaints; and improved morale. Provide law enforcement with additional tools to address individuals resisting arrest.

   c. Officer Wellness & Health Program

   d. Working on a recruitment strategy to increase black, latinx and other people of color officers

e. Outward Bound

f. Racial Equity Initiative (REI) Training

Impact - Create a healthy work environment; create a workforce that mirrors the makeup of the community we serve; create opportunities for APD and youth in the community to build relationships and trust; and Increased understanding and ability for officers to address racism in the organization and the community.

City Manager Campbell said the next steps (initiatives to be pursued include (1) Continue community engagement conversations starting in Nov. and develop strategies to: Consolidate 911 emergency call center to more efficiently respond and deploy resources for emergency response calls; Create with community partners a collaborative rapid response team model to respond to mental health, drugs and alcohol, homeless, domestic violence and similar types of calls with goal of having Police no longer being the first or only responder; Develop new model(s) for School Resource Officers to further support student mentoring and other identified needs in schools; Develop with tenants and Housing Authority staff new model(s) to enhance safety in Housing Authority communities; and Identify other training or police reform initiatives to be investigated or implemented; and (2) Make additional budgetary adjustments this fiscal year from APD's budget if other programs and initiatives are identified and are ready to be piloted and/or fully implemented.

City Manager Campbell and Police Chief Zack responded to various questions/comments from Council, some being, but are not limited to: explanation of how 911 calls are currently handled and how the 911 emergency call center telecommunicators and dispatchers will be trained for triage when consolidated; is there a way to incorporate some version of the REI training into the basic law enforcement program; will the Park Warden position be armed; how does the Inclusive Engagement and Leadership Manager in the Office of Equity & Inclusion differ from the Neighborhood & Community Engagement Manager in the Community & Public Engagement Office differ; what does elimination of the Drug Suppression Unit mean; and concern that during the reimagining public safety engagement meetings, we might not have reached individuals that are most directly impacted through police contact.

Councilman Haynes supported written consent for pedestrians without further discussion.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO PERMANENTLY CLOSE A PORTION OF AN UNOPENED RIGHT-OF-WAY KNOWN AS GAYLE STREET

Streets Division Manager Chad Bandy said that this is the consideration of a resolution to permanently close an unopened right-of-way known as Gayle Street. This public hearing was advertised on August 28, September 4, 11 and 18, 2020.

Background:

- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- James Sandusky Paris and Carson Kinlaw Delinger have petitioned for this closure. They are owners of the property known as 99999 Morse Drive (Pin # 9627-22-9286).
- The unopened portion of right-of-way extends into the subject property.
- Upon closure, if granted, the unopened right-of-way will become part of the above property.

- The plan is for the property to be subdivided.
- The closure aides in meeting required setbacks.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.

Council Goal(s):
- A well-planned and livable community

Committee(s):
- Multimodal Transportation Committee - June 24, 2020 - Recommended closing the right-of-way by unanimous vote

Pro(s):
- The closure would allow for more efficient use of the existing adjacent property.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources

Con(s):
- None noted.

Fiscal Impact:
- There will be no fiscal impact related to this closure.

Mayor Manheimer opened the public hearing at 6:14 p.m.

Mayor Manheimer announced that there were no advanced live call-ins for this public hearing.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Vice-Mayor Wisler moved to recess this item until October 13, 2020, at which time this public hearing will be voted. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO A PREVIOUSLY APPROVED CONDITIONAL ZONING (ORDINANCE NO. 4785) FOR PROPERTIES LOCATED AT 172 ASHELAND AVENUE, 185 AND 99999 COXE AVENUE AND 5 FEDERAL ALALEY, FOR CHANGES TO A MIXED USE DEVELOPMENT ZONED CENTRAL BUSINESS DISTRICT-EXPANSION/ CONDITIONAL ZONE

Principal Planner Shannon Tuch said that this is the consideration of an amendment to a previously approved conditional zoning (Ordinance No. 4785) for properties located at 172 Asheland Avenue, 185 and 99999 Coxe Avenue and 5 Federal Alley for changes to a mixed-use development zoned Central Business District-Expansion/Conditional Zone. This public hearing was advertised on September 11 and 18, 2020.

Project Location and Contacts:
- The project site consists of four parcels with a combined area of approximately 4.43 acres, located at 172 Asheland Avenue, 185 and 99999 Coxe Avenue and 5 Federal Alley (PINs 9648.37-2643, 9648.38-0052, 9648.37-1928 and 9648.37-2825) that are owned by Asheland Properties LLC and South Slope Holdings LLC.
- Petitioner: Tribute Investment & Development Inc; Contact: Warren Sugg

Summary of Petition:

- The project was approved by City Council on December 10, 2019, under ordinance no. 4785 and is zoned Central Business District Conditional Zone (CBD-CZ).
- As detailed in the current ordinance, the development was approved for a mixed-use project with frontage on Coxe Avenue, Asheland Avenue and Federal Alley with residential and commercial uses throughout multiple buildings, a parking structure integrated into the development and urban open space in the form of a series of public and private interior courtyard spaces connecting the frontages and running through the site from east to west.
- The requested amendment primarily impacts the use and design of the northernmost building on Asheland Avenue and the use and design of the structure along Federal Alley. There are no changes to the Coxe Avenue buildings, interior courtyards or streetscape.
- The Asheland Avenue change proposes a residential building instead of the previous design that was intended for office use and the revision eliminates the residential liner building that was previously shown along Federal Alley.
- The changes to the buildings on Federal Alley and Asheland Avenue still comply with City of Asheville Unified Development Ordinance (UDO) standards such as: fenestration and expanses of solid wall and providing pedestrian entrances along street frontages. Since Federal Alley is not a key pedestrian street, the liner building in the previous design is not expressly required.
- The applicant has clarified that the land needed to construct the six-foot sidewalk connection from Federal Alley to Coxe Avenue is subject to the acquisition of land currently owned by the State. The process to acquire the land is currently underway but not yet complete and the construction of this offsite improvement is subject to completion of the acquisition.
- The ordinance includes a number of site specific conditions that are still applicable (B.1 conditions).
- This amendment does not conflict with those conditions, except that the approval was linked to the previous site plan and renderings; therefore, removing the liner building and altering the facades along Federal Alley and Asheland necessitate an amendment to the previously approved conditional zoning approval.
- The summary of changes is as follows:
    - Slight reduction in residential units *(from 488 down to 474)*
    - While the number of residential units is reduced there will be no reduction to the number of affordable units; the applicant will still provide the originally approved amount of affordable units (10 percent of 488 units, which is 48 affordable units)
    - Reduction in commercial programming *(from 86,000 square feet down to 44,199 square feet due to a reduction in the large office component in the original plan)*
    - Parking garage footprint remains the same but scale reduced *(from 973 spaces down to six levels and approximately 574 spaces)*
    - Federal Alley liner building eliminated with those residential units now relocated to the Asheland Avenue north building
    - Parking garage pulls up to front directly on Federal Alley and has been designed to include 18 foot deep "stalls" along the ground level that can be activated with a variety of temporary "pop-up" uses
    - Asheland Avenue north building was previously a 30,000-square foot, four story office building; now five stories and all residential use with significant aesthetic changes to facade due to the new use
    - Asheland Avenue south building was previously seven stories (two commercial ground levels with five residential levels above); now six stories (one level of commercial eliminated)
    - Rooftop patio previously on north end of Asheland Avenue building eliminated

- The Downtown Commission considered this request at their meeting on July 10, 2020, and voted unanimously to support the proposed change but with the following suggestions:
    - Revise the design of the north building on Asheland to differentiate and minimize the massing of the building, perhaps using the location of the vehicular entry as a "break" point *(the applicant agreed to and made the changes)*
    - Consider adding ground-level commercial space to the north building on Asheland *(the applicant prefers to maintain residential units on the ground floor)*
    - Minimize 24-hour parking deck lighting *(the applicant is agreeable to this suggestion)*
    - Consider adding amenities / facilities for year-round market stalls on Federal Alley *(the applicant is agreeable to this suggestion but the details remain an ongoing discussion)*
- The Planning and Zoning Commission reviewed the request at their meeting on August 5, 2020, ultimately voting at the September 2, 2020 meeting and unanimously recommended support.
    - Public comments were received and there were primarily concerns that relocating residential units to Asheland Avenue (in place of the office component) would add cut-through traffic to the South French Broad residential neighborhood via Morgan Street; a desire for retail spaces along the ground level along Asheland Avenue to provide more places for residents of the adjacent neighborhood to visit by foot and concerns that the reduction in parking spaces within the garage structure will result in overflow parking on-street in the South French Broad residential neighborhood. Additional comments received were not specific to the amendment.
- The project location is within Census Tract 9, an Opportunity Zone area. City resolution no. 18-269 states that Council commits to work with investors and the resolution offers guidance on projects within these areas to promote equitable growth, avoid displacement of low income or residents of color and avoid the loss of community assets or land.

Comprehensive Plan Consistency:

- As previously stated in the 2019 staff report, this development has been evaluated for consistency with the Living Asheville Comprehensive Plan and determined to be aligned in multiple ways. This amendment does not alter the alignment of this mixed-use project with the Living Asheville plan.

Compatibility Analysis:

- With the proposed amendment, the development remains compatible with the surrounding area by including market rate and affordable units in close proximity to downtown.
- Regarding the design change to the building on Asheland Avenue, the applicant responded to the requests from both staff and the Downtown Commission to include modifications to the facade to attempt to minimize the massing with several sections of color differentiation.
- The B.1 conditions that were agreed to during the previous review for pedestrian safety and traffic improvements are still in place to further minimize potential impacts.
- Since the number of residential units and office component have decreased with this amendment, staff does not believe that shifting the location of the uses within the development should have any greater traffic impact and notes that off-street parking is not required in the zoning district.
- Further, the proposed number of parking spaces is just under the minimum that would be required for the development if located elsewhere. The location of the project in an urban setting, close to downtown and availability of transit, support the amount of parking

provided in this project.

Council Goal(s):

- A Well-Planned and Livable Community
- Quality Affordable Housing
- Transportation and Accessibility

Committee(s):

- Technical Review Committee (TRC) - June 2020 - approved with conditions
- Downtown Commission (DTC) - July 10, 2020 - recommended unanimous approval with suggested conditions
- Planning & Zoning Commission - August 5 & September 2, 2020 - recommended approval 7-0

Staff Recommendation:

- Staff recommends approval of this amendment as the project includes market rate and affordable units in a location that is proximate to downtown and still includes a mix of uses to activate this area of the city.
- Staff finds that while the residential liner building was preferable, the changes to the Federal Alley parking structure still provide a mechanism for activation at the street level, as well as a creative design that allows for the redistribution of residential units to Asheland Avenue.
- As noted above, the applicant has made efforts to break up the visual massing of the building along Asheland Avenue and the redistribution of uses throughout the site is acceptable.
- Conditions from the original approval for traffic mitigation and affordable housing are unchanged with this amendment.
- Staff does have some concern regarding the unsettled land acquisition that would provide safe pedestrian connectivity offsite to Coxe Avenue.

At the request of Mayor Manheimer, Councilman Young moved to recuse Mayor Manheimer from participating in this matter due to a conflict of interest. This motion was seconded by Councilwoman Mayfield and carried unanimously on a roll call vote. At this time, Mayor Manheimer turned over the gavel to Vice-Mayor Wisler to preside over this topic.

Mr. Chris Day with Civil Design Concepts provided Council with several design changes, noting that their priority was residential.

Mr. Brian Cook, architect, walked through some of the visual changes.

Mr. Wyatt Steven, attorney for the developer Matt Maynard, stressed that the project includes at least 48 of the residential units to be dedicated to affordability at 80% AMI for at least 20 years and at least 10 of the affordable units will accept housing vouchers. He hoped that other developers will be able to accept housing vouchers as well. He provided Council with a letter from President Mark Maynard Sr. of Tribute Properties that stated they will make the following commitment for this development: "Following the model of the Lee Walker Heights Development, we will make a good faith effort to follow, and we will expect our subcontractors to follow, the principles set forth in the Federal Procurement Regulations of 24 CFR 85.36 (e) regarding contracting with small and minority firms, women's business enterprise and labor surplus area firms as modified as follows: (1) we will take affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible, including the use of local Black owned businesses and Black employees when qualified and available; and (2) Affirmative steps will include (a) placing qualified small and minority businesses and women's business enterprises on solicitation lists; (b) assuring that small and minority

businesses, and women's business enterprises are solicited whenever they are potential sources; (c) conducting job fairs in minority neighborhoods; and (d) working with the YMI, Mountain BizWorks and other local non-profit agencies that serve the minority communities in Asheville." He said that as they go forward and begin hiring and subcontracting, they will welcome engagement with the Office of Equity & Inclusion as well.

Councilwoman Mayfield felt that the contracting proposal made by Mr. Maynard could possibly be some criteria that we use in other big projects, e.g., hotel developments.

Vice-Mayor Wisler opened the public hearing at 6:51 p.m.

Vice-Mayor Wisler announced that there were no advanced live call-ins for this public hearing.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Smith moved to recess this item until October 13, 2020, at which time this public hearing will be voted. This motion was seconded by Councilwoman Mosley and carried on a 6-0 roll call vote, with Mayor Manheimer being recused.

At this time, Vice-Mayor Wisler handed the gavel over to Mayor Manheimer to continue presiding over the meeting.

V. NEW BUSINESS:

A. RESOLUTION NO. 20-169 - RESOLUTION APPROVING A $1.1 MILLION HOUSING TRUST FUND LOAN TO THE JUNA GROUP

Community Development Programs Director Paul D'Angela said that this is a request by The Juna Group Inc. to utilize a Housing Trust Fund Loan of $1.1M to construct 11 affordable single family homes on property located at Alice Clement Lane in the Oakley area.

Background:

- Al Clement d/b/a, the Juna Group Inc., an African American Developer, has proposed the development of 11 single family homes available to be sold to individuals and families at or below 100% of the Area Median Income (AMI) on a 1.1 acre parcel (each home .10 acre) to be constructed on "Alice Clement Lane", currently known as Shakedown Street, (PIN #9657-88-4092) in the City of Asheville, directly off Broadview Street. All 11 homes are intended to be at least 3 bedrooms, 2 full baths and approximately 1300 sq. ft.
- Beginning in 2017, Al Clement purchased 4.8 acres, with 2.6 of the acres buildable.
    - Plans were submitted to the City of Asheville to develop 19 lots on the 2.6 acres.
    - Approval was received June, 2018, and in July, 2018, construction began on infrastructure.
    - The Infrastructure and eight of the homes are either complete or will be completed soon.
    - The developer is requesting Housing Trust Fund dollars for the remaining eleven homes.
- The Juna Group Inc. consists of Al Clement, owner, and his brother David Clement, Project Manager.

Proposal:

- The developer seeks a loan of $1,100,000 from the City's Housing Trust Fund (HTF). The Juna Group Inc. needs this funding, $100,000 per home, to complete Phase 2 of 5 homes and Phase 3 of 6 homes for a total of 11 single family homes.
- The Juna Group Inc. is committing the property, the remaining 11 lots of 1.1 acres, (valued at $770,000) as equity.
- The Juna Group Inc. proposes to borrow $1.1M over a period not to exceed 2 years at 1% annual interest rate, with no payments due until the full payment is due, maximum 2 years.
- Units will be made available to qualified affordable individuals and families with a sale price of approximately $275,000, a sales figure that can work with a 100% AMI family.
- However, the developer with assistance from City staff, will attempt to find buyers below 100% AMI, down to 80% AMI, that can qualify for these 11 homes with the help of Down Payment Assistance Programs.
- The developer is committed to finding individuals and families, in partnership with the City and other agencies like Habitat for Humanity and affordable housing lenders, between 80%-100% to purchase these homes.
- The homes will come with a deed restriction of affordability for 10 years, meaning if the home is sold within that time period, the owner will sell it to another income qualified family at or below 100% AMI.
- The City will work in partnership to help find buyers that qualify and a sales figure that works.
- The developer has requested that if a qualified individual or family between 80% - 100% AMI can not be found within 6 months of the issuance of the Certificate of Occupancy, the developer can move to find an individual or family at or below 120% of AMI to purchase the home. Staff is committed to assisting in the marketing effort of the home and finding a qualified buyer between 80%-100% AMI.

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- HCD - August 18, 2020 - Unanimously approved

Pro(s):

- The project produces 11 homes for individuals and families at between 80% - 100% AMI at a location near the City's core, with good access to transit and essential services.
- The developer has successfully completed Phase 1 of Alice Clement Lane and demonstrated capacity with both Community Development and Development Services.
- Working with the Juna Group Inc. shows the City of Asheville's commitment to working with other developers, including for-profit developers, to be a part of the solution to affordable housing, both rental and homeownership.
- Affordable homes sold to individuals or families between 80% - 100% AMI at a sales price that better aligns with the incomes and wages produced in Asheville allows residents to have an opportunity to build wealth with homeownership.
- HTF loans for homeownership allow the funds to be paid back much quicker, at either the sale of the home, or a limited time period like 2 years.
- An affordability period of 10 years helps protect the City's investment in affordable housing.

Con(s):

- Loan amount per unit is above the Housing Trust Policy's recommendation of $20,000 per unit.
- The affordability period is just 10 years.

Fiscal Impact:

- The project would require $1,100,000 from the City's HTF.

Mr. D'Angelo said that after doing some research, it shows only 40 homes for sale in the City of Asheville under $275,000, with an average & median price above $550,000 for all 303 listings. Outside of Habitat, who builds maybe 15 to 18 homes a year, Mountain Housing Opportunities who helps with DPA, maybe 24 homes a year, and now the CLT, we have no solution on the table for homeownership. We need more local, infill developers to help us out. This is hard to make the numbers work. This will help expand the pool of developers. The Juna Group is a local and infill developer.

Mr. Al Clement, developer, thanked City Council for their support so far. He explained how home ownership can be a powerful tool to lift people up. He will continue to work with Mr. D'Angelo to get the $275,000 down, but noted that as soon as someone moves in, they will already have equity in the home. He has reached out to the Asheville-Buncombe Community Land Trust, OnTrack Financial and Habitat for Homes to help find people who may qualify for these homes, along with banks who are familiar with down payment assistance programs.

Councilwoman Mayfield suggested Mr. Clement also reach out to the Housing Authority who has a home ownership program.

Vice-Mayor Wisler supported home ownership, but could not support the project without a guarantee of lower than 100% AMI. She was troubled by the idea of allowing the option for 120% since that does not fit in our Affordable Housing Policy. She was also troubled by the fact that the collateral is less than the loan value. And mostly she was concerned about the 10 year affordability.

Mr. D'Angelo said that he spoke with Mr. Clement and they agreed not to put anything in any of the loan documents about the 120% AMI request after 6 months. He said he has been speaking to Mr. Clement for 14 months and he has been committed to trying to be part of the solution on affordable housing. He could not tell you how hard affordable housing is, let alone affordable for homeownership. The number of units currently for sale speak for themselves. We are making great headway in rental, with over 420 units he believed over the past 18 months. We still need many more. But regarding homeownership, we need to think creatively and effectively to get more homes for sale and he thought this is a very good start. He also believed we can protect our investment with oversight.

Mayor Manheimer announced that there were no advanced live call-ins for this matter.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Mayfield moved to approve The Juna Group Inc. request for a $1.1M in Housing Trust Fund to construct 11 affordable single family homes at the property located at Alice Clement Lane in the City of Asheville to be sold to individuals and families at or below 100% AMI. This motion was seconded by Councilwoman Smith and carried on a roll call vote of 6-1, with Vice-Mayor Wisler voting "no."

RESOLUTION BOOK NO. 41 – PAGE 444

B. BOARDS & COMMISSIONS

Regarding the Human Relations Commission, the following individuals applied for the vacancy: Susy Chandler, Melissa Ray, Sam Franklin, Bernie Lee Miller, Veronica Colt, Alexandra DiSclarfani, Britni Worley, Ricky McGrath, Emma Nichole Worthy and Will Overfelt. The Human Relations Commission recommended postponing any appointments until they have an opportunity to hold interviews at their October meeting. It was the consensus of the Boards & Commissions Committee and City Council to postpone these appointments until after the Human Relations Commission forward their recommendation.

Regarding the Multimodal Transportation Commission, the following individuals applied for the vacancy: Sandy Aldridge, John Bausone, Marty Shults, Michael G. Waddle and Lydia Buehrer. The Multimodal Transportation Commission recommended readvertising and postponing any appointments until they have an opportunity to review the applications at their October meeting. It was the consensus of the Boards & Commissions Committee and City Council to postpone these appointments until after the Multimodal Transportation Commission forward their recommendation.

Regarding the Neighborhood Advisory Committee, the individuals applied for the vacancy: Lee Arevian, Bobbette K. Mays, Diane Dankert, Greta Bush and Damita Jo Wilder. The Neighborhood Advisory Committee recommended readvertising for these seats. It was the consensus of the Boards & Commissions Committee and City Council to readvertise the Neighborhood Advisory Commission seats.

RESOLUTION NO. 20-170 - RESOLUTION APPOINTING MEMBERS TO THE AFFORDABLE HOUSING ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Affordable Housing Advisory Committee.

The terms of Dewanna Little, Parker Smith, Randall Barnett, Barry Bialik and Leslie Hennessee's expired on September 1, 2020.

The following individuals applied for the vacancy: Paul Holstein, Brian Methvin, Shannon Watkins, Michael Figura, T. Cory Lewis, Tyson Bowman, Thomas A. Christ, Drew Crawford, Rodrigo Afanador, Damita Jo Wilder, Eric Howell, Michael G. Waddle, Joshua Katz, ZaKiya Bell-Rogers, Henry Sannyasa, Scott Adams, Cyd Jaggers, Chris Woodward and DeLores Venable.

Boards & Commissions Committee recommended reappointing Dewanna Little, Parker Smith and Barry Bialik; and appointing Brian Methvin and Scott Adams.

Vice-Mayor Wisler moved to (1) reappoint Dewanna Little, Parker Smith and Barry Bialik as members to the Affordable Housing Advisory Committee to each serve an additional three-year term respectively, terms to expire September 1, 2023, or until their successor have been appointed; and (2) appoint Brian Methvin and Scott Adams as members of the Affordable Housing Advisory Committee, to serve a three-year term respectively, terms to expire September 1, 2023, or until their successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 – PAGE 445

RESOLUTION NO. 20-171 - RESOLUTION APPOINTING MEMBERS TO THE CITIZENS-POLICE ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Citizens-Police Advisory Committee.

Kaaren McNulty (south representative) has resigned as a member of the Citizens-Police Advisory Committee, thus leaving an unexpired term until June 30, 2020. In addition Shana McDowell (at-large representative) has resigned, thus leaving an unexpired term until June 30, 2022. In addition, the terms of Blake Marcus (north representative) and Jerry Kivett (central representative) expired on June 30, 2020.

The following individuals applied for the vacancy: Cathy Banks, Tracey DeBruhl, David Angelus, Barbara Wright, Anthony Coggiola, Mary Ammerman, Tim Kelley, Damita Jo Wilder and Michael E. Beech.

The Boards & Commissions Committee recommended appointing Damita Jo Wilder as the south representative, Barbara Wright as the central representative, and Michael Beech as the at-large representative. In addition, the Committee recommended reappointing Blake Marcus as the north representative.

Vice-Mayor Wisler moved to appoint (1) Damita Jo Wilder (south representative) as a member of the Citizens-Police Advisory Committee to serve a three-year term, term to expire June 30, 2023, or until her successor has been appointed; (2) Michael Beech (at-large representative) as a member of the Citizens-Police Advisory Committee to serve the unexpired term of Ms. McDowell, term to expire June 30, 2022, or until his has been appointed; (3) Barbara Wright (central representative) as a member of the Citizens-Police Advisory Committee to serve a three-year term, term to expire June 30, 2023; and (4) reappoint Blake Marcus (north representative) to serve a three-year term , term to expire June 30, 2023, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 – PAGE 446

RESOLUTION NO. 20-172 - RESOLUTION APPOINTING MEMBERS TO THE CIVIC CENTER COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Civic Center Commission.

The terms of Corey Atkins and Yvonne Cook-Riley expired on June 30, 2020.

The following individuals applied for the vacancy: Lee Arevian, John W. Ellis, Steven M. Howard, Tony Micocci, Mukunda Pacifici, Sandy Aldridge, Nicole Lee and Josh Batenhorst.

Boards & Commissions Committee recommended reappointing Corey Atkins and appointing Nicole Lee.

Vice-Mayor Wisler moved to (1) reappoint Corey Atkins to serve an additional three-year term as a member of the Civic Center Commission, term to expire June 30, 2023, or until his successor has been appointed; and (2) appoint Nicole Lee as a member of the Civic Center Commission, to serve a three-year term, term to expire June 30, 2023, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 – PAGE 447

RESOLUTION NO. 20-173 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE HISTORIC RESOURCES COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Asheville-Buncombe Historic Resources Commission.

Craig Cline and Gordon McKinney have resigned, thus leaving two unexpired terms until July 1, 2022. In addition, Ed Flowers has resigned, thus leaving an unexpired term until July 1, 2021.

The following individuals applied for the vacancy: Lucy A. Kruesel, J. Wagner and Amanda Vollrath, Sara Gardner, Maggie Brousaides, Sioux Oliva and James Vaughn.

The Boards & Commissions Committee recommended appointing James Vaughn, Sara Gardner and Maggie Brousaides..

Vice-Mayor Wisler moved to (1) appoint James Vaughn the unexpired term of Mr. Cline, term to expire July 1, 2022, or until his successor has been appointed; (2) appoint Sara Gardner to serve the unexpired term of Mr. McKinney, term to expire July 1, 2022, or until her successor has been appointed; and appoint Maggie Brousaides to serve the unexpired term of Mr. Flowers, term to expire July 1, 2021, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 – PAGE 448

RESOLUTION NO. 20-174- RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ART & CULTURAL COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Public Art & Cultural Commission.

The terms of Jasmine Washington, Andrew Fletcher, Jay Fields, Katie Cornell, Valeria Watson and Pete Perez expired on June 30, 2020.

The following individuals applied for the vacancy: Anne Manner-Mclarty, Marsha Almodovar, Daniele Martin, Nathaniel Wyrick, Christian ODonnell, Hilary Chiz and Michael G. Waddle.

Boards & Commissions Committee recommended reappointing Jasmine Washington, Andrew Fletcher, Katie Cornell, Valeria Watson and Pete Perez; and re-advertising for the last vacant seat.

Vice-Mayor Wisler moved to (1) reappoint Jasmine Washington, Andrew Fletcher, Katie Cornell, Valeria Watson and Pete Perez as members to the Public Art & Cultural Commission to each serve a three-year term respectively, terms to expire June 30, 2023, or until their successor have been appointed; and (2) readvertise for the last vacant seat. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 – PAGE 449

RESOLUTION NO. 20-175 - RESOLUTION APPOINTING A MEMBER TO THE WNC AIR QUALITY BOARD

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the WNC Air Quality Board.

The term of Dean Kahl expired on July 1, 2020.

On August 25, 2020, the Boards & Commissions Committee recommended re-advertising for the vacant seat.

The following individuals applied for the vacancy: Garry Whisnant., Robert H. Lane, Evan Couzzo and Drew Ball.

The Boards & Commissions Committee recommended appointing Evan Couzzo.

Vice-Mayor Wisler moved to appoint Evan Couzzo as a member of the WNC Air Quality Board to serve a six-year term, term to expire July 1, 2026, or until his successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 – PAGE 450

VI. UNFINISHED BUSINESS:

A. ORDINANCE NO. 4828 - ORDINANCE EXTENDING THE TEMPORARY MORATORIUM ON HOTEL DEVELOPMENT FOR FIVE MONTHS DUE TO DELAYS ASSOCIATED WITH THE COVID-19 PANDEMIC

Mayor Manheimer said that this public hearing was held on September 8, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

After receiving additional written public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to adopt an ordinance to extend the temporary moratorium on hotel development approvals within the City of Asheville, including "Hotel, extended stay", "Hotel, large" and "Hotel, small" as defined in Section 7-2-5 of the city's Unified Development Ordinance, for five months so that it expires no later than February 23, 2021. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

ORDINANCE BOOK NO. 33 - PAGE 140

B. ORDINANCE NO. 4829 - BUDGET AMENDMENT REGARDING THE FISCAL YEAR 2020-21 ANNUAL OPERATING BUDGET

City Manager Campbell said Assistant Finance Director of Finance Budget & Forecasting Tony McDowell will provide you with an overview of the budget process; give a brief financial update; present the FY 2020-21 Manager's recommended budget amendment (reimagining public safety; and investment recommendations); and explain the next steps for the FY 2021-22 budget process.

Mr. McDowell said that this is the consideration of an ordinance amending the FY 2020-21 annual budget to provide City departments with a full year of operational funding.

Background:

- On July 30, 2020, City Council adopted the Fiscal Year (FY) 2020-21 annual budget ordinance with each department receiving funding in its budget for operations through the end of September, with the remaining budget being held in reserve in non-departmental.
- Over the last two months, the City Manager's Office has completed a community engagement process to evaluate investments in the Asheville Police Department, other City departments, and various community programs.
- Influenced by the input from the community engagement process, staff is recommending the amendment to the FY 2020-21 budget ordinance.
- The budget amendment includes the reallocation and reinvestment of approximately $770,000 from the Proposed FY 2020-21 Police Department budget that was presented to City Council in May 2020.
- Specific prioritized recommendations are based on the initial review of the survey results, other communications and engagement efforts (open data initiative), and on what we can do and do well right now.
- Focus areas for initial reinvestment/reallocation are outlined below.
    a. Nuisance Response:
        i. Move Animal Control and Noise Ordinance enforcement to the Development Services Department (DSD).
    b. Data Management and Transparency:
        i. Additional position(s) in the Information Technology Services (ITS) department for improved Public Safety data analysis, reporting, and public access; and
        ii. One time payment to support a collaborative effort between City, Asheville City Schools and the Housing Authority to enhance broadband access for residents and students.
    c. Community Engagement and Outreach:
        i. Additional position(s) in the Communications and Public Engagement (CAPE) Department to better serve communities and neighborhoods to help solve problems and address community issues in coordination with all City departments and other partners.
        ii. Additional position in Parks and Recreation to provide outreach to communities and neighborhoods to enhance park security, patrol and community concerns.
    d. Homeless Outreach
        i. Additional support to outside agencies for homeless outreach to focus on the Pritchard Park area and to free up other resources to perform homeless outreach in other parts of the City.
- To fund these FY 2020-21 budget investments, the following divestments from APD are proposed:
    a. 4 Animal Control positions (reassigned to DSD) - $220,000
    b. 1 Assistant to the Chief position (funding reassigned to CAPE; individual moving into another position) - $110,000
    c. 2 Park Warden positions (1 position reassigned to Parks and Recreation and 1 vacant) - $90,000
    d. 6 Telecommunicator positions (all currently vacant; funding being reassigned to ITS and DSD) - $300,000
    e. Salary savings from sworn police officer positions (resignations between July and September - one-time) - $50,000
    f. Total of approximately $770,000

Council Goal(s):

- A Financially Resilient City

Pro(s):

- Provides departments with full annual funding for fiscal year 2020-21.
- Incorporates community input based on the initial review of survey results, other communications, and engagement efforts.
- Demonstrates first steps in ongoing efforts to Reimagine Public Safety within the city.

Cons:

- None

Fiscal Impact:

- There is no change to the overall total General Fund budget that City Council adopted on July 30, 2020.

He said preliminary year-end results are (1) sales tax revenue losses were unprecedented but not as bad as expected; (2) Coronavirus Relief Funding helped offset expenses; and (3) Fund Balance usage less than originally estimated - final numbers after the financial audit is completed in October. The financial summary is (1) economic outlook remains uncertain; (2) no budget additions recommended at this point; (3) continuation of soft hiring freeze through the first half of fiscal year; and (4) update Council after completion of annual audit.

Potential recommendations for FY 2021-22 (1) work with Buncombe County to consolidate the 911 emergency call center to more efficiently respond and deploy resources; (2) create a collaborative rapid response team for mental health, drugs and alcohol, homeless, and domestic violence calls; (3) develop new model(s) for School Resource Officers to support student mentoring and other identified needs in schools; and (4) work with tenants and Housing Authority staff on new model(s) to enhance safety in Housing Authority communities.

He said key takeaways are (1) FY 2019-20 financial results are better than expected but ongoing uncertainty; (2) budget amendment includes the initial reallocation and reinvestment of approximately $770,000 from the Police Department budget; and (3) budget recommendations are only the beginning of the effort to reimagine the delivery of public safety services in Asheville.

Councilman Haynes said it has been brought to his attention that for a cost of $33,615 a year we can bring the 35 firefighters that are currently being paid less than a living wage, based on their 56 hour work week, up to a living wage. While the City continues to argue that their hourly wage should be based on a 40 hour week, he disagreed and felt that while we wait on the compensation study to further address this issue, this should be taken as a good first step.

City Manager Campbell said there is consistent dialogue about hourly pay for firefighters because they have a different work schedule than the majority of employees. Firefighters do not make an equivalent of $31,200 which would be on an hourly rate of 40 hours at $15.00 an hour. They actually make more than that. We recommend that Council wait until the compensation and classification study is completed because there may be additional adjustments that we would like to make to firefighter's pay and several other classifications of jobs in our organization. We have taken this under consideration on whether we should make a recommendation now to adjust only firefighters when we have a number of other employees, e.g., public works and street maintenance employees whose jobs may not appear to be as unsafe or challenging as

firefighters, but there are a number of positions where salaries need to be adjusted. She implored Council not to pick out one sector and say let's do it for them and not others - we need to do it holistically . She recommended waiting for the study until we can figure out a more strategic way to adjust as many City employees pay as possible.

Human Resources Director Peggy Rowe explained that the actual number to bring those employees to $15.00 is more complicated than that because of the way they are scheduled for 24 hour shifts. It would actually be an additional $10,000 per employee to calculate their time based on 2,912 hours (which is how you account for their 24 hour shifts). That would put them each at $10,000 more annually. She believed it was 70 employees that fall into that category. And, that doesn't account for any overtime. Additionally, if you calculate those entry level firefighters, which is the group you are talking about, at 2,912, then you also have to account for the firefighters and the senior firefighters and all up the line - all the additional employees who work that 2,912 hour shift. Respectfully she suggested staff bring the specific numbers back to Council and try to walk you through the significant impact that it will have on the City budget - not just for those 70 firefighters, but for the senior firefighters and engineers and other employees who work that same shift, if we change how we calculate those hours. She respectfully asked Council to defer any vote until we give you as much detail as you would like on what the actual impacts would be and why this is more significant than just raising a few employees to that hourly rate.

Councilwoman Mayfield said that we are hearing different information and suggested a small meeting with perhaps Councilman Haynes, some firefighters, the City Manager and the Human Resources Director so we can all agree on the numbers and the impact of those numbers. Mayor Manheimer agreed with the small meeting and then the Finance & Human Resources Committee can review the numbers.

Vice-Mayor Wisler confirmed that City staff and Council is willing and committed to making changes to the current year's budget as soon as new initiatives are identified and vetted.

Councilwoman Mayfield said we are hearing from people with various opinions who are unhappy with this budget. Some think these or any cuts are wrongheaded given that we are losing officers and that we've seen an increase in violent crime this year. They worry that any cuts at all will decrease public safety. Others think this is insufficient to meet our commitment to reimagine policing and shift resources from the police to other programs that will better serve public safety and particularly the homeless, the mentally ill, and black and brown people who are disproportionately impacted. Still others won't be happy until they see a 50% cut, period. To the first group, she didn't believe any changes we are making today – nor does she believe any cuts this council will ever make – will reduce public safety. Government has just a few core duties, and keeping people – all people - safe is one of those. She believed any changes we make today and going forward will only serve to increase public safety for everyone. To the second group, she hears your frustration. Yes, these are not the changes we need to ultimately make to meet our commitment to reimagine the police. These are only the first steps at shifting APD resources in order to better utilize them in other departments and better serve the public. We still have a long way to go. To the third group, we may one day get to this level of cuts and the important investment of that money into other areas that improve safety and quality of life for people. She would love to live in a community where we could do with a much smaller police department and where the public feels safe and protected. We are not there today and it will take significant work to create what's necessary for us to get there. To everyone, as we've said from the beginning of this conversation, we are committed to making these divestments and reinvestments carefully and thoughtfully. She takes seriously our responsibility to make sure we have the structures in place to address the needs of the public that were previously assumed by the police. We have some of that in place now, which is why we can shift: (1) animal control and noise enforcement to Development Services; (2) park wardens to the parks department; (3) communications positions to community engagement; (4) data analysis to our IT department and

(5) homeless outreach to our established partners. That isn't much in terms of money or addressing the concerns of the Black community, but each of these steps should result in improved service to the public. And there is much more work to be done that will produce more and more impactful results in a few months. For example, we are in deep discussions with the county, MAHEC, Homeward Bound and other partners about a new model that will shift response to calls related to addiction, mental health, homelessness, and perhaps other issues from the police to a response team that is better trained and prepared to address those issues. Based on the community engagement, we also hear that people want us to look for other opportunities so that our police can focus on things they are uniquely trained to address – like violent crime and gun violence, which are either equal to or higher than last year and we're only in September. And of course, we also need to move forward with other changes related to training, policing practices, and policies - things that will get at changing the culture of the police department so there is a better understanding of and sensitivity to the challenges our Black and Brown community members face. She didn't believe that the time we had in this process, and definitely the 8 days before the end of the month when the city would come to a screeching halt if we don't adopt this, is enough for this level of change. So voting no tonight is not an option for me and scheduling a special meeting before the end of the month won't change that. The time this change will take will be considered too slow for some of you. But change will come. And what she hears the City Manager saying is that as we identify and choose new programs to move forward with, we will, with the funding coming from APD's budget. Again, everything we do should be aimed at improving public safety for everyone. While she won't be here for the future decisions, she asked the staff, her fellow council members and the public to remain committed to the hard work and difficult conversations required to reimagine policing and to get creative about plowing new ground that takes better care of all of us.

Councilman Young acknowledged this has been a trying year, with most Americans struggling with something in their lives, from the pandemic and people dying from the virus, to losing their jobs, to parents having to homeschool their children, to having our streets mired with protests. He has not encountered many individuals who wish to completely abolish the police and neither does he. He wants to change the way police interact with Blacks and others of color. We have a great City Manager and we have tasked her with a monumental undertaking - one that has never been attempted in this City before. In doing so, there was an understanding that the magic wand to disburse all of our problems would not be presented here tonight. There was also an expectation to divest and invest in a way that would reflect changes in the way the community takes part in policing matters. And, that it would be shown to us all how other organizations are doing these efforts to begin fundamentally changing the way we do policing in Asheville. He knows this is just the beginning. He also stated it's a grave mischaracterization when people think when they call the police there won't be anyone there to answer your call because they have been defunded. That is fear mongering at its worst. That is not what reimagining police is about. Let's not forget the real reason we are here. The real reason we are talking about this is about Black and Brown bodies. Policing in this country is riddled with huge disparities between Black and White residents. Some people believe money is the root of the issue and that shifting funds is the key to the solution. That might be the answer to some of our issues on some levels. However, he didn't believe it will completely change the way that he is policed as a Black man. There is no magic wand for a solution. This process will be ongoing and multi-faceted if we do it right. He is trying to expand his own personal communication with the Police Chief, the officers, union representatives and people in the community. Policing has to change. On another point, he is completely understanding of the difficult tasks we have issued to our City Manager and staff. And, without question when we hired the City Manager, her resume excelled and one would be hard pressed to see that she is here not only to "keep the trains on time" but to also help embed the culture of equity into our City government. The Equity & Inclusion Department was established by former City Manager Gary Jackson and he understood what equity meant to this organization. He said that he has so much respect for the City Manager as a Black woman but he has an obligation to be objective. He felt she has done a tremendous for this City especially in

times of crisis. He commended her work and her ability to "keep the trains on time" during such uncertain times. However, over an extended period of time it has become clear to him that the Department of Equity and Inclusion is not part of this culture in City government, nor is it being supported from a managerial standpoint to help facilitate the culture that brings people in line on the course set out by Council. He pointed out areas in which he felt equity and inclusion is not being supported or included in the fabric of City government. He asked for a few nods from Council members to proceed with the following: (1) Instruct the City Manager to immediately start the process to fill the vacated role of the director of Equity and Inclusion, as opposed to the manager's current course which is to wait on filling this position; (2) Instruct the City Manager to reassess the active roles of equity in city government to improve a culture of equity and inclusion in conjunction with her office; (3) On a council level he asked to have the Governance Committee review the current structure of the Department of Equity and Inclusion and receive a thorough update on all work that is currently being done and what are suggested next steps from the department in furthering this work within city government. (The Equity Department was birthed in the Governance Committee and that is where he believed this should go. He asked for a meeting to be held no later than three weeks from today); (4) Ask the City Attorney's Office to explore options for adding the Office of Equity and Inclusion's Director to the City Councils roster of subordinates whereas this department would then transform fundamentally and will essentially report directly to Council under the direction of the Equity and Inclusion officer. The City Manager would continue to implement equity initiatives in City government through the normal administrative service of the City which is the right of the City Manager. This department's work would now be independent of the City Manager's Office in the day to day and create a checks and balance system whereas both entities would work independently on the day to day, but together both serve Council and the community by responding to Council as the mandated policy head to instruct our City Manager on the best course forward through direct recommendation from the equity department; and (5) Ask this Council to take part in an immediate review of the City Manager, no later than prior to the first meeting in December, to better synergize our relationships, expectations and communication on what is expected on this front and have that review ready for the next incoming Council so that they are fully prepared with a clear understanding of an expected pathway forward on all fronts. The newly seated Council can refer to this review moving forward.

Councilman Haynes said if the original budget had passed as proposed, the APD's budget would have increased by $4.91 Million over the past five years. Even with the $700,000 reallocated to mostly other departments, there is still a net increase of over $4.1 Million over five years. The argument over the ever-increasing police budget has continued over the entirety of my almost-five years on Council. We were told it was vital that we create a costly new Downtown APD Unit while we already employ the highest number of officers per capita in the state. Yet each year in spite of evergrowing objections from the community and some Council members, every APD budget has passed as proposed. Now with the stated goal of seriously addressing Black Asheville Demands of divesting from the police and investing in Black communities, these proposed cuts fall way short and he will not be supporting this budget amendment as proposed.

Councilman Haynes moved to deny the budget amendment because it does not advance our stated goals and instead perpetuates systematic racism when we have a generous call for community healing which includes a demand that 50% of APD's budget won't be invested back into the Black communities. And, it does not meet the goals set forth in the Council's vision plan of an equitable and diverse community, a well planned and livable community, a clean and healthy community, and a connected and engaged community. This motion was seconded by Councilwoman Smith.

At this time, Mayor Manheimer announced a short recess.

From advanced live call-ins, nine individuals spoke to Council, including, but not limited to the following comments: significant rise in the City's population, 911 calls for service, daytime population, etc. in a 10 year timespan; need to continue to invest in our APD and make sure our officers are replaced when there are vacancies and trained; opposed to adoption of this budget amendment; need to dismantle the APD which is a malfunctioning institution; equity should be a part of every aspect; opposition to any budget cuts to the APD; and institute a hard freeze on hiring in the APD.

The motion made by Councilman Haynes to deny the budget amendment and seconded by Councilwoman Smith failed on a 2-5 roll call vote, with Councilman Haynes and Councilwoman Smith voting "yes" and Mayor Manheimer, Vice-Mayor Wisler, Councilwoman Mayfield, Councilwoman Mosley and Councilman Young voting "no."

Vice-Mayor Wisler moved to adopt the budget amendment as presented. This motion was seconded by Councilwoman Mayfield and carried on a 5-2 roll call vote, with Mayor Manheimer, Vice-Mayor Wisler, Councilwoman Mayfield, Councilwoman Mosley and Councilman Young voting "yes" and Councilman Haynes and Councilwoman Smith voting "no."

Mayor Manheimer said that Council too is struggling to find some clarity so we can provide good direction to the City Manager and staff. All of Council has received a lot of emails and there is one common thread - people want to be safe in their community. It is clear that what that means to people is different. As we move this forward and make changes, safety will be her priority in reimagining public safety. There are a lot of exciting opportunities and a lot of community organizations that are anxious to help us out. She is hopeful that we will get to a good place and thanked everyone for their continued support moving forward.

Councilwoman Smith thanked the record number of Blacks who showed up to the public process that often fails. Over time we have heard a lot of information before we even proposed reimagining police about our public engagement processes. They feel they are talking a lot but not being heard and their consideration is not being taken. Tonight some may feel discouraged and still not heard. That is why she could not support the budget amendment. We called the action of the recommendations that were delivered by the City Manager as foundational. She did not feel it is foundational towards investing in a community model. What she did believe, it could have been complementary, to a proposal that will give us a projection of what types of money or the amount of money that could be freed up so that we know that our time invested in this process would actually lead to investment. She believed that we know a lot of the services and programs that can be shifted into community models or a shared model. She would have liked to have seen a dollar amount put towards that so we can be assured that we are being heard and investment is being considered. The pathway forward is not a reform. Reform is deferred maintenance. Reform is what we should already have for basic protection. What we are looking for is something totally different. The pathway forward from this point on should show a dollar amount (not shifting into a non-profit because we already know that non-profit work is not always sufficient enough to serve the community's needs). We are going to look for something that is substantive and something that is worth our time and something that is worth our historic loss and something that is worth this occasion. A lot of the comments made concerning whether to support the Asheville Police Department or to do something different, it actually shows that we live in a tale of two cities. We have some people who feel that their sense of protection comes from the presence of a police officers. But, other people feel that the presence of a police officer gives them the sense of danger and threat. We have to grapple with that and we have to represent everybody for a safe Asheville.

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, three individuals spoke to Council, including, but not limited to the following comments: process for public input is challenging; need to see timelines and dollar amounts with the reimagining process; reimagining public safety listening sessions were not well organized; and people are afraid of change but it is necessary.

Councilwoman Mayfield thanked City Manager Campbell and City staff for all the work that has gone into this process. In light of the comments heard, she trusted City Manager Campbell explicitly and trusted her to lead our equity efforts in a way to get our City in the way we want to go.

Vice-Mayor Wisler echoed Councilwoman Mayfield and said that she was continued to be amazed at how well and how diligently City Manager Campbell leads the City. She said that she sees City Manager Campbell out in the community a lot and hears the respect from the community.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 9:35 p.m.

Magdalen Burleson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – October 13, 2020 - 2:30 p.m.

Worksession on Proposed Hotel Development Regulations

This worksession was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilwoman S. Antanette Mosley; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson.

Mayor Manheimer said that even though no public comment will be accepted at this worksession, the public can still access the remote meeting by listening live and watching online.

Director of Planning & Urban Design Todd Okolichany reviewed with Council the key takeaways (1) Hotels can't be "banned" out right; (2) Development impacts can be managed; and (3) New innovative tools to regulate hotel development approvals: (a) Hotel Overlay District; (b) Development and operational standards; (c) Public benefits; and (d) Design review and design guidelines.

He then reviewed the hotel development study timeline.

Key findings identified by the Urban Land Institute (ULI) included (1) Hotel development impacts are narrow and manageable; (2) Hotels are a proxy for other political and community concerns (e.g. affordable housing, wages, infrastructure needs, etc.); (3) There is a lack of predictability and transparency with the hotel development review process; and (4) Policy and regulatory tools can help manage hotel development approvals.

ULI Policy & Design recommendations included (1) Enhance predictability and transparency in the hotel review process; (2) Establish an accommodations (or hotel) overlay zone; (3) Enact Community Benefits Agreements ("public benefits"); and (4) Update design guidelines and create new oversight compliance mechanisms.

At the February 2020 City Council work session on hotels, Council directed staff to engage the public and study/draft policies for the following: (1) Reestablishing hotels as a permitted use in select areas; (2) Developing new development review criteria and standards; (3) Incentivizing public benefits; and (4) Improving hotel design.

Proposed regulations - key elements are Hotel Overly District & Development Standards; Public Benefits; and Design Review & Guidelines - (1) Establishes a straightforward, transparent process - Administrative vs. City Council review as an incentive; (2) Leverages development to meet community needs; (3) Creates a framework that is a precedent for other types of development; (4) Manages development impacts; and (5) Enhances design.

Regarding staff approval vs. conditional zoning, he showed a development review process flowchart.

Thresholds for Council review include (1) Hotels exceeding 100 feet in height; (2) Hotel projects that do not meet: (a) UDO development standards; (b) Requisite public benefits; and (c) Design review approval; (3) Hotels proposed outside the overlay; and (4) Other considerations: (a) Upper limit on number of hotel rooms; and (b) Maximum amount of hotels on any given block.

Revisions based on public engagement included (1) Changed the definition of small hotels (35 rooms or less); (2) Reduced the extent of areas suitable for hotel development -

Directed hotel development away from residential areas; and Greater focus on protecting historic districts and viewshed corridors; (3) Adjusted public benefits table; (4) Revised design board membership criteria; and (5) Additional regulations being considered.

Regarding recommendation no. 1 - Hotel Overly District & Development Standards. The hotel overlay zoning district goal is to create new Hotel Overlay zoning district (1) Limit the geographic extent of hotels to appropriate locations based on: Available infrastructure; Highway and transit access; Proximity to tourism destinations; Near existing hotel clusters; and Consideration of Living Asheville Future Land Use Map; (2) Protect neighborhoods vulnerable to displacement; (3) Preserve neighborhood livability and quality of life; (4) Encourage historic preservation and adaptive reuse; and (5) Protect viewshed corridors into the downtown area.

He showed the hotel overlay zoning district map explaining (1) Hotel Overlay district indicates where new hotels could be allowed; (2) The overlay district is mapped with two zones - "A" and "B"; (3) Zone "B" (orange) - only allows small hotels with 7-35 rooms; and (4) Zone "A" (blue) - also allows large hotels with more than 35 rooms.

Regarding the concept of the hotel overlay district, (1) Overlay applied in conjunction with underlying zoning - May modify or provide additional standards; and when there is a conflict, overlay will control; and (2) Exceptions: Central Business District and River Arts District Form Code Standards; and Biltmore Village Historic District.

Hotel development standards include (1) Building setbacks; (2) Location and design of parking; (3) Landscaping and buffering; (4) Minimum lot width; (5) Sidewalk requirements; (6) Guest drop-off areas and other operational standards; (7) Ground floor activation; (8) Building design (e.g. windows); (9) Signage; and (10) Lighting.

Regarding recommendation #2 - Public Benefits, we created an innovative points based system to incentivize public benefits (1) Improve transparency and predictability; (2) Address community needs and help implement Council goals (a) Affordable housing; (b) Living wages; (c) Displacement; (d) Sustainability, green buildings; and (e) Sidewalks, street trees; (3) Establish a straightforward, effective process; and (4) Create a framework that could be applied to other uses. This can lay the foundation for public benefits that could potentially be used for other types of projects in the future. We feel this will be a fair and enforceable process.

Regarding the public benefits table, (1) Tiered system based on size and location of hotels; (2) Points are weighted based on the level or amount of public benefit; and (3) Negative points for displacement. He then showed the public benefits table.

He then showed several public benefit examples and whether the project would have required Council review or not.

Mr. Okolichany and City Manager Campbell responded to various questions/comments from Council, some being, but are not limited to: what would be some criteria used if property requested to be included in the Hotel Overlay District; many people don't want any more hotels; did you use the urban renewal map when you did the overlay; is it possible to amend the overlay district; what is Council's role if they want to amend the overlay district; in the blue and orange areas, can we see if there is something on that property, how big are the lots and if the lots are developable; request that the Asheville Mall area not be in the overlay district; are there different options for the level of affordability; do we have access to how profitable is an average hotel room is in Asheville; can we incorporate into the public benefit table if you commit to contracting with minority women/small business enterprises; since most hotels built will be environmentally efficient buildings, so not sure how meaningful the points for LEED certification will be; can we establish a reparations fund and have it listed in the Equity section in the public benefits table; what is the transportation benefit definition in the public benefits table - bus passes for

employees; hotels outside of the Central Business District points totals are low; the entire point system should be reevaluated to make sure we get great projects truly committed to public benefit; and are there some items on the public benefits table that can just be required.

Mayor Manheimer felt that we will need to give clear direction to staff on whether we conceptually agree to the idea of this and want to move it forward for community input.

Councilwoman Mayfield said that if we can't get comfortable with this structure, are there other options. Mr. Okolichany felt there are opportunities in this framework to make improvements. The alternative would be to go back to the status quo on how Council used to review hotel projects.

Councilman Haynes felt we should make the public input points bar higher so projects do not get points for doing something minor.

Because of time restraints, at 4:25 p.m., it was the consensus of Council to continue this worksession to a date to be determined.

Tuesday – October 13, 2020 - 5:00 p.m.

Regular Meeting

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilwoman S. Antanette Mosley; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson.

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 22, 2020

B. RESOLUTION NO. 20-176 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT GRANT FUNDS FROM URBAN SUSTAINABILITY DIRECTORS FOR THE CLIMATE JUSTICE INITIATIVE

ORDINANCE NO. 4830 - BUDGET AMENDMENT FOR THE CLIMATE JUSTICE INITIATIVE

Action Requested: Adoption of a resolution authorizing the City Manager to accept funding in the amount of $15,000 from Urban Sustainability Directors Network (USDN) for the Office of

Sustainability's Climate Justice Initiative, and a budget amendment in the amount of $15,000 to appropriate the funding in the City's Sustainability Fund.

Background:

- In January 2020 Asheville City Council declared a Climate Emergency by adopting Resolution 20-25.
- The adopted resolution acknowledges the urgent need to combat climate change, and the disproportionate impact of the climate crisis on low income communities and communities of color.
- Through this project, the City of Asheville's Office of Sustainability seeks to learn from the energy, cooperation, and proactivity of Asheville's Black, Indigenous, People of Color (BIPOC) to guide climate equity planning and to shape the direction of the City's emerging Climate Justice Initiative.
- Grant funds will be utilized for Sustainability's Climate Justice Initiative outreach efforts to engage the community through story circles and photo art.
- Outreach efforts will include:
    - Story circle compensation, interpretation and translation,
    - Photovoice compensation and supplies,
    - Graphic note taking for final report, and
    - Creation of a semi permanent kiosk fabrication and translation.
- USDN Grant recipients are not required to provide a cash match.

Council Goal(s):

- An Equitable and Diverse Community
- A Clean and Healthy Environment
- A Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Helps support City's Climate Emergency Resolution while leveraging USDN funding

Con(s):

- None

Fiscal Impact:

- None; there is no required City match

Motion:

- Motion to approve a resolution authorizing the City Manager to accept funding from the Urban Sustainability Directors Network; and a budget amendment in the amount of $15,000 to appropriate the funding in the City's Sustainability Fund.

RESOLUTION BOOK NO. 41 -PAGE 451
ORDINANCE BOOK NO. 33 - PAGE 145

C. **RESOLUTION NO. 20-177 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN AMENDMENT TO THE EXISTING LICENSE AGREEMENT WITH BELL ATLANTIC MOBILE SYSTEMS LLC, D/B/A VERIZON WIRELESS TO EXTEND THE TERM UNTIL SEPTEMBER 30, 2022**

Action Requested: Adoption of a resolution authorizing the City Manager to sign an amendment to the existing license agreement with Bell Atlantic Mobile Systems LLC, dba Verizon Wireless to extend the term until September 30, 2022.

Background:

- Verizon has been one of two tenants on the City-owned Royal Pines Cell Tower located at 57 Crestwood Drive.
- The City has its own public safety communications equipment on the tower.
- Verizon has been leasing a portion of the tower since 2009. The current license agreement expired at the end of September 2020.
- A recent Structural Analysis has shown that the tower is near maximum capacity and equipment upgrades recently requested by Verizon could not be installed.
- Verizon has decided to relocate to a tower owned by Duke Energy in the vicinity but the transition period could be as long as two years.
- Staff recommends allowing Verizon to stay on the tower during the transition period, with an extension of the existing agreement for 2 years..

Council Goal(s):

- A Thriving Local Economy

Committee(s):

- None

Pro(s):

- The presence of Verizon on this tower strengthens the signal for the many users of Verizon in the city.
- Allowing Verizon to remain on the tower during the transition will give the City time to plan for the tower usage after they relocate.

Con(s):

- None

Fiscal Impact:

- The City receives approximately $3,666.67 per month or $44,000 per year in revenue.

Motion:

- Motion to approve the resolution authorizing the City Manager to execute an amendment to the license agreement with Bell Atlantic Mobile Systems LLC, dba Verizon Wireless.

RESOLUTION BOOK NO. 41 - PAGE 452

D **RESOLUTION NO. 20-178 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER WITH BROWN & CALDWELL FOR CLEARWELL BAFFLES AT THE NORTH FORK WATER TREATMENT PLANT**

Action Requested: Adopt a resolution authorizing the City Manager to execute a change order to the contract with Brown and Caldwell for the emergency repairs to the North Fork WTP water storage tank baffle curtains for an amount of $346,500 bringing the total of the project to $819,500.

Background:

- The North Fork Clearwell (water storage tank) was constructed in 1976 and has a five (5) million gallons of water capacity.

- Inspection of baffle curtains confirmed significant deterioration. The baffle curtains are critical for attaining required disinfectant contact time within the clearwell to meet regulatory requirements.
- The baffle curtains are beyond repair and must be replaced.
- Inspection discovered minor needed repairs to the clearwell roof, vents, and other equipment.
- The requested change order includes both structural engineering and complete repair costs.

Vendor Outreach Efforts:
- N/A

Council Goal(s):
- A Financially Resilient City; A Clean and Healthy Environment

Committee(s):
- None

Pro(s):
- The North Fork Water Treatment Plant will more easily be able to meet the EPA and State requirements for Giardia & Cryptosporidium

Con(s):
- The North Fork Water Treatment Plant clearwell has a capacity of the five (5) million gallons. To meet EPA and State requirements for Giardia & Cryptosporidium the clearwell has had to be maintained at a higher capacity level and limits operational flexibility.

Fiscal Impact:
- Funding for this repair will come from Water Resources Capital Improvement Program (CIP) funding that is already budgeted.

Motion:
- Move to adopt a resolution authorizing the City Manager to execute a change order to the contract with Brown and Caldwell for the emergency repairs to the North Fork WTP water storage tank baffle curtains for an amount of $346,500 bringing the total of the project to $819,500.

RESOLUTION BOOK NO. 41 - PAGE 453

E. ORDINANCE NO. 4831- BUDGET AMENDMENT FROM THE FEDERAL TRANSIT ADMINISTRATION FOR SECTION 5339(b) FUNDS TO BE USED TO IMPROVE AND ENHANCE BUS STOPS IN THE SERVICE AREA

Action Requested: Adoption of a budget amendment in the amount of $1,250,000, which includes $1.0 million from the FTA Section 5339(b) Discretionary Grant Fund Program for bus stop improvements and a $250,000 local match.

Background:
- On March 24, 2020, the City Council adopted Resolution No. 20-137 authorizing the City Manager to apply for, and accept if awarded, grant funding from the FTA FY2020 Buses and Bus Facilities discretionary grant program.
- The City applied for, and was awarded $1 million, in grant funds for the purpose of improving bus stops in the service area.

- Improvements will be prioritized at high-ridership stops and stops serving vulnerable communities. Improvements might include bus shelters, benches, solar lighting, and ADA accessibility improvements.
- The local match for the grant award will come from multiple sources, including remaining City approved General Obligation (GO) Bond funds for bus stop improvements ($62,000), unspent funds provided via development project conditional approvals ($40,000), and previously budgeted funding in the Transit Capital Fund ($148,000).
- Staff is also expecting to receive donations from partner associations; these donations would be used to lower the required contribution from the Transit Capital Fund.

Council Goal(s):
- Transportation and Accessibility

Committee(s):
- None

Pro(s):
- Project funding is provided by the FTA and will help support improvements of transit amenities in the service area.

Con(s):
- The grant requires a 20% local match for the acquisition and installation of transit amenities, and a 10% match for ADA accessibility improvements.

Fiscal Impact:
- As noted above, there is a required local match of 20% and 10% depending on the specific types of improvements implemented. The maximum required local match is $250,000. The sources for the local match are discussed above.

Motion:
- Motion to adopt a budget amendment in the amount of $1,250,000 million, which includes $1.0 million from the FTA Section 5339(b) Discretionary Grant Fund Program for bus stop improvements and a $250,000 local match.

ORDINANCE BOOK NO. 33 - PAGE 146

F. RESOLUTION NO. 20-179 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A THREE YEAR SERVICE CONTRACT WITH 120WATER FOR THE LEAD EDUCATION & PREVENTION PROGRAM

Action Requested: Adopt a resolution authorizing the City Manager to execute a three year service contract with the option to renew for an additional two years with 120Water for the *Lead Education and Prevention Program* in the amount of $446,648 with a 10% contingency of $44,664.80 for a total of $491,312.80.

Background:
- The United States Environmental Protection Agency is scheduled to pass (fall of 2020) the new Lead & Copper Rule Revisions which will require a data management platform that has the ability to cohesively manage all required Lead and Copper Tap Monitoring, Primacy Agency & Customer Results Reporting, Service Line Inventory, and Lead Service Line Replacement in the Water System.
- 120Water is a digital water company that provides data management along with sample kits, analysis, and assistance with public education.

- 120Water has a data management platform that manages all areas of the new rule revisions.
- 120Water will provide the required sampling kits, laboratory analysis, and provide assistance with public educational outreach.
- The revisions require water purveyors to not only manage the water distribution system side of the water meter service line, but also requires research and monitoring of service line piping material to the home and provide customer education if a lead line is found to be on the customer or utility side of the water meter.
- Staff has taken a proactive approach in preparing for the Lead & Copper Rule Revisions.
- A Request for Proposals for required services was issued on June 15, 2020.
- Proposals were received on August 13, 2020.
- The Lead and Copper Coordination Team reviewed proposals on August 21, 2020.

Three firms responded:

- 120Water - Zionsville, IN
- Camanse - Arden, NC
- Miracle Software Systems - Novi, MI

120Water was selected as the most qualified firm to provide the required services.

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- No MWBE firms submitted bids with this prime contractor.

Council Goal(s):

- Clean & Healthy Environment

Committee(s):

- None

Pro(s):

- Ability to continue compliance with Federal and State regulations
- 120Water has ongoing experience with large water utilities throughout the United States.
- 120Water has proactively prepared these utilities for the new lead and copper provisions.
- Data platform will allow public access to easily consumable and transparent data.

Con(s):

- Failure to adopt resolution will result in difficulty complying with Federal and State regulations.

Fiscal Impact:

- Three year contract with the option to renew for an additional two years.
- The Water Resources Department currently has the funds to encumber the yearly contract amount of $163,770.94 in its operating funds.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute a three year service contract, with the option to renew for an additional two years, with 120Water for the *Lead Education and Prevention Program* in the amount of $446,648 with a 10% contingency of $44,664.80 for a total of $491,312.80.

RESOLUTION BOOK NO. 41 - PAGE 454

G. RESOLUTION NO. 20-180 - RESOLUTION AUTHORIZING THE CITY ATTORNEY'S OFFICE TO CONDEMN A STORMWATER EASEMENT OVER REAL PROPERTY LOCATED AT 2 SPRINGDALE ROAD

Action Requested: Adopt a resolution authorizing the City Attorney's Office to condemn a stormwater easement over real property located at 2 Springdale Road.

Background:

- The City's Stormwater Division has a capital improvement project planned for 2021 in the City's Kenilworth neighborhood.
- The City has obtained all required easements needed to complete its Kenilworth stormwater project except for one along the edge of real property located at 2 Springdale Road.
- This property is shown as lots 12 and 13 of Block K on a plat recorded at Plat Book 154, Page 109A in the Buncombe County Register of Deeds Office.
- Regina Tate owns the property at 2 Springdale Road. She has not responded to any of the City's attempts to contact her regarding the easement needed to facilitate the stormwater project.
- To date, three separate City departments have attempted to make contact with Ms. Tate.
- In order to maintain the project schedule, obtaining the easement via eminent domain is the only option available to the City.
- The City will deposit with the Clerk of Court the value of the easement which will be available to the property owner at any time.
- The easement needed at 2 Springdale Road is immediately adjacent to the City's right-of way and is entirely within an unbuildable setback. As such, the City's condemnation of the needed easement will only minimally disturb Ms. Tate's use of the property.

Council Goal(s):

- Clean & Healthy Environment

Committee(s):

- None

Pro(s):

- Will facilitate the completion of a needed stormwater improvement project.

Con(s):

- Will result in the commencement of an eminent domain action against a citizen.

Fiscal Impact:

- The expected value of the needed easement is less than $5,000 which is included in the project budget for the subject stormwater improvement project.

Motion:

- Motion to adopt a resolution authorizing the City Attorney's Office to condemn a stormwater easement over real property located at 2 Springdale Road.

RESOLUTION BOOK NO. 41 - PAGE 455

H. RESOLUTION NO. 20-181 - RESOLUTION AUTHORIZING THE CITY MANAGER TO RENEW AN EXISTING CONTRACT WITH SMARKING, INC. TO PROVIDE REAL TIME AND PREDICTIVE PARKING DATA

Action Requested: Adoption of a resolution authorizing the City Manager to renew contract with Smarking, Inc. at a contract value of $35,260 which increases the total value of the contract to $97,935, for real-time data aggregation and predictive data analytics service for Parking Services.

Background:

- The City of Asheville entered into a contract with Smarking, Inc. during November 2018 at a contract value of $29,500 for real-time data aggregation and predictive data analytics services.
- The original contract included two, one-year renewal terms.
- The first renewal term was executed with an effective date during November 2019 at a contract value of $33,175 which increased the total contract value to $62,675.
- The annual cost has increased from the initial contract due to the addition of several parking facilities since the contract was first executed.
- Smarking provides Parking Services with real-time monitoring of all of our parking facilities, and tracks metrics including usage, revenue, and future demand.
- The analytical capabilities of the Smarking system are critical in Parking Services operational response.

Vendor Outreach Efforts:

- N/A - This is a current contract.

Council Goal(s):

- Transportation and Accessibility
- A Financially Resilient City

Committee(s):

- None.

Pro(s):

- Enables the City to continue to use data to inform procedures and decision-making.
- Enables Parking Services to maintain a healthy operating status in spite of financial challenges presented by COVID-19.

Con(s):

- None

Fiscal Impact:

- The required funds are included in the current Parking Services Fund operating budget.

Motion:

- Motion to adopt a resolution authorizing the City Manager to renew contract # 91900266 with Smarking, Inc. at a contract value of $35,260 which increases the total value of the contract to $97,935.

RESOLUTION BOOK NO. 41 - PAGE 456

Mayor Manheimer announced that there were no advanced live call-ins for items on the Consent Agenda.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

III. PRESENTATIONS & REPORTS:

A. MANAGER'S REPORT - 30/60/90 DAY WORK PLAN

City Manager Campbell said that provided City Council with her presentation overview: (1) On June 9, staff presented a 30/60/90 Day Work Plan and over the past several meetings have updated Council and the community on our work; (2) The 30/60/90 Day Work Plan was developed in response to numerous requests from the Black Asheville Demands coalition to address specific racial justice and economic inclusion issues; (3) The Work Plan reflects when we would start working on these requests; and (4) This evenings presentation will focus on all the initiatives but more detailed information will be provided on: (a) The multiple choice data from the Re-imagining Public Safety Questionnaire; (b) The new project page being established for this effort; and (c) Partnership with Asheville City Schools and Learning PODS.

Within the 30 days; (1) Resolution to remove monuments and creation of task force (a) Vance Monument Task Force is still meeting every Thursday at 4:30 pm.; (b) On October 22 and 29, there will be the opportunity for live comment; and (c) The task force aims to have a recommendation on whether to remove or repurpose by November 19, 2020; and (2) Work with the community on the renaming of streets - Continuing to develop next steps in terms of community engagement;

Within the 60 days, (1) Continue partnering with Asheville City Schools (ACS) and Buncombe County Schools to address Opportunity Gaps - Update from Parks and Recreation and Asheville City Schools provided later; (2) Initiate conversations to Defund the Police budget by 50% Defund/Divest/Invest Strategy (a) Initial reallocation and policy reforms to pursue made with recent budget decision; and (b) Resuming Reimagining Public Safety discussions early November; and (3) Initiate conversations with the district attorney's office regarding the probation decision for Mr. Hickman (a) City Attorney's office working with DA's office and Restorative Justice process related to probation process; and (b) Meeting is scheduled later this week to follow-up with community members (JustUs) in terms of next steps.

Work underway for 90 days include (1) Provide protocol, practices and resource allocation data from the Equity and Inclusion Department on our City Website (a) Equity Dashboard available, https://www.ashevillenc.gov/equity-dashboard/; and (b) Resolution regarding the sale of city owned property received as part of Urban Renewal approved by PED Committee to move to full Council in November; and (2) Better understand and work through solutions for remaining demands: o Creation of "Harm Free Zones" o All Civilian Oversight Committee (a) Legal Department working on legislative proposal for civilian oversight committee and exploring options for improving the Civil Service Board Process; and (b) Legal Department has researched Harm Free Zones in order to understand the concept. These are generally implemented at a neighborhood level without local government involvement.; (3) Utilize best practices to recruit people of color - Human Resources and individual departments working on recruitment and retention strategies ; and (4) Develop Race and Gender Conscious Policy in response to the disparity study as part of City contracting and procurement - Policy approved by Planning and Economic Development Committee (PED) on October 12 and will be considered by full Council on October 27.

Regarding the survey (multiple choice questions), (1) Responses to the multiple-choice questions are available on this Google Data Studio Dashboard; and (2) The multiple choice questions were intended to: (a) gain an understanding of how respondents feel about safety in our community; (b) get an idea of where to start with exploring new partnerships in the delivery of

public safety services; and (c) through the demographic questions, get an understanding of who is missing from the conversation.

The responses to the multiple choice questions support some major themes reported from the virtual meetings. (1) Violent Crime - APD has an important role in public safety, especially in addressing violent crime; (2) Nuisance Calls for Service - should be in partnership with other city departments and/or community partners; and (3) Public Health Calls for Service - APD participate as a partner in coordination with other public health and social service providers.

Regarding the 30/60/90 Plan Project Page, it is now available now with updates on all initiatives. The 30/60/90 Day work plan will be rebranded and transition into longer term initiatives.

Ms. Shaunda Sandford, Housing Authority of the City of Asheville Director of Resident Services explained that PODS is Positive Opportunities Development Success.

Ms. Kidada Wynn, Asheville City Schools Executive Director of Student Support Services explained their guiding principles - equity in with positive impact, student-centered, revolutionary love, and changing the narrative. The Asheville Housing Authority, Asheville City Schools, Asheville Parks & Recreation, MDTMT, YTL, CHOSEN, WCRM, Delta House and numerous other community organizations, have partnered to support students in their communities with learning pods at several locations within the Asheville community.

Ms. Sandford said that there are 11 sites, 23 PODS (10 students in each POD) with 200 students. In this unique opportunity, Asheville City Schools staff and community members are pushing into communities of color to work with students in a pod setting. Individuals are pushing into these pods to support and facilitate student engagement and enrichment. We also recognize that some of our students have barriers that may hinder their academic growth; therefore, ACS staff acts as a liaison between the pods and the students' teachers to maximize student success.

Ms. Sandford said the locations are the Arthur R. Edington Education & Career Center, Burton Street Recreation Center, Delta House, Grant Center, Hillcrest Community Center, Hillcrest Head Start Building, Montford Center, My Daddy Taught Me That; Stephens-Lee Recreation Center, Western Carolina rescue Mission and the YTL. Future sites include Pisgah View Apartments and Deaverview Apartments.

Mr. Gene Bell, Housing Authority of the City of Asheville Board Member, spoke about the internet access for Housing Authority residents. Vice-Mayor Wisler asked if we can see what we can do to help the community participate in making a donation to this project. Ms. Wynn noted that she will contact the Asheville City Schools Foundation to set up an internet access fund, and thanked the City of Asheville for their $50,000 donation.

In response to Councilwoman Mosley, Ms. Wynn said that the overall quality is better for our children and they are excited about coming to our PODS everyday.

Ms. Wynn responded to Councilwoman Smith when she asked if there is a long-term vision.

In response to Mayor Manheimer, Ms. Wynn said there are at least 200 students waiting for the PODS.

Mayor Manheimer said that there is a regional effort to bring free wifi access throughout the county, but complemented the Housing Authority team on moving forward.

Vice-Mayor Wisler, along with Ms. Sandford and Ms. Wynn, thanked City Manager Campbell for her assistance with this initiative and for being able to offer the facilities.

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO AMEND THE U.S. DEPT. OF HOUSING & URBAN DEVELOPMENT 5-YEAR CONSOLIDATED ACTION PLAN

Councilwoman Smith moved to continue this public hearing to amend the U.S. Dept. of Housing & Urban Development 5-Year Consolidated Action Plan until November 10, 2020. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

B. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO A PREVIOUSLY APPROVED CONDITIONAL ZONING APPROVAL (ORDINANCE NO. 4570) FOR PROPERTY LOCATED AT 236 CHARLOTTE STREET AND 336 HILLIARD STREET TO MODIFY THE SITE PLAN TO REFLECT THE RIGHT-OF-WAY CLOSURE OF LENNOX COURT AND TO MAKE CHANGES TO THE SITE AND BUILDING FOOTPRINT AT THE HE HILDE'S HOUSE INFANT CARE CENTER

Principal Planner Shannon Tuch said that this is the consideration of an amendment to a previously approved conditional zoning approval (Ordinance No. 4570) for property located at 236 Charlotte Street and 336 Hilliard Street to modify the site plan to reflect the right-of-way closure of Lennox Court and to make changes to the site and building footprint at the Hilde's House infant care facility. This public hearing was advertised on October 2 and 9, 2020.

Project Location and Contacts:

- The project site consists of two parcels located at 236 Charlotte Street and 336 Hillside Street (PINs 9649-54-9873 and 9649-54-7812).
- Owner / Petitioner: Jewish Community Center Foundation of Asheville; Contact: Michael Mitchell

Summary of Petition:

- The applicant is requesting to expand an existing day care building (called "Hilde's House" and located at 336 Hillside Street) at the Jewish Community Center (JCC) main campus.
- The expansion includes a new ramp for accessibility, enlarged side porch and a small increase to heated area.
- The proposal includes a new accessible parking space behind the building and a new driveway cut onto Murdock Avenue to allow for egress only.
- The subject parcels were conditionally-zoned by City Council on March 28, 2017, under ordinance number 4570, for the expansion of the JCC main campus building (located at 236 Charlotte Street), the use of the property at 336 Hillside Street for the infant day care (Hilde's House), and minor site improvements. Most of the work included in the approval has been completed.
- An amendment to the previously approved conditional zoning and related site conditions is required due to the requested site plan changes.
- This amendment also includes the closure of a driveway through the JCC main campus building site (located at 236 Charlotte Street) from Lennox Court to Hillside Street, thereby ceasing its use by the general public through this private property.
- The action by City Council to formally close a portion of the Lennox Court right-of-way was granted by Council in 2019 under resolution 19-266 but the site plan approved in the ordinance did not show closing off vehicular access.

- This amendment formalizes the site plan which was not part of the previous conditional zoning approval.
- The project maintains all of the conditions that were approved in the previous ordinance and includes the following **new** conditions:
    - The separation of the driveway from the property lines on Murdock and Hillside will be as shown on plans (less than the standard 10 foot spacing required). This design would be similar to the residential development pattern in the neighborhood.
    - The width of the driveway will be approximately 12 feet on Murdock and maintain approximately nine feet on Hillside as shown on plan (less than the width standard of 24 feet for a non-residential use). This change also mirrors the residential development pattern in the neighborhood.
    - Condition number three is amended to indicate that access to the JCC main campus site will no longer be from Lennox Court.
    - Condition number four is amended to note that parking spaces at Hilde's House will be available for both staff and visitors.

Committee Review:

- The Planning & Zoning Commission considered this request at their meetings on September 2 and September 23, 2020, and discussed concerns regarding the new egress connection onto Murdock and the turning radius having possible conflicts with on-street parallel parking spaces.
- The Commission voted 6-1 at the second meeting to support the amendment but with a recommended condition that the driveway onto Murdock would be right-turn out only. The applicant was agreeable to this condition and it has been reflected in the B.1 Conditions.

Comprehensive Plan Consistency:

- This proposal is consistent with the Living Asheville Comprehensive Plan in that the project site is within the areas designated as Neighborhood Center and Traditional Neighborhood in the Future Land Use map, which anticipates non-residential community-focused activity.
- This section of the Plan specifically mentions community centers and other small-scale uses with an emphasis on pedestrian scale and walkability.

Compatibility Analysis:

- The community center and child care uses are currently in place and have been operating on this site for many years, providing services to the neighborhood and larger community.
- The buildings and uses are considered to be compatible with the development along the corridor and scaled down, transitioning into the neighborhood.
- The physical changes included in this amendment address accessibility and access concerns and are designed to keep with the character of the residential area.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Technical Review Committee (TRC) - April 6, 2020 - approved with conditions
- Planning & Zoning Commission - September 2 and 23, 2020 - recommended approval 6-1

Staff Recommendation:

- Staff recommends approval of this amendment and finds that the proposal allows for upgrade and expansion of the child care center and better management of vehicular access on both sites.

In summary, (1) Master plan for the JCC campus approved by Council in 2017 (ordinance 4570); (2) Council approved a right-of-way closure for Lennox Court in 2019 that modified access to the Charlotte Street parcel; (3) Specific conditions in the 2017 approval limit ability for expansion or improvement of Hilde's House infant day care site; and (4) This amendment allows for changes to the building, parking and site access for Hilde's House and formalizes the current, changed parking lot access configuration for the main campus site.

Ms. Ashley Lasher, representing the applicant, gave a brief history of the facility, the quality of the program; and the reputation of the Shalom Children's Center. They want to renovate Hilde's House in order to (1) maintain home/neighborhood environment; (2) facilitate implementation of licensing requirements; (3) create uninterrupted sight-lines for supervision; (4) improve ADA accessibility; (5) improve security; and (6) reduce impact of pick-up/drop-off traffic on the community, increasing safety of participants.

Ms. Suzanne Godsey, representing the applicant's design team, showed the site plan of the existing Hilde's House, along with the proposed site plan.

Ms. Wendy Legerton, representing the applicant's design team, showed the proposed floor plan and the proposed overall 3D view. They asked for Council's support in the amendment to the conditional zoning.

Mayor Manheimer opened the public hearing at 6:10 p.m.

Mayor Manheimer announced that there were no advanced live call-ins for this public hearing item.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Vice-Mayor Wisler moved to recess this item until October 27, 2020, at which time this public hearing will be voted. This motion was seconded by Councilwoman Mosley and carried unanimously by roll call vote.

C. AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE IN ORDER TO BRING THE CITY'S DEVELOPMENT CODE INTO ALIGNMENT WITH RECENT STATE LEGISLATION

PUBLIC HEARING TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE ARTICLES II, III, V, VIII AND VIX RELATED TO HISTORIC PRESERVATION, IN ORDER TO BRING THE CITY'S DEVELOPMENT CODE INTO ALIGNMENT WITH RECENT STATE LEGISLATION

PUBLIC HEARING TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE ARTICLES II, XII AND XVIII IN ORDER TO BRING THE CITY'S DEVELOPMENT CODE INTO ALIGNMENT WITH RECENT STATE LEGISLATION

Mayor Manheimer said that these two amendments both relate to bringing the City's development code into alignment with recent state legislation; therefore, there will be one presentation and combined public hearings; but ultimately two votes. The two individual public hearings were advertised on October 2 and 9, 2020.

Principal Planner Shannon Tuch said that 160D is (1) a chapter in the NC General Statutes adopted as part of Session Law 2019-111 and which became effective June 20, 2020; (2) Replaces existing 160A (municipal) and 153A (county) chapters; (3) Purpose is to *Clarify*, *Consolidate*, and *Reorganize* the land use laws of the state; and (4) A collaboration between NC land use attorneys, the UNC-SOG & NC legislators.

The timing of 160D is (1) Currently effective but local governments have until July 1, 2021 to make any necessary amendments to be in alignment with 160D; (2) Staff will bring forward a series of amendments to modify the City of Asheville's UDO to be consistent with 160D; and (3) The first two amendments are on this evening's agenda: (a) Updates to standards related to Historic Preservation; and (b) Changes to Enforcement and Definitions.

Both amendments have been reviewed by the Historic Resources Commission (on 8-12-20) and the Board of Adjustment (8-24-20) with unanimous support by both bodies.

Regarding Amendment #1 (Historic Preservation), there are two "musts" and a "may" - *Must* follow quasi-judicial proceedings; *Must* describe preservation requirements as "standards" and not "guidelines"; and *May* choose to have appeals from an HRC decision move directly to Superior Court, rather than the city's Board of Adjustment.

Regarding Amendment #2 (Enforcement & Definitions), (1) Enforcement - A Series of "musts" and a "mays" - Clarifies enforcement practices protecting property owners - "musts;" and Clarifies enforcement practices providing officers flexibility - "mays"; and (2) Definitions - changes to existing, adding new, replacing old - Update existing terms - clarifying the types of decisions; Add some new terms; and Replaced Conditional Use Permit w/ Special Use Permit.

From Staff Report on Historic Preservation:
"Background:

- A collaborative effort between North Carolina land use attorneys, the University of North Carolina - School of Government and North Carolina legislators resulted in Session Law 2019-111 "AN ACT TO CLARIFY, CONSOLIDATE, AND REORGANIZE THE LAND-USE REGULATORY LAWS OF THE STATE." adopted July 11, 2019.
- Chapter 160D of the North Carolina General Statutes is the first major recodification and modernization of city and county development regulations since 1905.
- As the law's title states, the purpose of 160D is to clarify and reorganize the land use regulatory laws of the State and to consolidate these laws into one chapter in order to provide a uniform set of statutes applicable to both cities and counties (previously land use/development regulation related laws for cities were found in Article 19 of NCGS Chapter 160A and for counties were found in Article 18 of N.C.G.S. Chapter 153).
- 160D contains a number of legislative changes which a local government ***must*** take action to adopt, but it also contains permissive legislative changes which a local government ***may*** choose to adopt or not.
- Originally, parts of the 160D became effective immediately while most of it was not to become effective until January 1, 2021, however, **on June 19, 2020, the General Assembly enacted legislation-S.L. 2020-25- making Chapter 160D effective immediately.**
- This law provided flexibility to local governments in the timing for adoption of amendments to conform local development regulations to the new statutes.
- **Local governments may enact their amendments now, but they are not required to do so until July 1, 2021.** .
- This zoning text amendment seeks to align the City of Asheville Unified Development Ordinance (Chapter 7) provisions related to Historic Preservation with the new Chapter 160D.

- Chapter 160D provisions related to Historic Preservation can be found in sections 940-951 of the statute (such provisions for cities were formerly found in Chapter 160A-400.1 thru 400.15).
- The 160D changes are fairly minor:
    - 1) ***Must*** follow standard quasi-judicial procedures for preservation certificates of appropriateness. (G.S. 160D-947(c).)-the City has long followed ;
    - **2) *Must*** frame preservation district provisions as "standards" rather than "guidelines" (G.S. 160D-947(c).); and
    - **3) *May*** choose for appeals of preservation commission decisions to go directly to superior court rather than to the board of adjustment. (G.S. 160D-947(e).).
- **Summary of changes:**
    - In regard to the first requirement, the City/County Historic Resources Commission (herein "HRC") has long followed quasi-judicial procedure for the issuance or denial of certificates of appropriateness, so no real significant amendments were required in this regard.
    - Text has been added in UDO Article II Definitions, "administrative decision", "quasi-judicial decision", "quasi-judicial hearing" and Article V sec. 7-5-11 Certificates of Appropriateness, in order to clarify specific quasi-judicial procedures or to clarify which decisions are considered "administrative" or "quasi-judicial" and how those are defined.
    - In regard to the second requirement,the term "guidelines" has been replaced with the term "standards" throughout the historic preservation related sections of the UDO (Chapter 7- Development- of the City Code), Article III, Section 7-3-4 Historic Resources Commission, Article V, Sections 7-5-8(a)(3)(e) and 7-5-8(b)(5) related to Subdivision Plats in Historic Districts and Section 7-5-11 Certificates of Appropriateness, Article VIII, Section 7-8-1(b)(2)b. Historic Preservation Overlay District; and Article VIX, Section 7-9-2 Historic Preservation Overlay District).
    - Finally, in regard to the third 160D provision which is permissive, rather than required.
    - Staff strongly recommends adoption of this provision [see Sec. 7-5-11(b)(8)] which would require appeals of decisions by the HRC to go directly to superior court rather than to the City's Board of Adjustment (herein "BOA") because it would allow for :
        - a more streamlined review process for applicants; would act to discourage frivolous appeals, thereby improving the City's ability to enforce; and
        - it would not place one city quasi-judicial decision-making board, BOA, with its own statutorily required standards of review (i.e. *unnecessary hardship, consistency with spirit of the ordinance*), in the difficult position of reviewing the decision of another city/county quasi-judicial decision-making board, the HRC, that has its own, different statutorily required and adopted standards of review (i.e.*congruity with the special character of the historic district*).
        - *Note:* The BOA would still be responsible for hearing requests for variances from property owners within an historic district.
    - Lastly, there are text amendments throughout that update any references to provisions in G.S. 160A to indicate relevant provisions in Chapter 160D (as required by the statute) as well as revisions made to more clearly mirror the languages of the statute or that simply reflect editing "clean ups" (i.e. mis-spellings, missing words, poor sentence structure).

Comprehensive Plan Consistency:

- This proposal best aligns with the *Living Asheville.Comprehensive Plan* theme of **Responsible Regionalism** that seeks to "improve Regional Collaboration, Coordination and Communication" by aligning the city's development code with state statutes. (p. 288)

Council Goal(s):
- A Well-Planned & Livable Community

Committee(s):
- On August 12, 2020, the Historic Resources Commission was updated on these proposed amendments related to historic preservation and voted unanimously to recommend support of these amendments.
- On August 24, 2020, the Asheville Board of Adjustment ("BOA") was updated on the proposed amendment regarding appeals of HRC decisions regarding certificates of appropriateness going directly to superior court rather than to the BOA (UDO Section 7-5-11(b)(8) and voted unanimously to recommend support of this amendment.
- This request was reviewed by the Planning & Zoning Commission at their meetings on September 2, 2020 (public hearing) and September 23, 2020 (vote), where it was recommended for approval, 7:0.

Pro(s):
- Proposed changes will align the city's development standards, practices and procedures with newly enacted North Carolina state law Chapter 160D.
- Clarifies the process for Historic Preservation related quasi-judicial and administrative decisions.
- Streamlines the appeals process for applicants and improves the decision-making and enforcement process for the City.
- Clarifies practices and procedures for the development community.

Con(s):
- None identified.

Fiscal Impact:
- None

Staff Recommendation:
- Staff recommends approval of the proposed zoning text amendment to update Chapter 7 because this is felt to be consistent with the *Living Asheville* comprehensive plan in that it seeks to align the city's development code with North Carolina General Statute Chapter 160D."

From Staff Report on Enforcement & Definitions:
"Background:
- A collaborative effort between North Carolina land use attorneys, the University of North Carolina - School of Government and North Carolina legislators resulted in Session Law 2019-111 "AN ACT TO CLARIFY, CONSOLIDATE, AND REORGANIZE THE LAND-USE REGULATORY LAWS OF THE STATE." adopted July 11, 2019. Chapter 160D of the North Carolina General Statutes is the first major recodification and modernization of city and county development regulations since 1905.
- As the law's title states, the purpose of 160D is to clarify and reorganize the land use regulatory laws of the State and to consolidate these laws into one chapter in order to provide a uniform set of statutes applicable to both cities and counties (previously land use/development regulation related laws for cities were found in Article 19 of NCGS Chapter 160A and for counties were found in Article 18 of N.C.G.S. Chapter 153).

- 160D contains a number of legislative changes which a local government ***must*** take action to adopt, but it also contains permissive legislative changes which a local government ***may*** choose to adopt or not.
- Originally, parts of the 160D became effective immediately while most of it becoming effective January 1, 2021, however, on **June 19, 2020, the General Assembly enacted legislation, S.L. 2020-25, allowing for Chapter 160D to be implemented immediately by local government if they so choose, with a required implementation date of July 1, 2021.**
- This zoning text amendment seeks to align the City of Asheville Unified Development Ordinance (Chapter 7) provisions related definitions and enforcement with the new Chapter 160D.
- Chapter 160D provisions related to enforcement can be found in Article 4 of the statute (such provisions for cities were formerly found in 160A-432).
- **The 160D changes to enforcement include:**
    - **Must** issue notice of violations (NOVs) in conformance with statutory procedures (must deliver to permittee and landowner if different;
        - **May** deliver NOV to occupant or person undertaking the activity; delivery by hand, electronic delivery, or first class-mail;
        - **May** be posted onsite; administrator to certify NOV for the file)(G.S. 160D-404(a));
    - If inspecting, **must** enter the premises during reasonable hours and upon presenting credentials;
    - **Must** have consent of the premises owner or an administrative search warrant to inspect areas not open to the public (G.S. 160D-403(e))-The City has long followed this practice;
    - For revocation of development approval, **must** follow the same process as was used for the approval (G.S. 160D-403(f));
    - **May** issue stop-work orders for illegal or dangerous work or activity, whether related to a permit or not (G.S. 160D-404(b).
- **Chapter 160D provisions related to definitions can be found in 160D-102 and S.L. 2019-111 § 1.17. The 160D provision changes are fairly minor:**
    - **Must** align ordinance terminology with 160D terminology for conditional zoning and special use permits;
    - **Must** delete use of the terms conditional use permit, special exception, conditional use district zoning, and special use district zoning (G.S. 160D-102);
    - **Must** ensure that that ordinance definitions for building, dwelling, dwelling unit, bedroom, and sleeping unit are not inconsistent with definitions provided in state law and regulation (S.L. 2019-111§ 1.17); and
    - **May** align ordinance terminology with Chapter 160D terminology in 160D-102 to include administrative decisions, development approval, development, and developer.

- **Summary of changes to enforcement are as follows:**
    - Updated language of sec. 7-18-3(b)(1)-(2) to include the holder of the development approval and landowner of property involved in order to conform with 160D-404(a).
    - Updated sec. 7-18-3(b)(2) to include electronic delivery as a method of service for notice of violations as provided in 160D-404(a);
    - The City has long followed the rules of 160D-403(e) in practice prior to the implementation of 160D, no real changes needed;
    - Updated language to revocation of permits, new sec. 7-18-6(c) to include that the local government must notify the development approval holder, in writing, prior to the revocation of permits and the revocation shall follow the same

development approval and review process as required for issuance of the development approval , to conform with the 160D-403(f);
    - Staff strongly recommends adoption the permission 160D addition of stop work orders provision, new sec. 7-18-6(b):
        - This provision would allow staff to issue stop work orders on local development that is in substantial violation of State or local law or in a manner that endangers life or property, where it was not previously provided for outside of Article XII of the UDO.
- **Summary of Changes to Definitions are as follows:**
    - Terminology has been updated in Article II of the UDO for 160D conformance: *'bedroom', 'dwelling', 'sleeping unit', 'special use permit.'*
    - The Deleted term being *'conditional use permit,' which was replaced by 'special use permit';*
    - Terminology for items that are permissive, rather than required, were updated to conform to 160D-102: *'administrative decision', 'administrative hearing', 'developer', 'development', 'development approval', 'development regulation', 'legislative decision', 'legislative hearing', 'quasi-judicial decision,'* and *'quasi-judicial hearing.'*
    - Staff strongly recommends the adoption of the permissive terminology update to Article II of the UDO:
        - To provide continuity with Chapter 160D; and
        - To provide clarity on the various development approval processes and types of approvals available.

Comprehensive Plan Consistency: This proposal best aligns with the *Living Asheville Comprehensive Plan* theme of a **Responsible Regionalism** that seeks to "Improve Regional Collaboration, Coordination and Communication" by aligning the city's development code with state statutes (p. 288).

Council Goal(s):
- A Well-Planned & Livable Community

Committee(s):
- This request was reviewed by the Planning & Zoning Commission at their meetings on September 2, 2020 (public hearing) and September 23, 2020 (vote), where it was recommended for approval, 7:0.

Pro(s):
- Proposed changes will align the city's development standards, practices and procedures with newly enacted North Carolina state law Chapter 160D.
- Modernizes outdated language.
- Creates objective standards for ministerial decisions.
- Clarifies practices and procedures for the development community.

Con(s):
- None Identified.

Fiscal Impact:
- None

Staff Recommendation:
- Staff recommends approval of the proposed zoning text amendment to update Chapter 7 because this is felt to be consistent with the *Living Asheville* comprehensive plan in that it

seeks to align the city's development code with North Carolina General Statute Chapter 160D."

Mayor Manheimer opened the public hearings at 6:18 p.m.

Mayor Manheimer announced that there were no advanced live call-ins for either one of these public hearings.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for the public hearing to amend the Unified Development Ordinance Articles II, III, V, VIII and VIX related to Historic Preservation, will be accepted for an additional 24 hours. Therefore, Vice-Mayor Wisler moved to recess this item until October 27, 2020, at which time this public hearing will be voted. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for the public hearing to amend the Unified Development Ordinance Articles II, XII and XVII related to enforcement and definitions, will be accepted for an additional 24 hours. Therefore, Vice-Mayor Wisler moved to recess this item until October 27, 2020, at which time this public hearing will be voted. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

E. PUBLIC HEARING TO CONSIDER UPDATES TO THE 2020-21 ACTION PLAN (1) TO INCLUDE THE ALLOCATION OF $154,711 IN COMMUNITY DEVELOPMENT BLOCK GRANT CONTINGENCY FUNDS AND THE REALLOCATION OF AN ESTIMATED $1.1 MILLION IN HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS; AND (2) $889,456 IN CDBG-CV FUNDS, WHICH MUST BE USED TO PREVENT, PREPARE FOR, OR RESPOND TO CORONAVIRUS

Councilwoman Smith moved to continue this public hearing to update the 2020-21 Action Plan until October 27, 2020. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

V. UNFINISHED BUSINESS:

A. RESOLUTION NO. 20-182 - RESOLUTION TO PERMANENTLY CLOSE A PORTION OF AN UNOPENED RIGHT-OF-WAY KNOWN AS GAYLE STREET

Mayor Manheimer said that this public hearing was held on September 22, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilman Haynes moved to permanently close a portion of an unopened right-o-fway known as Gayle Street. This motion was seconded by Councilwoman Smith and carried unanimously by roll call vote.

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B. ORDINANCE NO. 4832 - ORDINANCE TO CONSIDER AN AMENDMENT TO A PREVIOUSLY APPROVED CONDITIONAL ZONING FOR PROPERTY LOCATED AT COXE/ASHELAND/FEDERAL ALLEY FOR CHANGES TO A MIXED USE DEVELOPMENT ZONED CENTRAL BUSINESS DISTRICT-EXPANSION/CONDITIONAL ZONE

At the request of Mayor Manheimer, Vice-Mayor Wisler moved to recuse Mayor Manheimer from participating in this matter during a conflict of interest. This motion was seconded by Councilwoman Mayfield and carried unanimously on a roll call vote (Mayor Manheimer did not vote). At this time, Mayor Manheimer turned over the gavel to Vice-Mayor Wisler.

Vice-Mayor Wisler said that this public hearing was held on September 22, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Vice-Mayor Wisler closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mosley moved to approve the amendment to the previously approved conditional zoning for the Coxe/Asheland Mixed-Use Development from Central Business District Expansion Conditional Zone (CBD EXP CZ) to Central Business Expansion District (CBD EXP CZ) for the design changes to the new mixed-use development and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan, and meets the development needs of the community in that: (1) the Downtown Future Land Use category of the Living Asheville Comprehensive Plan anticipates a mix of uses as included in this development; (2) the project enhances the pedestrian experience with widened sidewalks, active ground floor uses and intentional urban open space with portions that are accessible to the public; and (3) the proposal maintains the original amount of affordable residential units in a location that is close to downtown and transit availability. This motion was seconded by Councilwoman Mayfield and carried unanimously, with Mayor Manheimer being recused.

At this time, Vice-Mayor Wisler handed the gavel over to Mayor Manheimer to continue presiding over the meeting.

ORDINANCE BOOK NO. 33 - PAGE 147

VI. NEW BUSINESS:

VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, three individuals spoke to Council, including, but not limited to the following comments: data from Re-imagining Public Safety Survey; need to fully support the Equity & Inclusion Department and begin advertising for Director of that Department; request to change the public comment segments of the agenda for people to call in live and not sign up in advance; and not selling any City property that was urban renewal land.

Mayor Manheimer announced that the continuation of the worksession held earlier today regarding the proposed hotel development regulations will be on October 27, 2020, at 2:30 p.m.

That worksession will be remote and public comment will not be accepted.

In response to Councilwoman Mayfield, City Manager Campbell said that regarding the Re-imagining Public Safety Survey, many people did not fill out the demographic part of the survey but we did have a significant number of African Americans participate in the virtual conversations.

In response to Mayor Manheimer, City Attorney Branham said that regarding the Crossroads Development, the City is an adjoining property owner in that the City owns the existing Hominy Creek Greenway. The City has been following this development and has talked with the attorneys involved and the Friends of Hominy Creek Greenway in order to determine if any impacts of the development will result in significant damage to City property. Those conversations are on-going. The City is currently, at the staff level, reviewing engineering models. We should have some final decisions about the City's position soon.

In response to Mayor Manheimer, City Manager Campbell explained the process for hiring a new Equity & Inclusion Director, which recruitment process will start in the next 2-3 week. She said that when the information about the accomplishments and challenges of the Equity & Inclusion Department is completed, which should be in early November, she would be happy to bring that information forward to the City Council.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 6:42 p.m.

Magdalen Bowlesson
CITY CLERK

Esther E. Manheimer
MAYOR

Tuesday – October 27, 2020 - 2:30 p.m.

Worksession on Proposed Hotel Development Regulations - Continued from 10-13-20

This worksession was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilwoman S. Antanette Mosley; Councilwoman Sheneika Smith; Councilman W. Keith Young; City Manager Debra Campbell; City Attorney Brad Branham; and City Clerk Magdalen Burleson.

Mayor Manheimer said that even though no public comment will be accepted at this worksession, the public can still access the remote meeting by listening live and watching online.

Director of Planning & Urban Design Todd Okolichany said this is the continuation of the October 13, 2020, worksession on proposed hotel development regulations.

He outlined the key takeaways (1) Hotels can't be "banned" out right; (2) Development impacts can be managed; and (3) New innovative tools to regulate hotel development approvals: (a) Hotel Overlay District with development and operational standards; (b) Public benefits; and (c) Revised design review process.

The key elements of the proposed regulations include: (1) establishes a straightforward, transparent process - administrative vs. City Council review as an incentive; (2) leverages development to meet community needs; (3) creates a framework that is a precedent for other types of development; (4) manages development impacts; and (5) enhances design.

Regarding recommendation #3 - Design Review & Guidelines, the revised design goals are (1) ULI recommendation and Living Asheville strategy; and (2) Combine existing design review under a single design review board (a) strengthens and streamlines the design review process; (b) allows existing commissions to focus on other priorities; (c) incentive to prioritize updates to current design guidelines; (d) provides a resource to the city and the development community; and (e) process applies to both administrative and Council review.

He then reviewed the development standards vs. design guidelines.

Regarding the design review board membership, (1) 9 members who are residents of the City; (2) A majority of the members shall have a special interest, experience or training in architecture, historic preservation, building construction, landscape architecture, urban planning or related fields; (3) The Downtown Commission and Asheville Area Riverfront Redevelopment Commission will each designate one qualified member to serve on the board, if possible; and (4) Preference will be given to: (a) Persons with disabilities; (b) Transit users; and (c) Seniors. He then reviewed the proposed design review board and process.

He then reviewed some of the development review process concerns expressed at the October 13 worksession: (1) Council review of the expansion of Overlay District not efficient; (2) Difficult to review expansion request without reviewing the entire development proposal; (3) delete expansion of Overlay District from process; and (4) Council review threshold - upper limit on number of hotel rooms.

Regarding the concerns on the Hotel Overlay District map and development standards concerns, (1) Hotel Overlay District map amendments - staff will evaluate the map for potential changes; and (2) Spacing limitations - maxim amount of hotels on any given block.

Public benefit concerns included the public benefits table (1) green building certifications; (2) affordability options; (3) contracting for Minority- and Women-Owned business enterprises; (4) consideration of removing public benefits with lower points; and (5) reparations.

The revised design review process concern of membership of the design review board - all vs. majority professionals/persons with special interest in design.

The tentative project schedule at this time is (1) November 4: P&Z Commission continued discussion and review; (2) December 2: P&Z Commission recommendation to Council; (3) January 6: P&Z Commission vote on recommendation to Council; (4) January 26: City Council review of draft hotel development zoning regulations and map amendments; and (5) February 9: City Council vote on zoning regulations and map amendments.

Mr. Okolichany responded to various questions/comments from Council, some being, but are not limited to: are these guidelines mandatory review and voluntary compliance similar to the downtown design guidelines; will the new board eliminate the Downtown Commission and the Asheville Area Riverfront Redevelopment Commission (AARRC) and has there been conversations with those two boards; will the new board be quasi-judicial; suggestion that the Downtown Commission and the AARRC have two representatives on the new board instead of one; will the new hotel development guidelines be separate from the design review guidelines from the Downtown Commission and the AARRC; once the boundaries are voted on by City Council, can they be expanded parcel-by-parcel; what are the room totals of the new hotels; is the staff recommendation moving small hotels from 20 rooms to 35 rooms; need to explore the functionality of what smaller hotels mean for the hoteliers in terms of nice public spaces and restaurants vs. not enough space for some community amenities; regardless of whether the project is a conditional zoning project, the new board design review will still come to Council as a recommendation; can there be a maximum number of hotels on one block; how many actual building lots would be available in the River Arts District; can you put a cap on the number of hotels or number of hotel rooms in one district; does the Asheville Living Comprehensive Plan give guidance if a developer wants to build at the Asheville Mall; explanation of the boundaries around the downtown area; explanation on how different overlays work; reduce the map overlay district to not allow so many large hotel areas, especially in the downtown and River Arts District; can we restrict or remove the entire district from hotels or limit the number of hotels within contiguous blocks; can we limit the size of hotels in the entire City limits; need for design professionals on the new board; and can the public benefits table and hotel overlay map be used as a guideline if a project is a conditional zoning; what kind of criteria for membership is allowed; staff provide information on the number of buildable lots within the hotel overlay distinct; and the design review board should include a majority of members with the appropriate interest, background or training vs. all of the members.

The following items were discussed with staff evaluating and coming back with further information: to add another threshold of more than 100 rooms; direct staff to look at a separation requirement options; eliminate the Asheville Mall on Tunnel Road and stop south of the current hotels on Tunnel Road from the large hotel overlay district map; eliminate the River Ridge Shopping Center from the large hotel overlay district map; eliminate east of South Charlotte Street between Woodfin and College from the large hotel overlay district map; eliminate the Harrah's Cherokee Center in Asheville from the large hotel overlay district map; revise the hotel overlay district map to have all of the River Arts District and the property on Biltmore Avenue be for small hotels and not large hotels; include the Asheville Mall in the new Urban Centers proposal; extend the smaller hotel map boundaries on the west side of Coxe Avenue but still keep away from Asheland Avenue; revise the public benefits table to not give points for things that the developer is already doing; on the public benefits table, have points for offering living wage and if they do that, then they can get points for bus passes; and suggestion to revise the public benefits table that if they are offering a living wage to partner with Inclusive Hiring Partners at the

Chamber of Commerce.

At 4:33 p.m., Mayor Manheimer adjourned the worksession and noted that the formal meeting will begin at 5:00 p.m.

Tuesday – October 27, 2020 - 5:00 p.m.

Regular Meeting

This formal meeting was conducted by use of simultaneous communication in which the following participated by simultaneous communication: Mayor Esther E. Manheimer, Presiding; Vice-Mayor Gwen C. Wisler; Councilman Brian D. Haynes; Councilwoman Julie V. Mayfield; Councilwoman S. Antanette Mosley; Councilwoman Sheneika Smith; Councilman W. Keith Young; Assistant City Manager Cathy D. Ball; City Attorney Brad Branham; and City Clerk Magdalen Burleson.

Mayor Manheimer said that the City Council wants the public to still have the opportunity to participate in the decisions of your government. She then explained the 3 options for providing public comment - voicemail; email; and advanced live sign-ins.

PLEDGE OF ALLEGIANCE

Mayor Manheimer led City Council in the Pledge of Allegiance.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

Vice-Mayor Wisler moved to adopt the Consent Agenda. This motion was seconded by Councilwoman Mosley and carried on a 6-1 roll call vote with Councilman Haynes voting "no." However, since City Council's Rules of Procedures state that "The Consent Agenda shall only be adopted by a unanimous vote of those council members present at the meeting," Consent Agenda Item "C" was removed from the Consent Agenda and will be voted on separately.

A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 13, 2020

B. RESOLUTION NO. 20-183 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EXTENSION OF THE CONTRACTS WITH HOMEWARD BOUND OF WESTERN NORTH CAROLINA, RED ROOF INN INC., AND AXIS SECURITY TO SUSTAIN OPERATIONS OF A MODEL-BASED NON-CONGREGATE SHELTER FOR PERSONS EXPERIENCING HOMELESSNESS DURING THE COVID-19 PANDEMIC

ORDINANCE NO. 4833 - BUDGET AMENDMENT IN THE SPECIAL FUND TO FUND CONTRACT EXTENSIONS UTILIZING EXPECTED FEDERAL EMERGENCY MANAGEMENT AGENCY REIMBURSEMENT REVENUE

Action(s) Requested: Authorization for City Manager's execution of contract extensions with Red Roof Inn, Inc., Homeward Bound of Western North Carolina, and Axis Security.; and a budget amendment in the Special Revenue Fund in the amount of $680,664 to fund the contract extensions utilizing expected FEMA reimbursement revenue.

Background:

- On May 12, 2020, Council ratified the City Manager's execution of agreements with Red Roof Inn, Inc., Homeward Bound of Western North Carolina, and Axis Security for operations of a COVID-19 motel-based non-congregate emergency homeless shelter for persons experiencing unsheltered homelessness and at significant risk of contracting COVID-19 because of age and/or underlying chronic health concerns.
- On July 28, 2020, Council authorized the City Manager to execute extensions of the existing agreements with Red Roof Inn, Inc., Homeward Bound of Western North Carolina, and Axis Security for a 90-day period, which expires on November 8, 2020.
- Sixty-five (65) people (couples, families occupying some rooms) are currently in shelter and will continue to achieve the public health objective of prevention of COVID-19 among the community's unsheltered homeless population.
- One hundred seven (107) have been served to date.
- To continue to provide services to this vulnerable population, it is necessary to execute the contract amendments prior to November 8th to continue the agreements.
- A transitional exit strategy for those in the shelter is currently being planned.
- The City is preparing to submit its initial reimbursement request to FEMA for operations through August 31, 2020.
- The existing agreements with the vendors allow for extensions to continue operations but additional funding not to exceed $680,664 is necessary.

Council Goal(s):
- A Diverse Community
- A Well-Planned and Livable Community
- Fiscally Resilient City

Committee(s):
- None

Pro(s):
- Continues the successful operation of the existing expanded COVID-19 homeless shelter.
- Allows for additional time to effect housing placement for shelter occupants.
- Addresses public health and safety.
- Non-congregate motel shelter, essential operations, and security costs are eligible for FEMA reimbursement.

Con(s):
- Potential damages incurred at the motel are not eligible for reimbursement from FEMA.

Fiscal Impact:
- The additional contract funding requested for an additional 90-day period as part of this Council action includes:
  - Homeward Bound for essential shelter operations not to exceed $150,000; for 60 rooms nightly at Red Roof Inn not to exceed $274,536; and
  - For 24/7 security provided by Axis Security not to exceed $256,128;
  - For a total not to exceed $680,664.
  - Staff anticipates full FEMA reimbursement for these expenses and thus no City contribution is currently budgeted.

Motion(s):
- Motion to adopt a resolution to authorize the City Manager's execution of new services contracts Homeward Bound of Western North Carolina, Red Roof Inn incorporated, and Axis Security for shelter rooms, essential operations, and security for up to 90 additional days commencing on November 9, 2020 through February 8, 2021; and a budget

amendment in the Special Revenue Fund in the amount of $680,664 to fund the contract extensions utilizing expected FEMA reimbursement revenue.

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C. **RESOLUTION NO. 20-184 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUSPEND THE SALE OR CHANGE IN ZONING USE OF ANY CITY PROPERTY ACQUIRED THROUGH URBAN RENEWAL UNTIL FURTHER POLICY DIRECTION HAS BEEN REVIEWED**

This item was removed from the Consent Agenda to be voted on separately.

D. **RESOLUTION NO. 20-185 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A UNITED STATES GEOLOGICAL SURVEY STREAM NAMING FORM TO NAME (1) A TRIBUTARY OF THE SWANNANOA IN HAW CREEK TO BE CALLED MASTERS BRANCH; AND (2) A TRIBUTARY OF THE FRENCH BROAD IN SOUTHSIDE/ERSKINE TO BE CALLED HAITH BRANCH**

Action Requested: Authorize City Manager to sign United States Geological Survey Form to name an unnamed tributary in the Southside community as Haith Branch and an unnamed tributary in East Asheville as Masters Branch.

Background:

- This request for assistance in naming two unnamed streams is from RiverLink, a regional not-for-profit dedicated to promoting the environmental and economic vitality of the French Broad Watershed.
- RiverLink runs a "Name that Stream" program.
- The United States Geological Survey requires local government authorization in order to officially name any streams or waterbodies.
- RiverLink worked with the community earlier this year to identify potential names for two unnamed streams.
- The Stream A runs through Erskine, AB-Tech, and Southside Neighborhoods to the French Broad River.
- Stream B runs through the Haw Creek neighborhood and flows into the Swannanoa River.
- RiverLink held the following engagement process to ensure stakeholders in the community were involved:
    - Informational flyers that included a request for potential names were distributed to all residents whose property bordered the streams.
    - The submitted names were collected by RiverLink and an online poll was created where all community members in Asheville could vote for their favorite name.
    - Votes were also accepted by mail and email.
    - RiverLink made the Asheville community aware of the naming campaign through social media, flyers, and by posting information on the surrounding neighborhood's NextDoor and Neighborhood Association pages.
- The winners of the online poll for Stream A) Haith Branch and B) Masters Branch.
    - Haith branch honors Lacy T. Haith, a civil rights leader and educator who worked in Asheville City Schools from 1937-1972.
    - Haith Drive, nearby, is also named after Lacy T. Haith.
    - Masters Branch honors Rory and Hazel Masters, Haw Creek community members who looked to preserve area farming traditions and donated land for the Haw Creek Volunteer Fire Department.

- Masters Park, nearby, is also named after Rory and Hazel Masters.

Council Goal(s):
- A Clean and Healthy Environment

Committee(s):
- This item was heard at the September 21, 2020, Asheville Area Riverfront Redevelopment Commission meeting where it was approved unanimously 11:0.

Pro(s):
- Naming of streams supports community self- identification and can help promote ecological stewardship and preservation efforts.

Con(s):
- None identified

Fiscal Impact:
- None

Motion:
- Motion to authorize the City Manager to sign the United States Geological Survey form required to name an unnamed tributary in the Southside community as Haith Branch and an unnamed tributary in East Asheville as Masters Branch.

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E. RESOLUTION NO. 20-186 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A DESIGN SERVICES CONTRACT AMENDMENT WITH CLARK NEXSEN FOR THE AQUATIC FACILITY DESIGN AT THE DR. WESLEY GRANT SR. SOUTHSIDE CENTER

Action Requested: Resolution authorizing the City Manager to execute a contract amendment with Clark Nexsen, of Asheville, North Carolina, for the project known as Dr. Wesley Grant Sr. Southside Center.

Background:
- The Walton Street pool foundation is leaking and the mechanical system components had a major failure making the system inoperable and doubtful for next summer's operations.
- The 2017 Swimming Pool Assessment recommended the Walton Street Pool replacement as the highest priority of all the City pools.
- The professional consultant conclusion was that Walton Street Pool has seen its useful life and needs to be replaced.
- The report determined that renovation options are not practical.
- The available budget of $1.8 million will support the design and construction of a pool in conjunction with the construction of the Grant Center Expansion.
- Key stakeholders were contacted one-on-one earlier this month to inform them on
  - 1) the inoperable status of the current pool at Walton Street Park
  - 2) to share plans for the location of a new pool at the Grant Center property and

- 3) intent to develop a community-supported planning process for future improvements that will create a unified community space at Walton Street Park

- Recognizing the historical significance of Walton Street Park and Pool to the African American Community for the past 82 years, starting in November 2020, the City will work with the Southside community to develop an inclusive Walton Street Park plan that preserves the history of the park and incorporates the historical significance of the park in the improvements.
- The Office of Equity & Inclusion, CAPE, and Parks & Recreation will work with the Southside community on the conceptual planning and design of Walton Street Park that will start in November with a community forum.
- Based on an RFQ in February 2018, a selection committee reviewed qualifications of eight firms and interviewed three firms in May 2018.
- The design team led by Clark Nexsen was unanimously selected as the most qualified for the scope of services required including pool design and engineering.
- A $170,000 amendment to the existing Clark Nexsen design contract (#9200196) is required to incorporate the design and engineering of the pool at the Grant Center.
- Grant Center Projected Timeline:

Design:	Present - February 2021
Bidding:	March 2021
Contracting:	April 2021
Groundbreaking/Construction:	May 2021 - August 2022

Vendor Outreach Efforts:

- Staff performed outreach to minority and women owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to Minority & Women-Owned Business Enterprise (MWBE) service providers for subcontracted services.
- Two Women-Owned Firms submitted qualifications for consideration.
- The selected team will be utilizing one Women-Owned subconsultant.

Council Goal(s):

- A well-planned and livable community; Connected and Engaged Community, Smart City.

Committee(s):

- Recreation Advisory Board, September 9, 2019 - informational only

Pro(s):

- Allows design work to proceed on the project funded in the Capital budget to provide a community pool to serve the Southside community.
- Building the pool at the Grant Center will allow for a reduction in design fees, construction costs, and operational costs to the City.
- Facility improvements will be designed to increase equitable access to community and recreation services for current and future residents through a public community engagement process.
- Provides the City an opportunity to recognize the significant history of the Southside community.

Con(s):

- Will delay the bidding and construction start date for the project.

Fiscal Impact:

- Funding for this contract amendment already exists within the currently approved Capital Improvement Program (CIP).

Motion:

- Motion to authorize the City Manager to execute a contract amendment with Clark Nexsen for design services for Dr. Wesley Grant Sr. Southside Center Project for an additional amount not to exceed $170,000.

Councilwoman Mayfield that there will be some community conversation to engage people in the design of what will happen at Walton Park and at the old Walton Street Pool. She was glad they will find a way to honor the old pool and the history that exists in that space.

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F. RESOLUTION NO. 20-187 - RESOLUTION AMENDING THE 2020 CITY COUNCIL MEETING SCHEDULE TO DELETE THE NOVEMBER 24, 2020, CITY COUNCIL MEETING

RESOLUTION BOOK NO. 41 - PAGE 463

G. RESOLUTION NO. 20-188 - RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, A GRANT FROM THE N.C. DEPT. OF ENVIRONMENTAL QUALITY FOR A BACKYARD COMPOSTING GRANT

Action Requested: Adoption of a resolution authorizing the City Manager to apply for and accept grant funding if awarded, from the NCDEQ for the DEACS Backyard Composting Grant.

Background:

- Apply for grant funds for outreach and education efforts to increase backyard and community-based composting.
- Outreach efforts will include:
  - Backyard composting instructional mailer
  - Brochures, stickers, and posters
  - Fifty (50) Backyard compost and 600 kitchen countertop bins will be purchased and distributed through this grant
  - Social media promotion
- DEACS Grant recipients are required to provide a match equal to or exceeding 20% of the requested grant funds.
- Grant activities and funds will be utilized in collaboration with FY21 Service Contract with Asheville Greenworks for community compost education and outreach activities.

Council Goal(s):

- A Clean and Healthy Environment

Committee(s):

- None

Pro(s):

- Helps support the City's waste reduction goal while leveraging state funding.

Con(s):

- This is a one time grant. Over the last 4+ years, the Office of Sustainability contracts with Asheville GreenWorks for $30k to implement environmental education outreach which includes recycling and composting workshops.

Fiscal Impact:
- If awarded, the City will be required to provide a match of $3,600, or 20% of the requested grant funds of $18,000, totaling $21,600 for the project.
- The match will be covered using available funds in the Sanitation Division and Sustainability operating budgets.

Motion:
- Motion to approve a resolution authorizing the City Manager to apply for and accept grant funding if awarded, from NCDEQ.

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H. RESOLUTION NO. 20-189 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A SOLE SOURCE CONTRACT WITH SOLUTIONZ, INC. FOR THE PROCUREMENT OF AUDIOVISUAL UPGRADES FOR THE CITY HALL THE FIRST FLOOR CONFERENCE ROOM

Action Requested: Adoption of a resolution authorizing the sole source procurement from Solutionz, Inc. of audiovisual upgrades for the City Hall First Floor Conference Room.

Background:
- Audiovisual upgrades are needed to the existing system in the First Floor Conference Room to:
  - Improve digital interaction between committee members and presenters
  - Provide committee members, audience members, and livestream audiences the ability to view both presentations and related materials from committee and commission-member Chromebooks to proposed 86" large-screen displays
  - Improve the room's sound quality, and improve audio recording capabilities
- Solutionz, Inc. (formerly Unified Technology Systems) engineered and installed the City's current digital broadcast system, with associated audiovisual equipment in the First Floor Conference Room including a new projection system for displaying live broadcasts of City Council meetings, an audio distribution system for City Council meeting broadcasts and for integration with the room's 15 dais microphones, a Crestron touch-screen tablet controller with coded programming to provide remote switching of the City's cable broadcast signal to the projection system, remote control of the projection system, and remote volume control of cable broadcasts and of dais microphones.
- As part of the digital broadcast system, the First Floor Conference Room is used as an overflow room enabling City Council meeting attendees to view live proceedings of meetings on the City's Charter Cable channel 193. The First Floor Conference Room is also the location of several Council committees and Council-appointed boards & commission meetings.
- Solutionz, Inc. continues to service and upgrade equipment related to the City's digital broadcast system, including equipment in the First Floor Conference Room, per an existing 5-year Service Agreement.
- The cost of audiovisual upgrades to the First Floor Conference Room is approximately $37,000.

Vendor Outreach Efforts:

- Due to the need for compatibility with digital broadcast system equipment, and the need to maintain viability of our existing Service Agreement, Solutionz, Inc. is the vendor best positioned to recommend, engineer, and install audiovisual upgrades consistent with existing equipment in the First Floor Conference Room. Therefore, sole source authorization is being requested.

Council Goal(s):
- Smart City
- Connected and Engaged Community

Committee(s):
- None

Pro(s):
- Solutionz, Inc. will recommend equipment that will work and be compatible with existing audiovisual components already installed in the First Floor Conference Room.
- Solutionz, Inc. wrote the code to program the Crestron Control tablet that operates dais mics, the projection system, and accesses the City's cable channel in the First Floor Conference Room. Additional code will need to be written for the Crestron Control tablet to operate new audiovisual equipment in the room that integrates with Solutionz, Inc.'s existing code.
- In the interest of keeping the Service Agreement intact relative to the Crestron Control tablet, it benefits the City to have Solutionz, Inc. perform audiovisual upgrades to the First Floor Conference Room.
- Benefits of the upgrade will include better sound quality in the room and much improved visual quality of presentations and of live City Council proceedings for overflow attendees of meetings.

Con(s):
- If another vendor updates code for the Crestron Control tablet, there is no assurance that it will be compatible with the current programming.
- If another vendor updates code for the Crestron Control tablet, it may invalidate our Service Agreement relative to the Crestron Control tablet.

Fiscal Impact:
- Funding for this purchase is to be provided by non-departmental general funds.

Motion:
- Move to adopt a resolution authorizing the procurement of equipment for audiovisual upgrades to the First Floor Conference Room from sole source vendor Solutionz, Inc.

RESOLUTION BOOK NO. 41 - PAGE 465

I. ORDINANCE NO. 4834 - BUDGET AMENDMENT TO MOVE BUDGET FROM THE GENERAL FUND TO THE SPECIAL REVENUE FUND TO PARTIALLY FUND THE REPLACEMENT OF THE GOVERNMENT TV BROADCAST SERVER

Action Requested: Adoption of a budget amendment in the amount of $15,000 to move budget from the General Fund to the Special Revenue Fund to partially fund the replacement of the Government TV broadcast server.

Background:

- The broadcast server for the Asheville City Channel is no longer working and must be replaced.
- The broadcast server records City Council meetings, directs live broadcasts to the Asheville City Channel, stores Council meeting video files and video files of original content created by the City, and enables the Asheville City Channel to schedule and provide daily programming of that video content.
- The total cost of replacing the broadcast server is approximately $25,000.
- As the operator of a certified Public, Educational, and Governmental (PEG) television channel, the City receives funding from the State of North Carolina via the Video Programming tax distribution to fund maintenance of television station equipment.
- Staff has identified $10,000 in available PEG funds to partially cover the cost of replacing the server. The remaining $15,000 will come from previously budgeted funds in the Community & Public Engagement (CAPE) Department's General Fund budget and from funds set aside for upgrades to the 1st Floor Conference Room.
- In order to consolidate the budget in the City's Special Revenue Fund where PEG funding is recorded, a technical budget amendment is needed to move the $15,000 from the General Fund to the Special Revenue Fund.

Council Goal(s):
- A Financially Resilient City
- A Connected and Engaged Community

Pro(s):
- Provides funding in one consolidated budget for the replacement of critical Government TV equipment.

Con(s):
- None.

Fiscal Impact:
- This technical amendment simply involves moving a previously approved budget from one fund to another.

Motion:
- Motion to adopt a budget amendment in the amount of $15,000 to move budget from the General Fund to the Special Revenue Fund to partially fund the replacement of the Government TV broadcast server.

ORDINANCE BOOK NO. 33 - PAGE 155

J. RESOLUTION NO. 20-190 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MOORE AND SON SITE CONTRACTORS INC. FOR THE DISTRICT SIDEWALK PROJECT

Action Requested: Adoption of a resolution authorizing the City Manager to enter into a contract with Moore & Son Site Contractors, Inc. of Mills River, North Carolina (Moore & Son) in the amount of $170,993 for The District Sidewalk Project and further authorizing the City Manager to execute any change orders that may arise during the project up to the contingency amount of $17,099.30 (10%).

Background:
- The District is an apartment complex located on Fairview Road.

- The estimated project cost is $366,100 in which the apartment developer has provided $200,000 as partial funding for sidewalk construction and other amenities in the area, with the City providing the remaining funds.
- The project includes a raised pedestrian crosswalk, new brick sidewalk within the Biltmore Historic District, new concrete sidewalk, high-visibility crosswalks, ADA ramps, and associated infrastructure.
- Bids were advertised on August 17, 2020, but the bid packages received were incomplete.
- The project was re-advertised on September 14, 2020, and bids were opened on October 1, 2020. Five (5) firms submitted bids, and the firms' names and bid amounts are included below:
    - French Broad Paving, Inc., Marshall, NC $572,550
    - Appalachian Paving and Concrete, Swannanoa, NC $176,646
    - Armen Construction, LLC, Charlotte, NC $298,503
    - Moore & Son Site Contractors, Inc., Mills River, NC $170,993
    - Patton Construction Group, Inc., Asheville, NC $255,120
- Moore & Son Site Contractors, Inc., of Mills River, North Carolina was the lowest responsive, responsible bidder.

Vendor Outreach Efforts:

- For the construction phase of the project, staff performed outreach to minority and women-owned businesses through solicitation processes which include posting on the State's Interactive Purchasing System and requiring prime contractors to reach out to MWBE service providers for subcontracted services.
- Moore & Son is not an MWBE and will be performing 100% of the work required for the project.
- No subcontractors will be used on this project.

Council Goal(s):

- Transportation and accessibility

Committee(s):

- None

Pro(s):

- Improved connectivity and accessibility for the neighborhoods surrounding The District apartment complex.

Con(s):

- Construction will be disruptive to adjacent residences. Efforts will be made to minimize disruptions.

Fiscal Impact:

- Funding already exists for this contract within the currently approved Capital Improvement Program (CIP). The total maximum cost of this contract, including 10% contingency, is $188,092.30.

Motion:

- Motion to adopt a resolution authorizing the City Manager to execute on behalf of the City of Asheville a contract with Moore & Son Site Contractors, Inc., of Mills River, North Carolina in the amount of $170,993 plus a contingency of $17,099.30 (10%), for a total of $188,092.30.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Vice-Mayor Wisler moved for the adoption of the Consent Agenda, minus Consent Agenda Item "C". This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

ITEM REMOVED FROM THE CONSENT AGENDA FOR INDIVIDUAL VOTES

C. RESOLUTION NO. 20-184 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SUSPEND THE SALE OR CHANGE IN ZONING USE OF ANY CITY PROPERTY ACQUIRED THROUGH URBAN RENEWAL UNTIL FURTHER POLICY DIRECTION HAS BEEN REVIEWED

Action Requested: Approval of a resolution directing the City Manager to suspend the sale or change in zoning or use of any City property acquired through urban renewal until further policy direction has been reviewed.

Background:

- On July 14, 2020, the Asheville City Council adopted a resolution supporting community reparations for Black Asheville.
- The resolution set forth the need to establish a new commission empowered to make recommendations that will make significant progress toward repairing the damage caused by public and private systemic racism.
- Additionally, the resolution cites increasing Black home ownership and access to affordable housing as prospective priorities in this work.
- The resolution acknowledges and seeks to make amends for the City's role in the urban renewal programs carried out in Asheville.
- Related to the resolution, the urban renewal programs that had most impact on communities of color were:
    - The East Riverside Urban Renewal Project, which impacted the historic African American neighborhood and business district known as Southside.
    - East End / Valley Street Community Improvement Project, which impacted the historic African American neighborhood and business district of East End.
    - The Montford Community Redevelopment Project, which impacted the historic African American neighborhoods of Hill Street and Stumptown.
    - Staff is currently researching the other urban renewal programs that occurred in Asheville and the impacts on communities of color (including the Civic Redevelopment Project and the South Pack Square / Pack Plaza projects, both focused on Downtown Asheville; and the Head of Montford Redevelopment Project.)
- The City is now reviewing its property inventory to identify what land and property it still owns that is tied to these urban renewal programs. A map is being developed and will be published on the City's website.
- For those properties that the City may want to sell or change the zoning and use, further policy direction is needed to align actions with the recent reparations resolution that was passed by City Council.
- Staff will work on a policy proposal to be reviewed for Council consideration regarding these properties.
- Until such time, the resolution authorizes the City Manager to suspend the sale or change of zoning and use of any City property acquired through the aforementioned urban renewal programs unless a property is specifically exempted by City Council.
- These exemptions include property located at 172 & 174 S. Charlotte Street, which is

currently under contract to be sold to White Labs, Inc. and

- Property located at Asheland Avenue, which is currently being reviewed for use as affordable housing in partnership with Haywood Street Congregation.
- Surveys and deed research indicates that the property at 172 and 174 S. Charlotte Street includes both land that the City purchased in the 1970's and land that was part of Urban Renewal of East End.
- Since a portion of the property was associated with Urban Renewal, federal restrictions require that the proceeds from sale benefit the City's Community Development Block Grant (CDBG) Program as Program Income.
- Based on the total purchase price of $3.7M for the properties, approximately $1.6M will go to CDBG, which will be available to the next funding cycle for eligible CDBG activities.
- The remainder of the purchase price, approximately $2.1M, will benefit the City's General Fund.
- The real estate transaction is scheduled to take place in December 2020.
- If for any reason these transactions do not materialize with the specifically stated partners, then the referenced properties will be subject to the suspension of sale as defined by the resolution.

Council Goal(s):

- An Equitable and Diverse Community
- Thriving Local Economy

Committee(s) and Commission(s):

- Planning and Economic Development Committee - Recommended approval at the October 12, 2020 meeting.

Pro(s):

- Demonstrates Asheville's commitment to reducing racial disparities.

Con(s):

- None noted.

Fiscal Impact:

- None noted at this time.

Motion:

- Motion to approve a resolution directing the City Manager to suspend the sale or change of zoning and use of any City property acquired through urban renewal until further policy direction has been reviewed.

From advanced call-ins, six people appealed to Council to consider taking a portion, if not all, of the proceeds from the sale of the White Labs property and put it towards the reparations fund.

Mayor Manheimer explained that White Labs has a contract to purchase the remaining property and some of that property to be sold was acquired with federal funding and must go back into the Community Development Block Grant (CDBG) Program. City Council voted in a closed session to use the sale proceeds for this property to purchase the property next to the Transit Center downtown for the future expansion of the Transit Station. That portion has already been earmarked for this important community investment. The other portion of the sale proceeds was acquired using federal funds and those proceeds must follow the federal restrictions. City Council will have the opportunity to make a determination about the use of the Community Development Block Grant funds.

When Councilman Haynes asked what would prevent us from committing the funds from the CDBG Program into the reparations fund, Assistant City Manager Ball said that the CDBG funds must be used for low and moderate income projects.

Vice-Mayor Wisler moved for the adoption of the resolution directing the City Manager to suspend the sale or change of zoning and use of any City property acquired through urban renewal until further policy direction has been reviewed. This motion was seconded by Councilwoman Mayfield and carried on a 6-1 roll call vote, with Councilman Hayes voting "no."

RESOLUTION BOOK NO. 41 - PAGE 460

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER UPDATES TO THE 2020-21 ACTION PLAN TO INCLUDE THE ALLOCATION OF $154,711 IN COMMUNITY DEVELOPMENT BLOCK GRANT CONTINGENCY FUNDS AND THE REALLOCATION OF AN ESTIMATED $1.1 MILLION IN HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS

Community Development Programs Director Paul D'Angelo said this is the consideration of updates to the 2020-21 Action Plan to include the allocation of $154,711 in Community Development Block Grant contingency funds and the reallocation of an estimated $1.1. million in HOME Investment Partnerships Program funds. This public hearing was advertised on October 16 and 23, 2020.

Background:

- The City has received HUD notification that we will have approximately $1,121,092 in CDBG funds and $1,768,014 in HOME funds available for the fiscal year that began July 1, 2020.
- Community Development Staff, in coordination with the Housing & Community Development (HCD) Committee, have made recommendations for the use of CDBG funds, which must be used in housing & community development programs within the City of Asheville.
- The Asheville Regional Housing Consortium Board has recommended uses for HOME funds, which must be used for housing programs within the four-county Consortium area (Buncombe, Henderson, Madison, and Transylvania counties).
- Funds are awarded based on HUD CDBG & HOME guidelines as well as the Priorities listed in the City's 5 Year Consolidated Plan.
- A new 5 Year Consolidated Plan, that will include this 20/21 Action Plan, is expected to come before Council on November 10, 2020, for approval.

Council Goal(s):

- A Diverse Community
- Quality Affordable Housing
- Thriving Local Economy

Committee(s):

- Asheville Regional Housing Consortium Board - May 26, 2020; October 5 2020 - Approval
- Housing & Community Development Committee - July 21, 2020; September 29, 2020 - Approval

Pro(s):

- Approval of the Annual Action Plan paves the way for HUD funding to be utilized by partners in the City of Asheville and the region, with funds to be used to create affordable housing, jobs and impact in our moderate and lower income communities.

Con(s):

- It is not always possible to fund all of the applications received, and many agencies funded will receive less than the amounts requested.

Fiscal Impact:

- The Action Plan is fully funded from federal CDBG & HOME entitlement grants, unused funds from previously completed projects, and estimated program income.
- Staff costs to administer the program are also fully paid from federal sources.
- The funded programs will provide new construction and other economic activity in the City and the region, creating and sustaining employment and impacting moderate and low income communities.

Councilwoman Mayfield read out some of the groups that these funds will go to.

Mayor Manheimer opened the public hearing at 5:38 p.m.

Mayor Manheimer announced that there were no advanced live call-ins for this public hearing item.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Vice-Mayor Wisler moved to recess this item until November 10, 2020, at which time this public hearing will be voted. This motion was seconded by Councilwoman Smith and carried unanimously by roll call vote.

B. PUBLIC HEARING TO CONSIDER AN UPDATE TO THE 2019-20 ACTION PLAN TO INCLUDE $889,456 IN CDBG-CV FUNDS, WHICH MUST BE USED TO PREVENT, PREPARE FOR, OR RESPOND TO CORONAVIRUS

Community Development Programs Director Paul D'Angelo said this is the consideration of an update to the 2019-20 Action Plan to include $889,456 in CDBG-CV Funds, which must be used to prevent, prepare for, or respond to coronavirus. This public hearing was advertised on October 16 and 23, 2020.

Background:

- The City of Asheville has received notification from HUD that we will be receiving an additional COVID-19 funding allocation (Round 3) from the Department of Housing & Urban Development (HUD) in the amount of $889,456.
- The funds are to be used to prevent, prepare for, and respond to the coronavirus / COVID-19.
- In order to strategically utilize these funds for individuals and families affected by COVID-19, it is important to demonstrate where there are gaps in existing relief funding, unmet needs, difficulty in accessing relief funds, and not to duplicate services, efforts and other federal & state dollars.
- Specifically from HUD, "Grantees must prevent duplication of benefit, i.e. the use of CDBG-CV funds to pay costs if another source of financial assistance is available to pay that cost".

- The proposal to HUD for this special allocation must show "Clarity of Need" and fund individuals and families under 80% Area Median Income (AMI) and/or Low & Moderate Income (LMI) areas.
- In order to be timely, strategic and effective with these HUD dollars during the Pandemic, as well as working within the parameters of CD capacity, Community Development Staff again strongly recommends directly partnering with local agencies who can:
    - target the immediate needs at hand,
    - have the expertise to carry out the eligible activity,
    - have experience working with CDBG and/or HUD funds,
    - have the capacity as an agency to be an effective partner, and
    - have the ability to produce monthly or quarterly reports and measurable outcomes.

Proposal:

- ***Services Breakdown of the $889,456 Budget***
    - ***Rental Assistance***
      $550,000
        - *Homelessness Prevention & Rapid Rehousing*
        - *Eviction Prevention / LMI Individuals & Families*

    - ***COVID-19 Emergency Response for Homeless Populations***
      $165,000
        - *Case management services to move homeless individuals into permanent housing and help them stabilize once housed*
        - *Focus on people exiting Red Roof Inn non-congregate shelter*

    - ***Grant Administration***
      $174,456
        - *CDBG-CV dedicated FTE for grants management for duration of funding*
        - *Cost to administer the program, including HUD reporting and compliance*
        - *Standard 20% administrative allocation to assist with capacity*

$889,456

Council Goal(s):

- Quality Affordable Housing
- An Equitable and Diverse Community

Committee(s):

- HCD - October 20, 2020 - *Proposed use of funds approved unanimously to move to Council*

Pro(s):

- Efficient use of funding
- Preserves and protects affordable housing
- Targets populations most impacted by COVID-19
- Reduces spread of COVID-19

Con(s):

- Staff hours will be dedicated to administering this additional CDBG grant.

Fiscal Impact:

- This special allocation is fully funded from HUD authorized by The CARES Act of 2020.
- Staff costs to administer the program are also fully paid from federal sources.
- This funding will provide rental assistance to Ashevillians in danger of homelessness or eviction as well as additional supportive services to house people who are homeless and at high risk for COVID complications, including people sheltered at the Red Roof Inn.
- Timeline of Funding - CD Staff received notice of the funding on Friday, September 25th.
- With an approved proposal, CD Staff will submit the plan through an amendment to the 19/20 Action Plan by November 6th with hopes to receive the funding from HUD by the end of December.

Councilwoman Mayfield thanked our partners for getting these funds out to the people who need it.

Mayor Manheimer opened the public hearing at 5:43 p.m.

Mayor Manheimer announced that there were no advanced live call-ins for this public hearing item.

In accordance with recent legislation amending North Carolina G.S. §166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing will be accepted for an additional 24 hours. Therefore, Councilwoman Mayfield moved to recess this item until November 10, 2020, at which time this public hearing will be voted. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

C. PUBLIC HEARING RELATIVE TO AMENDING THE UNIFIED DEVELOPMENT ORDINANCE TO UPDATE OPEN SPACE REQUIREMENTS

Councilwoman Smith moved to continue this public hearing to amend the Unified Development Ordinance to update open space requirements until November 10, 2020. This motion was seconded by Vice-Mayor Wisler and carried unanimously on a roll call vote.

V. UNFINISHED BUSINESS:

A. ORDINANCE NO. 4835- ORDINANCE AMENDING A PREVIOUSLY APPROVED CONDITIONAL ZONING APPROVAL (ORDINANCE NO. 4570) FOR PROPERTY LOCATED AT 236 CHARLOTTE STREET AND 336 HILLIARD STREET TO MODIFY THE SITE PLAN TO REFLECT THE RIGHT-OF-WAY CLOSURE OF LENNOX COURT AND TO MAKE CHANGES TO THE SITE AND BUILDING FOOTPRINT AT THE HILDE'S HOUSE INFANT CARE FACILITY

Mayor Manheimer said that this public hearing was held on October 13, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the conditional zoning amendment request for the properties located at 236 Charlotte Street and 336 Hillside Street zoned CB-II CZ (Community Business II Conditional Zone) for the expansion and improvements as shown on site plans and

find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan, and meets the development needs of the community in that: 1) the Future Land Use of the Living Asheville Comprehensive Plan anticipates non-residential community-focused uses; and, 2) the amendment allows for needed upgrades and access management to the site while maintaining compatibility with the surrounding area. This motion was seconded by Councilwoman Mayfield and carried unanimously by roll call vote.

ORDINANCE BOOK NO. 33 - PAGE 156

B. ORDINANCE NO. 4836 - ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE ARTICLES II, III, V, VIII AND VIX RELATED TO HISTORIC PRESERVATION, IN ORDER TO BRING THE CITY'S DEVELOPMENT CODE INTO ALIGNMENT WITH RECENT STATE LEGISLATION

Mayor Manheimer said that this public hearing was held on October 13, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Councilwoman Mayfield moved to approve the proposed wording amendments to Chapter 7 Articles II, III, V, VIII, VIX and of the UDO and find that the proposed amendments are reasonable, in the public interest and consistent with the city's comprehensive plan in that they promote responsible growth based on holistic decision making and bring City ordinances into compliance with the new North Carolina General Statute regarding land use development, Chapter 160D. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

ORDINANCE BOOK NO. 33 – PAGE 163

C. ORDINANCE NO. 4837 - ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE ARTICLES II, XII AND XVIII IN ORDER TO BRING THE CITY'S DEVELOPMENT CODE INTO ALIGNMENT WITH RECENT STATE LEGISLATION

Mayor Manheimer said that this public hearing was held on October 13, 2020, and in accordance with recent legislation amending North Carolina G.S. § 166A-19.24(e), regarding public hearings conducted during remote meetings, written comments for this public hearing were accepted for an additional 24 hours.

Hearing no more public comment, Mayor Manheimer closed the public hearing and said that members of Council have previously received a copy of the ordinance and it would not be read.

Vice-Mayor Wisler moved to approve the proposed wording amendments to Articles II, XII, and XVIII of the UDO and find that the proposed amendments are reasonable, in the public interest and consistent with the city's comprehensive plan in that they promote reasonable growth based on holistic decision making and bring City ordinances into compliance with state law

Chapter 160D. This motion was secondec by Councilwoman Mosley and carried unanimously by roll call vote.

ORDINANCE BOOK NO. 33 – PAGE 179

VI. NEW BUSINESS:

A. RESOLUTION NO. 20-191 - RESOLUTION ADOPTING THE HAYWOOD & PAGE CONCEPT PLAN

Strategic Design & Development Manager Stacy Merten said that this is the consideration to adopt a concept plan for City-owned property at Haywood and Page.

"Background:

- In 2019 City Council authorized the City Manager to hire Nelson Byrd Woltz Landscape Architects to complete a Concept Master Plan based on the Haywood Street Vision Report.
- The report contemplated the future re-development of City-owned properties at 68 Haywood Street and 37 Page Avenue in the historic core of downtown Asheville.
- The Master Concept Plan ("Plan") requested by Council is now complete.
- This long-range plan was informed by;
  - the Council-appointed advisory board ("Vision Implementation Committee"),
  - public engagement,
  - economic and geographic data collection and analysis; and,
  - urban design activities that took place during the past year.
- The Plan incorporates a mix of uses, including
  - a multi-story mixed-use building that opens directly to a public space and provides ground floor activation on all four sides;
  - a central plaza for creative play, community gatherings and special events;
  - a community garden located next to a shared-use,
  - rentable kiosk;
  - a contemplation area featuring public art and cultural/historic interpretation;
  - native planting beds connected via universally accessible walking paths;
  - an active alleyway with market stalls between Haywood and Page; and,
  - a flexible seating area under a grove of trees along Page Avenue.
  - The Plan includes other streetscape improvements adjacent to the subject site, including across the street at the Harrah's Cherokee Center and Basilica of Saint Lawrence, as well as a realignment of Page Avenue.
- The level of detail at the concept plan level is medium; it provides the City with a clear understanding of the community's vision for the site and is flexible enough to adapt or modify during future implementation efforts.
- Deliverables also include a financial model that the City can use to analyze any future private development proposals for the mixed-use building.
- The plan addresses a geographic area beyond the boundaries of the City-owned parcels.
- While staff has heard broad support for the plan, including support from the Vision Implementation Committee, some downtown stakeholders remain opposed to the new park component because of concerns over the City's capacity to maintain and care for parks in general.
- Some condominium owners at 60 Haywood have expressed opposition to having a building obstruct their existing views.
- The plan does not include an implementation section; staff could return to the Planning and Economic Development Committee and/or City Council next year with suggested implementation strategies, if requested.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- The Planning and Zoning Commission heard this item on 10/7/20 and voted 7:0 in favor of Council adopting the Plan.
- The Downtown Commission was introduced to this item on 9/11/20 and heard this item on 10/9/20 when they voted 9:1 in favor of Council adopting the Plan.
- The Planning and Economic Development Committee heard this item on 10/12/20 and voted 3:0 to forward the plan to Council and recommend adoption of this concept with no implementation plan.

Pro(s):

- The Plan provides clear guidance on how the community would like this site to be redeveloped in the future.
- Creation of the Plan occurred through a collaborative process with the community.

Con(s):

- Future implementation will require public resources including the development of partnerships for land acquisition, project funding and park maintenance.

Fiscal Impact:

- None currently as this is only a concept plan at this time. Approval of the Plan does not authorize the City to allocate any funds toward the Plan's implementation.
- An implementation plan and consideration of City funds would occur at a later date."

Ms. Dahl then introduced Thomas Woltz, owner of Nelson Byrd and Woltz. Mr. Woltz then explained the project goals of developing a clear vision for the development of the site that positions Haywood Page as an authentic asset within Asheville's public realm; partner with adjacent stakeholders to create a vibrant downtown district that engages the mind, rests the body, and celebrates the cultural asset unique to the neighborhood; design for the realization of goals outlined in the Downtown Master Plan and Living Asheville documents; and build from the Haywood Street Visioning Project to find an appropriate balance of active, passive, and built spaces.

He outlined the Haywood Page Project Team; the project timeline; the community engagement session #1; the existing and proposed framework plan road alignment charette; the framework plan guiding principles of being a good neighbor, authentic horticulture, and finding balance; sketch concepts of three iterations - Concept A (Haywood Point), Concept B (Stony Hill) and Concept C (City view); the community engagement session #2; project sketches; concept Master Plan views from covered porch to the Basilica and from the woodland path;

Mr. Yuxiang Lao discussed the financial model analytical framework; economic considerations; example of building height and program assumptions and test of financial viability; concept Master Plan building long section; probable construction costs; and operations and maintenance summary.

Mr. Andrew Fletcher said "Four years ago, you tasked the Haywood Page Advisory Team to collect and interpret the community's desires for these properties, and we issued a Vision Report from that. That group disbanded after that work was done, but many of us came back together as the Vision Implementation Committee to ensure that there was continuity from the vision to the master planning process. It is our opinion that the Vision you tasked us to create has been adhered to, and that the design team at Nelson Byrd Woltz has faithfully used our list of ingredients to create a recipe for success in this location that we have all wanted for so long. If

you're wondering why this has taken so long, it takes a lot of time to render vision from division, but it is our feeling that we have done so, and as we pass the baton back to you, we ask that you celebrate the results with a "yes" vote. As we move past this milestone, we need to remember what has brought us success so far and commit to continuing it. Collaboration with the Asheville Design Center and the many hundreds of hours of volunteer time they coordinated must be recognized. With their collection and collation of the hordes of public input gathered, we were able to see the signals of the public desires through the noise of the public debate. What we found is that when we stopped asking "Either / Or" and said "Yes, And..." there was much more to talk about, and from those talks came realization that many of our desires for this site could live together. You see this rendered in the plan before you. Special mention should be made of the most successful of the recommended temporary uses, the community garden that the folks at Elder and Sage have tended. They deserve to see their commitment to making that place beautiful and community centered honored going forward. Making funding choices will be hard, but a beautiful plan will collect momentum and funding in ways that an empty gravel lot can never do. We must trust each other, honor the master plan, ask the community for help when we are unsure, and commit to each other to move forward together even when that movement is slow. As the former Chair and Spokesperson of the Haywood Page Advisory Team and current delegated representative of the Vision Implementation Committee, I repeat our simple request: Vote YES to accept the Haywood Page Concept Master Plan."

Ms. Kim Roney spoke in support of the Plan and hoped to keep this energy going on this shared success.

Councilman Haynes hoped that Council will continue to support the Elder and Sage Community Garden and that they are included in this project.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Mayfield moved to adopt the Haywood and Page Concept Master Plan. This motion was seconded by Vice-Mayor Wisler and carried unanimously by roll call vote.

RESOLUTION BOOK NO. 41 - PAGE 467

B. RESOLUTION NO. 20-192 - RESOLUTION TO ADOPT THE CITY OF ASHEVILLE BUSINESS INCLUSION POLICY

Ms. Rosanna Mulcahy, Business Inclusion Manager, said this is consideration of a resolution to adopt the "City of Asheville Business Inclusion Policy" that seeks to address race- and gender-based disparities in City contracting and procurement.

"**Background**:

- In 2018, a disparity study was conducted which revealed significant disparities in the Asheville regional area among minority- and women-owned businesses in the awarding of City contracts.
- This study provides significant legal evidence for the City to implement a policy to address the documented disparities.
- The City's now-expired Minority Business Plan, adopted in 1998, was race and gender-neutral and did not adequately address the disparities in City contracting, as documented in the Disparity Study.
- The City of Asheville Business Inclusion Policy is intended to replace and expand upon the Minority Business Plan as guidance for the Business Inclusion Office and city departments.
- Since January 2020, City staff from various departments have worked on drafting and

reviewing the new policy.

- Policy measures were developed with careful research of comparable North Carolina municipal policies and practices and federal, state, and local laws.
- The policy's completion aligns with the 30-60-90 day benchmarks set by the City Manager for reworking city government priorities as a response to the recent protests about racial justice in Asheville.
- In addition, the responses from the grantee groups included in the 2019 Racial Healing Mini-Grant indicated that Black community members desire to see more opportunities for Black-owned businesses to win City contracts and greater clarity and guidance in the contracting process.
- The policy outlines the following steps that the City will take to help reduce disparities in contracting:
    - Defining management and staff roles and responsibilities;
    - Maintaining an updated database of available small and minority- and women-owned businesses;
    - Providing certification, networking opportunities, workshops, and training for such businesses;
    - Requiring that prime contractor, bidding on contracts, perform outreach in the form of good faith efforts to obtain a utilization percentage of such businesses following contract-specific goals set by the City; and
    - Many other key measures.
- The policy aims to become effective on January 1, 2021.
- In the coming months, staff will:
    - Develop procedures for implementation;
    - Conduct community outreach with stakeholders to inform them of the new policy and seek feedback on policy implementation;
    - Work through a budget to assist with policy implementation;
    - Begin certifying small and minority- and women-owned businesses;
    - Build and maintain a database of such businesses; and
    - Develop plain-language materials for all businesses and bidders who may participate in City contracting.

Council Goal(s):

- An Equitable and Diverse Community
- Thriving Local Economy

Committee(s) and Commission(s):

- Human Relations Commission of Asheville - 09/30/2020 - For information only
- Planning and Economic Development Committee - 10/12/2020, recommended by unanimous approval

Pro(s):

- Provides the necessary framework to help ensure greater participation in City contracts by small, minority- and women-owned businesses
- Advances the Equity Action Plan by implementing the necessary steps to achieve equitable outcomes within City contracting and procurement
- Demonstrates the City of Asheville's commitment to reducing racial disparities and discrimination
- Reduce income gaps between black and white-owned businesses
- Increases the City's awareness of available minority, women, and small business vendors
- Increases Minority, Women, and Small Business Enterprises (MWSBEs) utilization in City contracting

- Promotes existing and start-up development of small business growth and profitability in the Asheville Regional Area
- Monitors, evaluate, and reports on Minority and Women Business Enterprises
- Directs the City to maintain a database of available & certified MWSBEs
- Defines the parameters for MWSBE Certification
- Defines the Roles and Responsibilities of key City personnel
- Provides guidance on other measures the City may take to promote Business Inclusion
- Establishes annual aspirational and contract-by-contract subcontracting goals for MWSBEs participation in City contracts;
- Establishes standards for good faith efforts;
- Directs City Manager to ensure the integration of the Asheville Business Inclusion Policy components into all City Departments' practices and processes.

Con(s):

- The current staffing levels of the Business Inclusion Office are not sufficient to meet the policy's demands.
- Staff will be evaluating the needs and address staffing needs in the FY 22 budget.
- The adoption of this policy adds another level of compliance to City bidding and contracting processes.
- There may be additional costs associated with no longer choosing the lowest bids on contracts in some cases, as the standard of responsiveness will change to include adequate MWBE outreach to facilitate utilization.
- Suppose the apparent lowest bidder does not perform outreach, in the form of good faith efforts, for each MWBE utilization goal. In that case, their bid may be rejected in favor of the next-lowest bidder who did meet the standard of responsiveness.
- This is difficult to quantify as it is unknown how many bidders would be non-compliant with the standard.

Fiscal Impact:

- The staff is working closely with the Budget Division to produce a budget for policy implementation.
- Likely impacts include the addition of a staff position to the Business Inclusion Office, investment in a co-working space for minority business owners, funding for future disparity studies, and funding for training."

Ms. Mulcahy said that the key takeaways for this action is that it (1) provides a holistic framework for supporting MWSBE; (2) supports economic inclusion which aligns with reparations; (3) aligns with 30-6-90 benchmarks for reworking City priorities; (4) supports City Council goals - an equitable and diverse community, A thriving local economy, and a connected and engaged community; and (5) demonstrates the City's commitment to equitable economic growth.

She then provided an overview of her presentation (1) The City of Asheville provides myriad services to the residents who live and work in the region. To provide those services, the City typically spends more than $35 Million each year in contract dollars to procure various goods and services in construction, professional services, goods and general services; (2) To address discrimination in the particpation of minority- and woman-owned businesses and foster economic inclusion, the proposed "Asheville Business Inclusion Policy" seeks to implement race- and gender conscious policy elements into City contracting and procurement; and (3) the Asheville Business Inclusion Office seeks to promote equitable economic growth and development in the City of Asheville.

She reviewed the background of the Asheville Business Inclusion Policy. She said in 2018, the City of Asheville performed a Disparity Study which concluded that the participation of minority- and women-owned businesses in City contracts was lower than expected based on

business availability. The results of the Disparity Study provide the City with sufficient evidence to adopt a race- and gender-conscious contracting policy to address the identified disparities in contrast to the expired race- and gender-neutral Minority Business Plan that was previously adopted after a 1993 Disparity Study. The proposed "Asheville Business Inclusion Policy" seeks to remediate the ongoing effects of marketplace discrimination demonstrated by the Disparity Study, by implementing race- and gender-conscious policy elements.

Regarding the legal framework (1) Race- and gender-conscious programs and policies, must meet the legal standard known as *strict scrutiny.* For which the Disparity Study provides the compelling government interest for the City to create a narrowly tailored policy to address documented discrimination within City contracting; (2) The City may establish Annual Aspirational goals and contract-by-contract subcontracting goals for minority-owned and women-owned businesses that have a documented disparity within contracting industries, based on the disparity study results; and (3) The goals will be based on the availability of MWBE firms within the relevant market area, "The Asheville Regional Area," as defined by the Disparity Study.

The Asheville Business Inclusion Office seeks to enhance competition in City contracting and promote economic growth and development in the City of Asheville by (1) increasing the City's awareness of available minority, women, and small business vendors; (2) increasing minority, women, and small business enterprises (MWSBEs) utilization in City contracting; (3) promoting existing and start-up development of small business growth and profitability in the Asheville Regional Area; and (4) monitoring, evaluating and reporting on minority and women business enterprises.

The Asheville Business Inclusion Policy seeks to remediate the ongoing effects of marketplace discrimination demonstrated by the Disparity Study, by implementing race- and gender-conscious policy elements, to include: establishing annual aspirational and contract-by-contract subcontracting goals for MWSBEs participation in City contracts; establishing standards for good faith efforts; directing the City to maintain a database of available and certified MWSBEs; defining the parameters for MWSBE Certification; defining the roles and responsibilities of key City personnel; providing guidance on other measures the City may take to promote business inclusion; and directs the City Manager to ensure the integration of the Asheville Business Inclusion Policy components into all City departments' practices and processes.

Regarding goal setting, (1) Annual Aspirational Goals: The policy directs the Goal Setting Committee to establish an aspirational goal every year for the overall participation in all City contracts by MBEs, WBEs, and SBEs, collectively referred to as "MWSBE Goals;" (2) Contract by Contract Subcontracting Goals: The policy directs the Goal Setting Committee to establish contract by contract subcontracting goals for individual contracts and directs Prime Contractors (bidders) to provide opportunity to MSWBEs; and (3) All MWSBE goals shall only be set for those categories of firms that have a documented disparity as demonstrated by the disparity study.

Regarding good faith efforts, (1) The policy set standards for adequate good faith efforts used by bidders to provide opportunity to MWSBE firms; (2) Adequate good faith efforts mean that all necessary and reasonable steps were taken to achieve the goals; (3) Not providing adequate Good Faith Efforts documentation is grounds to deem a bid unresponsive; and (4) For each unmet subcontracting goal the contractor must submit Good Faith Efforts, for example: contacting available MWBEs, breaking down work and negotiating with interested MWBEs and SBEs, and participating in pre-mid meetings.

Regarding City of Asheville certifications, (1) Minority Women Business Enterprise (MWBE) Certification (a) At least 51% of the applicant business must be owned and managed by

an eligible owner; (b) Significant Business Presence in the Asheville Regional Area; (c) Licensed and for-profit; and (d) Registered with the city as a vendor; and (2) Small Business Enterprise (SBE) Certification (a) Significant Business Presence in the Asheville Regional Area; (b) Registered with the city as a vendor; (c) Licensed and for-profit; and (d) The firm's annual sales receipts cannot exceed $250,000.

She said that the policy sets forth other proactive, elective measures to promote SBE and MWBE Opportunities to include: (1) When Permissible, remove bonding requirements for contracts less than $300,000 in value; (2) Where permissible, structure alternative bids opportunities by dividing formal (large) projects/purchases into smaller contracts; (3) Provide networking opportunities for prime contractors and MWSBE subcontractors; (4) Support bank lending to minority-owned and women-owned businesses; and (5) Allocate funding to create professional coworking spaces and business incubators to provide support for MWSBE growth.

Regarding policy implementation, from October - December, 2020, (1) Secure City funding support for ABI Office staffing, operations, training and outreach; (2) Appoint & activate Goal-Setting Committee; (3) Identify upcoming City projects and bidding opportunities; (4) Set Goals for MWSBE participation; (5) Develop internal procedures for employees to follow; (6) Host training for City staff; (7) Develop database for City MWSBE Firms; (8) Certify MWSBE Firms to ensure that we have a large enough pool to affect outcomes positively; and (9) Continue to provide workshops and training to MWSBEs via ABI Office.

On January 1, 2020, the policy will go into effect. The race- and gender-conscious elements of the "Asheville Business Inclusion Policy," will expire on November 1, 2023, unless a new disparity study has been completed.

Vice-Mayor Wisler appreciated all the hard work that has gone into this policy and suggested we share this great model with other organizations.

From advanced live call-ins, two individuals appreciated the work that went into this policy. One individual hoped that we break up the metrics of white woman businesses from black and brown owned businesses. The other individual hoped that we provide for greater support for the black and brown businesses and the LGBTQ businesses.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Vice-Mayor Wisler moved to adopt and establish the City of Asheville Business Inclusion Policy. This motion was seconded by Councilman Young and carried unanimously by roll call vote.

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C. RESOLUTION NO. 20-193 - RESOLUTION ESTABLISHING A ZERO-NET LOSS URBAN TREE CANOPY POLICY FOR THE CITY OF ASHEVILLE

Director of Development Services Ben Woody said that this is the consideration of a resolution establishing a Zero-Net Loss Urban Tree Canopy Policy.

Background:

- The resolution was drafted and proposed by the Urban Forestry Commission and recommends establishing city policy and programmatic goals to supplement the Tree Canopy Protection Ordinance.
- The resolution establishes a tree canopy coverage goal of 50% by 2040.

- The 2018 Urban Tree Canopy Study determined existing coverage to be 44.5%.
- The resolution supports the future establishment of a Comprehensive Urban Forestry Program.
- The resolution supports building strong community partnerships to achieve canopy goals, establish a forestry program, and promote urban forest stewardship.

Council Goal(s):
- A Clean and Healthy Environment
- A Well Planned and Livable Community

Committee(s):
- Urban Forestry Commission - August 17, 2020, Recommend approval; September 21, 2020, Revision adopted.

Pro(s):
- Promotes tree canopy cover which provides a number of ecosystem services, including shade, reduced erosion, and habitat diversity.
- Supports the findings of the 2018 Urban Tree Canopy Study.
- The 50% tree canopy coverage goal by 2040 aligns with Asheville Greenworks' canopy coverage goal and supports the city's existing partnership with the organization.
- Aligns with the *Living Asheville Comprehensive Plan* themes of 'A Livable Built Environment' and 'Harmony with the Natural Environment'.

Con(s):
- The city will need to partner with an outside contractor to conduct periodic urban tree canopy studies to establish measurable metrics.
- Achieving the tree canopy coverage goal requires sustained and ongoing community-based partnerships.

Fiscal Impact:
- None at this time.
- Potential future costs for establishing and staffing an Urban Forestry Program.
- It is estimated an urban forestry master plan may cost as much as $250,000, and a full-time urban forestry position is approximately $80.000 annually.
- If this occurs, it would likely be in Fiscal Year 22 or Fiscal Year 23 budget year(s).

Councilwoman Mayfield thanked staff for working on this with the Urban Forestry Commission.

Mayor Manheimer announced that there were no advanced live call-ins for this public hearing item.

Mayor Manheimer said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilwoman Mayfield moved to adopt a Zero-Net Loss Urban Tree Canopy Policy. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

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D. BOARDS & COMMISSIONS

Regarding the Human Relations Commission, the following individuals applied for the vacancy: Susy Chandler, Melissa Ray, Sam Franklin, Bernie Lee Miller, Veronica Colt, Alexandra

DiSclarfani, Britni Worley, Ricky McGrath, Emma Nichole Worthy and Will Overfelt. It was the recommendation of the Commission, the consensus of the Boards & Commissions Committee, and the consensus of Council to postpone the appointments until the Commission could interview the applicants and make recommendations.

RESOLUTION NO. 20-194 - RESOLUTION APPOINTING A MEMBER TO THE NEIGHBORHOOD ADVISORY COMMITTEE

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Neighborhood Advisory Committee.

The terms of Philip Lenowitz (28804 representative), Barber Melton (28805 representative) and Cissy Dendy (at-large representative) expired on July 1, 2020.

The following individuals applied for the vacancy: Lee Arevian, Bobbette K. Mays, Diane Dankert, Greta Bush, Damita Jo Wilder and Bonnie Snyder Hanrick.

The Neighborhood Advisory Committee, and the Boards & Commissions Committee recommended appointing Diane Dankert (at-large representative) and readvertising for the 28804 and 28805 seats.

Vice-Mayor Wisler moved to appoint Diane Dankert (at-large representative) as a member of the Neighborhood Advisory Commission to serve a three-year term, term to expire July 1, 2023, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

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RESOLUTION NO. 20-195 - RESOLUTION APPOINTING A MEMBER TO THE PUBLIC ART & CULTURAL COMMISSION

Vice-Mayor Wisler, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing a member to the Public Art & Cultural Commission.

The term of Jay Fields expired on June 30, 2020.

The following individuals applied for the vacancy: Anne Manner-Mclarty, Marsha Almodovar, Daniele Martin, Nathaniel Wyrick, Christian ODonnell, Hilary Chiz, Michael G. Waddle and D. Rae Geoffrey.

The Public Art & Cultural Commission recommended, and the Boards & Commissions Committee concurred to appoint Marsha Almodovar.

Vice-Mayor Wisler moved to appoint Marsha Almodovar as a member to the Public Art & Cultural Commission to serve a three-year term, term to expire June 30, 2023, or until her successor has been appointed. This motion was seconded by Councilman Haynes and carried unanimously by roll call vote.

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VII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

From advanced live call-ins, 9 individuals spoke to Council, including, but not limited to the following comments: reinstate Open Live Public Comments (without

pre-registration; continue this remote Open Live Public Comment process once City Council meetings transition back to an in-person format; guns and gang violence need to be addressed; allow speakers to yield their time to other speakers; request legal status to testify in the Crossroads Project at the Buncombe County Board of Adjustment and take a position that is good for Asheville residents; and instruct the Equity & Inclusion Department to evaluate the electoral system and how it affects our minority population.

Councilman Haynes felt it was time for the City and County to impose stricter COVID-19 guidelines, i.e., reducing hotel occupancy and further restrictions on restaurants and bars. Mayor Manheimer said that she will connect with Buncombe County to see what their recommendations are for that locally.

Closed Session

At 7:06 p.m., Councilwoman Smith moved to go into closed session for the following reasons: (1) to prevent disclosure of information that is privileged and confidential, pursuant to the laws of North Carolina, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The law that makes the information privileged and confidential is N.C.G.S. 143-318.10(a)(1). The statutory authorization is contained in N.C.Gen. Stat. sec. 143-318.10 (e) and 132-1.7 (a); and (2) To consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including, but not limited to, the handling or settlement of a claim regarding the following: Mayfair Partners, LLC v. City of Asheville (18-CVS-4870); and Gwen Alexander v. City of Asheville (18-CVS-2331). The statutory authorization is N.C. Gen. Stat. sec. 143-318.11(a)(3). This motion was seconded by Vice-Mayor Wisler and carried unanimously.

At 8:48 p.m., Vice-Mayor Wisler moved to come out of closed session. This motion was seconded by Councilwoman Mayfield and carried unanimously.

VIII. ADJOURNMENT:

Mayor Manheimer adjourned the meeting at 8:48 p.m.

Magdalen Burleson
CITY CLERK

Esther G. Manheimer
MAYOR

Department of Natural and Cultural Resources
Division of Archives and Records
Collections Services Section

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